

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 6, 1950

The Assembly met pursuant to the provisions of the Proclamation of His Excellency, Earl Warren, Governor of the State of California, dated March 5, 1950, convening the Legislature of the State of California on this day in extraordinary session.

Arthur A. Ohnimus, Chief Clerk of the Assembly for the 1950 Regular (Budget) 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 1950 Regular (Budget) 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.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Dickey asked for, and was granted, unanimous consent that the prayer offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

Upon invitation of the Chief Clerk, the following prayer was offered by Dr. Torrance Phelps, Chaplain of the Assembly for the 1950 Regular (Budget) Session.

Infinite God: We rejoice that we meet again in this historic place, and for the opportunity of living in this great State.

For the beauty of our world, for the mountains with their cascades, and for the valleys blossoming with wild flowers.

Inspire this Assembly with wisdom, guide the Speaker and the Governor, and the President of this United States.

May we have sympathy for any of our numbers who have been in trouble or sorrow, and work together in mutuality for all the people.

Above all may we defend our Nation as the one hope of all free peoples, and pray that other nations may have the sense to see that Democracy is the guarantee of prosperity and peace.—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 sixth day of March, 1950, 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 relating to the protection and care of, and assistance to, children, needy persons, and others specially in the need thereof.
2. To consider and act upon legislation to enact the Uniform Support of Dependents Law.
3. To consider and act upon legislation relating to lobbying and other attempts to influence legislation.
4. 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.
5. To consider and act upon legislation relating to the appropriation and apportionment of state funds for the support of the Public School System.
6. To consider and act upon legislation relating to the apportionment of the bonded indebtedness of school districts when district boundaries are changed.
7. To consider and act upon legislation relating to air pollution and research on the effects of air pollution on public health.
8. To consider and act upon legislation providing for a survey and analysis of the public works programs of the State and local agencies and the advance planning of such programs, and methods of financing such programs.
9. To consider and act upon legislation relating to the financing of public works and improvements by counties, cities and counties, cities, and public districts.
10. To consider and act upon legislation providing for the investment of surplus money in the Department of Agriculture Fund in a building for the use of said department.
11. To consider and act upon legislation to amend the Community Redevelopment Act (Chapter 1326, Statutes of 1945).
12. To consider and act upon legislation relating to the verification of signatures in connection with absent voters ballots.
13. To consider and act upon legislation relating to the standard form of fire insurance policies.
14. To consider and act upon legislation to exclude insurance on property being purchased from the Department of Veterans Affairs from prohibitions against discriminatory practices.
15. To consider and act upon legislation relating to gambling and devices capable of being used for gambling purposes.
16. To consider and act upon legislation relating to sex offenses.
17. To consider and act upon legislation to validate the organization, boundaries, governing officers or boards, acts, proceedings and bonds of public bodies.
18. 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 first day of March, 1950.

[SEAL]

EARL WARREN, Governor of California
 ATTEST: FRANK M. JORDAN, Secretary of State
 By CHAS. J. HAGLRTY, Deputy Secretary of State

ANNOUNCEMENT

The Chief Clerk announced that the next order of business was the nomination and election of officers for the 1950 First Extraordinary Session of the Assembly, and declared that nominations for officers of the Assembly were now in order.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

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 1950 (First Extraordinary) Session, with the per diem as fixed by statute or resolution.

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

Request for Unanimous Consent

Mr. Dickey 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, 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, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—73.

NOES—None.

APPOINTMENT OF SELECT COMMITTEES

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

Chief Clerk Arthur A. Ohnimus announced the appointment of Messrs. Dolwig, Berry, and Luckel as a Select Committee to escort the Honorable 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; and Andrew J. Cecchetti, 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 12.08 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding

PLEDGE OF ALLEGIANCE TO THE FLAG

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

COMMITTEE FROM THE SENATE

Senators Regan, Kraft, and Donnelly appeared before the bar of the Assembly, and announced that the Senate had organized, and was now ready to proceed with the regular business.

RECESS

At 12.13 p.m., on motion of Mr. Dickey, the Assembly recessed until 12.31 p.m.

REASSEMBLED

At 12.31 p.m. the Assembly reconvened.

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

Chief Clerk Arthur A. Ohnimus at the desk.

**REQUEST FOR UNANIMOUS CONSENT THAT RESOLUTIONS
BE DEEMED READ**

Mr. Dickey asked for, and was granted, unanimous consent that all resolutions now pending at the desk be deemed read, and that proper action be taken.

RESOLUTIONS

The following resolutions were offered:

By Mr. Stewart:

House Resolution No. 2

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. Dickey 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. Dolwig, Stewart, Doyle, Geddes, and Fletcher as such Select Committee to wait upon the Governor.

By Mr. Butters:

House Resolution No. 3

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 first day of March, 1950, and ready for the transaction of legislative business, with the following officers, to wit:

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

Request for Unanimous Consent

Mr. Dickey 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. Butters, McMillan, and Lipscomb as such Select Committee to wait upon the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT ADDRESS BY THE GOVERNOR BE PRINTED IN THE JOURNAL

Messrs. Geddes and Dickey asked for, and were granted, unanimous consent that the address by Governor Earl Warren be ordered printed in the Journal in 10-point type.

REPORTS OF SELECT COMMITTEES

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

The Select Committee appointed to wait upon the Senate reported that the Senate was organized, and ready to proceed with the regular business.

RECESS

At 12.39 p.m., the Speaker announced that the Assembly would be at recess until call of the Chair, to meet with the Senate in Joint Convention.

IN JOINT CONVENTION

ASSEMBLY CHAMBER, SACRAMENTO

Monday, March 6, 1950

At 1 p.m., the Senate and 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, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Way, Weybret, and Williams—38.

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, Berry, 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, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyer, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—75.

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 Hatfield, Dillinger, and Brown 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. Levering, Collier, Stanley, Bennett, and Burkhalter 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 LIEUTENANT GOVERNOR

Hon. Sam L. Collins, Speaker of the Assembly, then presented the President of the Senate, Hon. Goodwin J. 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 GOVERNOR EARL WARREN

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

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

I welcome you to Sacramento for the last Constitutional Session of the Legislature in our first century of statehood. Paradoxically it is the first of its kind, because only last November the people ratified your constitutional amendment to limit the session in even-numbered years to consideration of the budget and other financial matters.

I agree with the principle of that amendment. If it were possible to do so, I would be happy to conform to that simplified procedure because you have already been in session, wrestling with the problems of our growing State, more than half of the past year, a condition that I am sure was not contemplated by the founders of our State Government. But the California of today is not the California of a hundred years ago. The only feature that remains the same is its boundary line. Today it is not only larger than many of the important countries of the world—England, Italy, and Norway, but it has more people than many—Sweden, Denmark, Holland, Belgium, Greece. It is growing faster than any of them—by almost four millions in the last 10 years. It is changing as fast as it is possible to change to an industrial state of world-wide significance. Its problems are proportionate to that size, population and growth, both in number and complexity. We must therefore meet more often than was contemplated in the past. Problems of growth do not solve themselves. It is therefore necessary for me to call you into special session again—the eighth time since 1943—to consider some of the problems that cannot await action until the next general session in 1951.

I have endeavored to be considerate of your time, and although there are a sizeable number of items in the call, I believe you will find that many of them are not controversial, others have already been the subject of study in former sessions, and still others have had special study by your interim committees. You will find little entirely new matter to be considered. It can, I believe, all be considered, while you are also studying the budget.

Traditionally the Governor does not address the Legislature on the presentation of the budget. The text of his message is usually submitted in writing with the budget. The length, tabulations, and complexities of any message that tells the whole story of the budget almost demands this. I will therefore conform to the custom, submit my message in writing and limit my remarks on the budget to a few salient points which can be briefly stated.

I want to report to you that the budget was prepared with great care. It represents the cooperative effort of all the departments of State Government in building a budget consistent with both economy and

good service to the public. It does not contain a shortsighted brand of economy, which neglects such things as education, mental hygiene, public health, corrections, and law enforcement. It contains moderate increases for these functions. Other state operations in spite of growth are being held to current levels.

The budget is balanced, and without the imposition of new taxes.

According to revenue estimates there should be a small surplus at the end of the fiscal year.

It retains intact our Rainy Day Fund of \$75,000,000 as a cushion against any recession.

It does not propose new or expanded services which have not already been considered and approved by the Legislature.

It contemplates the expenditure of \$195,000,000 less than in the current year.

It is not a billion dollar budget. The total is 29 million below that sum—\$971,000,000.

In addition every department of the State Government is prepared to make and is under instructions to make every possible saving throughout the year.

The proposed expenditures may be broken down as follows:

- 31½% for education and educational facilities
- 20½% for highways, streets and motor vehicle regulation
- 17% for social welfare
- 9% for mental hospitals and correctional facilities
- 6% for conservation of agriculture, water and other natural resources
- 2% for public health
- 14% for operations of the many other governmental activities.

Almost two-thirds (63.5%) represents expenditures fixed by the Constitution or existing statutes. Included in this group of costs are payments for the support of public schools; assistance to the needy aged, blind and children; expenditures for highways; apportionments of revenues shared with local governments; and contributions to the various state retirement funds.

Approximately 8.3 percent of the expenditure total represents controllable items for capital outlay. While these payments are controllable in the sense that they are not fixed by law, the overcrowded conditions of our hospitals and other institutions make them mandatory as a matter of moral responsibility.

The remaining 28.2 percent or \$274,000,000 represents the controllable expense items of the budget of which \$214,000,000 is for state operations and \$60,000,000 is for assistance to local governments. I have the responsibility for recommending each year the proper amount to spend for these activities, although I have nothing to do with the supervision of the funds appropriated for assistance to local governments. Even most of these state costs are controllable in only a limited degree. For instance, in any one year we can exercise little control over the number of patients in our hospitals, inmates in our correctional institutions, or the number of students at the university or in our state colleges. We merely make provision for whatever the number may be.

The budget proposes the appropriation of 50 million for construction of buildings—most of the remainder of our building reserves. When this sum is expended our postwar reserves will be practically exhausted, and we must then look to other sources for capital outlay. We will not have provided all the facilities hoped for when you originally set up the reserves. More growth than could be foreseen and increased building costs prevented this from being accomplished, but our medical, custodial, and educational facilities will be more nearly adequate to meet their expanding needs than they have been for many, many years. No one can seriously question the soundness of the program on which you and I cooperated to reserve a substantial part of our wartime income for this important purpose. It will pay rich dividends in human values.

The financial plan submitted to you in this budget strikes a balance between expenditure requirements and available resources. In my management of state affairs I have steadfastly refused to take any action which would involve the State in an expenditure program beyond its financial means. I have at all times insisted on a margin between our resources and our obligations. The Budget for 1950-51 has been prepared in this pattern.

I call your attention, however, to the fact that the day of surpluses in State Government is no longer with us. Conditions call for economy in this and following years, because some of the spending formulae established by the Constitution and statutes accelerate expenditures faster than revenues may increase under existing laws in the future.

This budget is tightly balanced. Any appreciable amount of spending in excess of it will call for additional revenues, which of course means more taxes.

At the present time our State is in a satisfactory financial condition. Since war revenues brought us into balance in 1943, we have amortized all of our bonded indebtedness. And until the people passed the bond issue for distressed school districts last November, we were debt free. The critical needs of our highway system and our building requirements are being supplied through well ordered plans, and building reserves. We have set aside our so-called Rainy Day Fund of \$75,000,000 to protect us against a recession and consequent drop in tax revenues. If the expenditures for the next fiscal year do not substantially exceed the proposed budget, we may with confidence look forward to starting our second century of statehood on a sound financial basis.

For a fuller discussion of these figures which I have quoted and the statements that have been made concerning the budget, I refer you to the printed message and to the analysis of the Department of Finance, both of which accompany and are attached to the budget itself.

Now a brief review of the items on the agenda of the special session.

There are 18 of them, but I am sure the number will give you little concern. Many of them will involve little more than regular procedure.

Items 17 and 18, providing for the consideration of validating acts and charter amendments, are included in most special sessions and are usually little more than routine.

Items 13 and 14 relate to fire insurance. One is to correct clerical errors in the law passed last year to modernize the standard form of policy

for fire insurance. The other is to specifically authorize the form of contract which has been in effect for many years between the Department of Veterans Affairs and 200 fire insurance companies of the State, the validity of which contract has been clouded by an act of the Legislature in 1947. Neither of these subjects should be controversial.

Item 12 is included at the request of the Secretary of State and county clerks to clarify a section of the Election Code dealing with absentee voting in order to prevent the invalidation of ballots. It appears to be non-controversial.

Item 11 was included at the request of several of our major cities for the purpose of making the Community Redevelopment Act more workable. The amendments although important are said to be merely of a technical nature.

Item 6 is intended to remedy a particular situation in Santa Clara County which I am told is not controversial, but which will if acted upon by you, equalize the apportionment of bonded indebtedness of school districts when district boundaries are changed by annexation.

Item 2 is for consideration of the enactment of the Uniform Support of Dependents Law. This law is designed for the purpose of making it more difficult for defaulting fathers to avoid responsibility for the support of their families. Under existing laws it is extremely difficult to enforce even the judgments of our own courts when the defendant leaves the State. This uniform law sets up a reciprocal arrangement between the states that have adopted it, to enforce their respective laws and judgments. Several states have already adopted it and I believe that California could with benefit to itself join that number.

Item 10 is submitted at the request of farm groups and the Department of Agriculture for the purpose of properly housing the department in Sacramento and enabling it to render a better service to the public. The proposal is that two million dollars of the unbudgeted reserve of the Agriculture Fund be authorized by statute for expenditure in the construction of a new building for the department, to be amortized in a period of 20 years through a rental charge. These charges will be less than present average rental costs. I believe you will find the Departments of Finance and Agriculture and the industry in agreement on the need and propriety of the proposal.

Item 7 is for the purpose of considering the growing problem of air pollution. I know that your interim committee of the Assembly which is studying the subject has not completed its work and that perhaps the Legislature is not prepared to act with finality. On the other hand there are some things that should be done. There have been catastrophes in other states and nations from community air pollution, and the growing problem in California makes it impossible for us to say that the same thing could not happen here.

In spite of this fact there are at present, so far as I have been able to ascertain, no comprehensive studies any where in the world on the effect smog has on the health of people. Certain studies of a statistical nature are being made by cities, and certain laboratory tests as to the effect known smog irritations have on plant and animal life. But no scientific study has been made to ascertain whether exposure to this smog over long periods of time affects the health of human beings in a fundamental way. Such a study should be made by our State, because

millions of our citizens are affected by it. It calls for a coordinated program of field studies by our Department of Public Health and laboratory and clinical research by the universities. I recommend authorization for such a program to be completed at the earliest possible date. It probably will be essential for any definitive action you may later take on the subject. If as a result of the work of your committee any further action is desired by you at this session, I shall be happy to cooperate.

Item 16 refers to unfinished business of the last special session; the consideration of effective means for protecting the public against sex crimes. Last December you enacted certain statutes affecting the punishment of sex offenders, but no action was taken concerning the custody, treatment and rehabilitation of such offenders pending a further report of your Assembly interim committee on the subject. I trust you will be prepared to act on the subject at this session, and that you will make the most scientific use of the facilities of our institutions in the Departments of Corrections and Mental Hygiene. I am sure you will find overwhelming support for such a program among law enforcement officers, psychiatrists, and the general public.

Items 8 and 9 refer to public works. About eight years ago, the State undertook to survey its needs for public works. As a result of that project advance planning was undertaken on both the state and local levels. Blueprints were placed on the shelf for use as needed. As a result California was prepared to go forward on a building program of unprecedented proportions at the conclusion of the war. We have built more highways and constructed more buildings than any state in the Union since V-J Day. But this year will exhaust practically all our reserves for that purpose and the 10-year period for which the program was designed will have almost expired. Our State will have at least three million more people than it had when we started. New needs that could not then have been foreseen now exist. Our vision is not now clouded by war. We can and should therefore take a new view of our situation from this vantage point. We should try to project our thinking into the future another decade in order to be ready not only to adjust ourselves to normal development, but also to any emergency that may arise.

There is a great reservoir of necessary public works projects in the fields of water supply, sanitary facilities, urban redevelopment, water conservation, streets, roads and highways, as well as necessary public facilities of all kinds on all levels of government. They cannot all be built in one year or perhaps in a decade, but they can develop according to a pattern and the pattern should now be redesigned to meet our changed requirements.

I therefore suggest by the inclusion of this subject in the session, that you consider legislation providing for a survey and analysis of the public works programs of all state and local agencies to the end that we have coordinated advance planning of such programs. We should do for our other construction needs what we did in determining the critical needs of our highway system. Some of the local improvement acts involve methods of financing that are considered by city authorities as being outmoded and unduly costly. A review of these acts would be desirable.

The present legislation relating to the appropriation and apportionment of state funds for the support of public school assistance expires

June 30, 1950. This makes mandatory the consideration and enactment of a new measure which will make it possible for us to provide an adequate appropriation and an equitable apportionment of funds to support the Public School System. This subject is covered by Item 5 of the Call

Item No. 1 deals with social welfare and is a matter of major concern. This subject was carried over from the December special session at which time you provided for the transition from state to county administration in accordance with the wish of the people as expressed at the election last November. I have made this item sufficiently broad for the consideration of every phase of social welfare as it applies to children, the aged and the needy, in accordance with my statement last December.

There are matters of procedure and matters of substantive importance to be considered such as relatives' responsibility for aged parents and child care centers, both of which I trust you will re-evaluate and revise in such manner as will coincide with human needs and the financial ability of our State Government.

Item 15 refers to the subject of gambling with particular reference to anti-slot machine legislation. At the last general session of the Legislature strong anti-slot machine bills were introduced in both houses. Each house passed its own bill and thereafter killed the bill of the other, with the result that no legislation of this character was enacted. Almost immediately there was an upsurge of slot machine activity in many parts of the State. There is no doubt that this is one of the main activities of organized criminals and one of the main reasons for the disgraceful gang warfare which is becoming more prevalent and undermining public confidence in the administration of justice.

It is the desire of an overwhelming majority of law enforcement officers that the mere possession of slot machines be made illegal, in order that they may effectively perform their duties

We have no right to expect efficient law enforcement from them if we deliberately leave the law in an ambiguous condition and difficult of enforcement. I urge you in the interest of honest law enforcement and the welfare of the public to make mere possession of slot machines by anyone, any place, a violation of the law.

I will close this message with another recommendation concerning illegal lobbying.

The bill passed by the Legislature at the special session in December was satisfactory as far as it went, but it did not cover the subject matter as it should be covered if we are to expect adequate enforcement. The lobbyist is required to report his income and expenditures, but there is no clear cut requirement that his principal is required to do so. We do not have a thoroughly workable act in the absence of such a provision and I urge you to consider the enactment of such a requirement.

I also urge you to again consider a provision prohibiting state officers and employees, whether they be legislative or executive, from accepting employment which is inconsistent with their public trust. No man can serve two masters, and no state officer can, in conscience, accept employment which can interfere with the honest performance of his public duty.

I know you will believe me when I say I have no desire to harass or interfere with any public officer in the earning of an honest livelihood. All I ask is that the rules be fair to the public as well as to ourselves.

I also repeat what I have said on other occasions that I have no desire to limit the right of citizens to petition their government. It is an inherent right of citizenship. It is a wholesome influence to have people interested to that extent in the management of their governmental affairs. All we ask is to have reasonable regulations for those who spend money to affect legislation or other official action.

You took no action on these phases of the problem at the December Special Session, choosing rather to appoint an interim committee to study the matter. I have offered my cooperation to the committee and I now renew that offer to you in the hope that we can enact a reasonable and workable law which will eliminate the evils of lobbying and restore the occupation of legislative representative to a respected and useful status.

In this and all other matters within the purview of the budget and the special session, I pledge you not only my cooperation, but my best wishes for success.

ADJOURNMENT OF JOINT CONVENTION

At 2.18 p.m., there being no further business, the Speaker of the Assembly declared the Joint Convention adjourned sine die.

IN ASSEMBLY

At 2.24 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, March 6, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day elected the following statutory officers:

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

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

ADJOURNMENT

At 2.30 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a m., Tuesday, March 7, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY
SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 7, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huxek, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCallister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Dickey asked for, and was granted, unanimous consent that the prayer offered by Speaker Sam L. Collins in the absence of the chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session be deemed the prayer of this session and be ordered printed in the Journal.

PRAYER

The following prayer was offered by Speaker Sam L. Collins, in the absence of the Chaplain, Dr. Torrance Phelps:

The Prayer Perfect-

Dear Lord! Kind Lord!
 Gracious Lord! We pray
 Thou wilt look on all we love,
 Tenderly today!
 Weed their hearts of weariness;
 Scatter every care
 Down a wake of angel-wings
 Winnowing the air.
 Bring unto the sorrowing
 All release from pain;
 Let the lips of laughter
 Overflow again;
 And with all the needy
 O divide, we pray,
 This vast treasure of content
 That is ours today!

AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Kirkwood, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Dickey asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leave of absence for the day, because of illness:

Mr. Rosenthal, on motion of Mr. Beck.

Mr. Price, on motion of Mr. Beck.

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

Mr. Silliman, on motion of Mr. Kirkwood.

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

Mr. Erwin, on motion of Mr. Butters.

The following member was granted leave of absence for the balance of the legislative day for the purpose of attending a meeting of the Interim Committee on Interstate Cooperation:

Mr. Thompson, on motion of Mr. Dickey.

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

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

Assembly Bill No. 1: By Messrs. Brown and Caldecott—An act to add Sections 330.1 to 330.5, inclusive, to the Penal Code, relating to slot machines, prohibiting the possession thereof and certain acts and trans-

actions pertaining thereto, prescribing the penalty for violations of this act, and providing for the confiscation of such machines.

Referred to Committee on Judiciary.

Assembly Bill No. 2: By Messrs. Coats and Moss—An act to add Sections 4505, 4538.1, and 4538.2 to the Elections Code, relating to the influencing of legislation by campaign expenditures.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 3: By Messrs. Conrad, Geddes, Weber, Dickey, Brown, Collier, Connolly, Dills, Dolwig, Doyle, Dunn, Evans, Hahn, Hollibaugh, Lincoln, Luckel, Morris, Moss, Mrs. Niehouse, Messrs. Rumford, and Thompson—An act making an appropriation for the support of child care centers.

Referred to Committee on Ways and Means.

Assembly Bill No. 4: By Messrs. Hawkins, Anderson, Porter, Dills, Beck, Bennett, Burkhalter, George D. Collins, Condon, Cooke, Crichton, Crowley, Doyle, Elliott, Fletcher, Geddes, Kilpatrick, Lewis, McMillan, Morris, Rumford, Thomas, and Yorty—An act to amend Section 19601 and to repeal Sections 19613.5 and 19613.6 of the Education Code, relating to child care centers, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 5: By Mr. Morris—An act to add Sections 1203.02 and 3053.5 to the Penal Code, to add Section 1767.2 to the Welfare and Institutions Code, and to amend Section 5517 of the Welfare and Institutions Code, relating to the use of alcoholic beverages by persons convicted of certain offenses and by sexual psychopaths.

Referred to Committee on Judiciary.

ANNOUNCEMENTS

Mr. Reagan announced that he is holding an Assembly joint resolution at his desk which he will soon introduce for the purpose of rescinding Assembly Joint Resolution No. 26, adopted last year, relative to the participation by the United States in a World Federal Government; and that all members who desire to become co-authors of said Assembly joint resolution may affix their signatures, at this time, prior to its introduction.

Speaker Sam L. Collins announced that the Honorable William W. Hansen, Assemblyman-elect from the Thirty-fifth District is present, will take his seat as soon as properly certified by the Secretary of State, and introduced him to the Members of the Assembly.

RESOLUTIONS

The following resolution was offered:

By Messrs. Elliott, Hawkins, Lewis, and Porter:

House Resolution No. 4

Relative to the inequitable distribution of Veteran Administration Offices throughout the United States

WHEREAS, There are 1,355,000 veterans in the State of California according to official Veteran Administration estimates; and

WHEREAS, There are only 20 Veteran Administration Offices serving the veterans in the State of California; and

WHEREAS, The present number of Veteran Administration Offices in California is apparently inadequate to give the veterans in this State the same level of service as given in other states; and

WHEREAS, It has come to the attention of the Assembly of the State of California that many states having far less veterans have many more Veteran Administration Offices; and

WHEREAS, The average for all states is one Veteran Administration Office for every 33,408 veterans; and

WHEREAS, The average for the State of California is one Veteran Administration Office for every 67,750 veterans; and

WHEREAS, On this basis the State of California should theoretically have 45 Veteran Administration Offices; and

WHEREAS, There are many more inequities based on relative distances and concentrations of population in comparison with the allotment of Veteran Administration Offices; now, therefore, be it

Resolved by the Assembly of the State of California, That the Congress of the United States is memorialized to investigate the system by which the Veteran Administration Offices are allocated to the various states with a view to alleviating any inequities that might exist in the various states, and particularly in the State of California; and be it further

Resolved, That the Veteran Administration is hereby requested to investigate the system by which Veteran Administration Offices are allocated to the various states and consider the possibility of establishing sufficient offices in the State of California to serve adequately the large number of veterans residing in California; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Veterans Administrator.

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

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

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

Assembly Bill No. 6: By Messrs. Geddes, Anderson, Doyle, Dunn, Beek, Bennett, Brown, Burke, Burkhalter, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dickey, Dills, Fletcher, Gaffney, Grant, Hahn, Hawkins, Hollibaugh, Lewis, Lipscomb, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Rumford, Stanley, Stewart, Thomas, Weber, and Yorty—An act to amend Sections 19601, 19601.5, 19601.6, 19602, 19603, 19604, 19605, 19606, 19606.5, 19607, 19607.5, 19608, 19609, 19609.5, 19610, 19611, 19612, 19613, 19614, 19615, 19617, 19618, and 19619, and to repeal Sections 19613.5 and 19613.6 of the Education Code, relating to child care centers.

Referred to Committee on Education.

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

Mr. Davis asked for unanimous consent that an opinion of the Legislative Counsel, relative to Inferior Court Reorganization—No. 1015, be ordered printed in the Journal in 10-point type.

Request ordered referred to the Committee on Rules.

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

Mr. Weber asked for, and was granted, unanimous consent that the following opinion of the Legislative Counsel, relative to the State Conservation and Planning Board—No. 1095 be ordered printed in the Journal in 10-point type:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, March 4, 1950

Hon. Charles M. Weber
Assembly Chamber

STATE CONSERVATION AND PLANNING BOARD—No. 1095

DEAR MR. WEBER:

Question

You have asked us if the Legislature, at the 1950 First Extraordinary Session, can create a State Conservation and Planning Board to take the place of the board provided for in Section 20 of the Conservation and Planning Act (Deerings General Laws Act 5211c).

Opinion

In our opinion such a board may be created only if its functions are limited to matters within the scope of one or more of the items of the Proclamation of the Governor convening the Legislature in extraordinary session. Whether or not it would be practicable to create such a board with such limited powers is a matter as to which we have no opinion.

Analysis

Section 9 of Article V of the State Constitution provides that the Legislature at an extraordinary session has no power to legislate on any subject other than those specified in the Proclamation convening the session except that it may provide for the expenses of the session and matters incidental thereto.

The State Planning and Conservation Board created by Section 20 of the Conservation and Planning Act is the State Reconstruction and Reemployment Commission or any board or commission succeeding to the powers of said commission in relation to planning. The Reconstruction and Reemployment Commission was abolished and its planning functions were conferred upon the Governor by Chapter 1408, Statutes of 1947. The provisions added by said chapter expired on the ninety-first day after the 1949 Regular Session. Therefore there is no such board or commission as Section 20 of the Conservation and Planning Act refers to.

The powers of the Planning and Conservation Board include:

(a) Cooperation with persons or organizations interested, for devising means to develop the natural and economic resources of the State (Sec. 23, Act 5211c).

(b) Encouragement, extension, and correlation of state planning by agencies of the State and participation in interstate and national planning efforts (Sec. 23, Act 5211c).

(c) Implanting of contemplated improvements and projects of the State and Federal Government on master regional and county plans (Sec. 24, Act 5211c).

(d) Making county and regional plans available to state agencies (Sec. 24, Act 5211c).

(e) Dividing the State into regional planning districts (Sec. 30, Act 5211c), in which regional planning commissions are to be formed (Sec. 31, Act 5211c), which are to adopt regional plans which are then submitted to the counties and cities affected to be appropriately implanted upon the county or city master plan (Sec. 33, Act 5211c).

A master plan may include a number of plans, such as a conservation plan, land use plan, streets and highways plan, transportation plan, transit plan, public services and utilities plan, public building plan, community design and development standards and principles, housing plan, and other plans relating to the physical development of the area affected (Secs. 37 to 47, incl., Act. 5211c).

The relevant provisions of the Proclamation convening the March, 1950, Special Session appear to be the following items:

7. To consider and act upon legislation relating to air pollution and research in the effects of air pollution on public health.

This item opens up the subject of air pollution. Legislation relating to plans to control or prevent air pollution could, therefore, be considered at the special session.

8. To consider and act upon legislation providing for a *survey and analysis* of the public works program of the State and local agencies and the *advance planning of such programs*, and methods of financing such programs.

While it would not be squarely within this item, legislation providing for *doing* advance planning of public works, instead of *surveying and analyzing* plans already in existence might be held to be sufficiently germane and related to the subject of the item to permit legislation under this item. While we can not guarantee that they would do so the courts might take the view that if the Legislature determines that the existing public works planning is inadequate it can go ahead and provide for the making of the plans in order to have something on which the survey and analysis could operate. This, admittedly, would be "stretching" the items considerably.

11. To consider and act upon legislation to amend the Community Redevelopment Act (Chapter 1326, Statutes of 1945).

The act involved is Deering Act 1500. It provides for the redevelopment of "blighted areas" (defined in Sec. 2) in "communities" which are defined as cities, cities and counties, and counties (Sec. 7). A master plan is a prerequisite to the making of a redevelopment plan (Sec. 32).

The master plan must include at least:

(a) The general location and extent of existing and proposed future thoroughfares, transportation routes, terminals, and other major public utilities and facilities

(b) A land use plan which designates the proposed general distribution and general location and extent of use of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land

Since Item 11 opens up the Community Redevelopment Act without limitation, we think that the Legislature could amend that act to provide for the making of the master plans referred to and the implanting on such plans of the regional and state plans, and, *for those purposes* create a state board and provide for regional planning commissions. The difficulty here would be that such provisions would relate only to master plans formulated for community development projects under the Community Redevelopment Act.

We doubt that the fact that the Community Redevelopment Act requires a master plan as a prerequisite to proceeding under that act opens up the subject of the making of master plans for other purposes.

The result is as follows.

The matter of state, regional, and local planning in relation to air pollution is within the scope of the Proclamation.

The matter of the making of state, regional, and local plans for public works is not squarely within the Proclamation and there is considerable doubt if it is within it at all. The Legislature could provide that the survey and analysis of public works programs and plans should be made by a state board created for the purpose, or that the survey and analysis should be made on a regional basis. This would, however, be limited to matters relating to public works planning.

The matter of state, regional, and local planning in relation to community redevelopment is within the scope of the Proclamation but this does not open up the subject of planning as a subject in itself.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

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

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

Assembly Bill No. 7: By Mr. Dunn—An act to amend Section 6841 of the Education Code, relating to the crediting of attendance in classes for adults.

Referred to Committee on Education.

Assembly Bill No. 8: By Mr. Hawkins and Mrs. Niehouse—An act making an appropriation for the support of child care centers, to take effect immediately.

Referred to Committee on Ways and Means

Assembly Joint Resolution No. 1: By Messrs. Conrad, Morris, Babbage, Burke, Butters, Clarke, Collier, Dolwig, Hahn, Huyck, Levering, Luckel, Reagan, Smith, and Stanley—Condemning the statement of Secretary of State Acheson pledging loyalty to Alger Hiss and memorializing Congress to investigate the Department of State and other departments of government, and take action to rid such departments of all persons who do not measure up to the strongest test of loyalty to the United States.

Referred to Committee on Rules.

Assembly Bill No. 9: By Messrs. Dunn and Geddes—An act making an appropriation for the education of pupils attending junior college courses leading to an academic degree.

Referred to Committee on Education.

Assembly Bill No. 10: By Messrs. Dunn and Geddes—An act to add Chapter 16.5, comprising Section 7300, to Division 3 of the Education Code, relating to the education of pupils attending junior college courses leading to an academic degree.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 1: By Mr. Reagan—Relative to commending the Board of Regents of the University of California for their action on the loyalty oath at the University of California.

Referred to Committee on Rules.

Assembly Bill No. 11: By Messrs. Moss, Fleury, Collier, Babbage, Beek, Brown, Burkhalter, Cloyed, Coats, Cooke, Dunn, Grunsky, Hagen, Kirkwood, Lewis, and Lindsay—An act to add Chapter 9 to Part 1, Division 2, Title 2 of the Government Code, relating to lobbying.

Referred to Committee on Governmental Efficiency and Economy.

MEMBERS EXCUSED

At 10.40 a.m., Mr. Geddes asked for, and was granted, unanimous consent that Messrs. Evans and Lincoln be excused for the balance of the legislative day, because of legislative business elsewhere.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today, at 2 p.m.—

Ways and Means, in Room 426.

Rules.

Tonight, at 8 p.m.—

Interim Committee on Equalization of Salaries, Qualifications, and Job Classification of Public Employees, in Room 426.

Today upon adjournment—

Interim Committee on Governmental Efficiency and Economy, in Room 426.

Tomorrow, Wednesday, March 8th, at 8 p.m.—

No. 4 Subcommittee on Ways and Means.

Next Tuesday, March 14th, at 3 p.m., or upon adjournment—

Interim Committee on Finance and Insurance.

ADJOURNMENT

At 10.43 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Wednesday, March 8, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Wednesday, March 8, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dicke, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huysck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipsecomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—75.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Erwin asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

O God of the Dawn: For another morning, another day, for every chance to live and work, may we be glad.

Free us from any aversion for hard tasks, from failure of opportunity, from tardiness in action, from anxiety about tomorrow, or from worry about the coming year or about the outcome of passing events.

Fill us with hope that mankind rides on an upward tide, courage that cannot be intimidated, faith that can see the sunlight beyond the darkness, assurance that we have wisdom available for any problem, and resourcefulness for every challenge of the dawning day.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Caldecott, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Beck asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Rosenthal, on motion of Mr. Beck.

Mr. Price, on motion of Mr. Beck.

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

Mr. Lindsay, on motion of Mr. Fleury.

RESOLUTIONS

The following resolutions were offered:

By Mr. Grant:

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.

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

By Mr. Lowrey:

House Resolution No. 6

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.

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

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

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

Assembly Concurrent Resolution No. 2: By Mr. McCollister (By Request)—Relative to the encouragement of equal treatment of harness racing at fairs.

Referred to Committee on Rules.

Assembly Joint Resolution No. 2: By Messrs. Reagan, Levering, Morris, Burke, Butters, Doyle, Grant, Hahn, Hoffman, Hollibaugh, Smith, Stewart, and Weber—Rescinding and withdrawing Assembly Joint Resolution No. 26 of the 1949 Regular Session, relative to participation by the United States in a World Federal Government.

Referred to Committee on Rules.

Assembly Bill No. 12: By Mr. Thompson—An act to validate the expenditure of certain major city street funds by the Town of Los Gatos. Referred to Committee on Municipal and County Government.

Assembly Bill No. 13: By Messrs. Crowley, Beck, Kilpatrick, Anderson, Bennett, Brady, Brown, Burkhalter, George D. Collins, Condon, Cooke, Crichton, Davis, Dills, Doyle, Elliott, Evans, Fletcher, Hawkins, Hollibaugh, Lewis, Lowrey, McCollister, McMillan, Mrs. Niehouse, Messrs. Porter, Thomas, Weber, 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.

Referred to Committee on Social Welfare.

Assembly Bill No. 14: By Messrs. Crowley, Anderson, Kilpatrick, Burkhalter, Bennett, Brady, Brown, George D. Collins, Condon, Cooke, Crichton, Dills, Doyle, Elliott, Evans, Fletcher, Gaffney, Hawkins, Hollibaugh, Lewis, McCarthy, McCollister, McMillan, Meyers, Mrs. Niehouse, Messrs. Porter, Thomas, Weber, 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.

Referred to Committee on Social Welfare.

Assembly Bill No. 15: By Mr. Waters—An act to amend Sections 5931 and 5931.5 of the Elections Code, relating to absentee voting.

Referred to Committee on Elections and Reapportionment.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 7

Resolved by the Assembly of the State of California, That the Standing Rules for the 1948 Regular Session and the 1949 Regular Session (As Amended) as contained in the pamphlet entitled, "Joint Rules of the Senate and Assembly for the 1949 Regular Session (As Amended) and Standing Rules of the Assembly for the 1948 Regular Session and 1949 Regular Session (As Amended)" be and the same are hereby adopted as the Temporary Rules of the 1950 First Extraordinary Session.

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

An opinion from Legislative Counsel No. 1015, directed to the Honorable Lester Thomas Davis, dated February 24, 1950, relating to Inferior Court Reorganization; Has had the same under consideration, and reports the same back with the recommendation: That the opinion be printed in the Assembly Journal, and that 500 copies be printed as a separate document.

DICKEY, Chairman

Report read, and adopted

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, February 24, 1950

*Hon. Lester Thomas Davis**P. O. Box 218**Portola, California*

INFERIOR COURT REORGANIZATION—No. 1015

DEAR MR. DAVIS: You have requested a general analysis of Assembly Constitutional Amendment No. 49 and the laws passed in 1949 relating to the reorganization of the inferior court system.

Assembly Constitutional Amendment No. 49, which will be on the ballot at the general election in November, 1950, contains the essential features of a simplified lower court system. It provides for only two types of courts with jurisdiction below the superior court: (1) a municipal court and (2) a justice court. Each county will be divided into judicial districts in the manner prescribed by the Legislature, but the division will be made in such a way that no city will be partly within one district and partly within another. There will be a single court for each district, with as many judges as may be necessary. The court will be either a municipal or justice court, depending upon the population of the district. In a district with a population of more than 40,000 there will be a municipal court; in a district with a population of 40,000 or under there will be a justice court.

Existing municipal courts will be continued and their judges will hold office until their terms expire. All other presently existing inferior courts will be superseded by the new courts following the selection and qualification of the first judge or judges of the municipal or justice court of the district in which they are situated.

The Legislature is given authority to carry out the provisions of the constitutional amendment by general or special law.

In conjunction with the proposed constitutional amendment, the Legislature passed bills at the 1949 Regular Session (Assembly Bills Nos. 1814 to 1823, inclusive) to supplement Assembly Constitutional Amendment No. 49, filling out the plan of reorganization of the inferior court system as contained in Assembly Constitutional Amendment No. 49. These bills will become effective only if Assembly Constitutional Amendment No. 49 is adopted.

The supplementary legislation provides that the boundaries of the judicial districts will be fixed or altered by the board of supervisors in each county, assisted by surveys and recommendations made by the Judicial Council. Unless other provision has been made, the judicial townships of a county existing as of January 1, 1951 and the cities in which municipal courts have been established will constitute the judicial districts until changed by the board of supervisors. Two limitations are placed upon the power of the boards of supervisors to fix and alter district boundaries: (1) No city or consolidated city and county can be divided so as to be partly within one district and partly within another; and (2) No two or more cities, each having a population in excess of 40,000 can be included in the same district.

The boundaries of a district will not necessarily be confined to the city limits of a city. Territory adjoining a city may be included with the city in a judicial district if the board of supervisors consider it advisable. Several small cities may also be joined, together with intervening unincorporated territory, to form a municipal judicial district.

Sessions of a municipal court may be held at any place or places within the district and there may be as many sessions of the court at the same time as there are judges thereof. If there are one or more, but less than ten, municipal courts in a county, the board of supervisors may provide for sessions of a municipal court to be held within justice court districts situated in the same county to hear cases above the jurisdiction of the justice court.

Sessions of a justice court will be held in every city located in the district and at such other places in the district as the board of supervisors designates.

Municipal courts will, as at present, have jurisdiction of civil cases in which the demand or amount in controversy is \$3,000 or less and of all misdemeanor cases when the offense was committed in the county in which the court is established. Justice courts will have jurisdiction of civil cases involving \$500 or less, misdemeanor cases punishable by a fine not to exceed \$1,000 or imprisonment not exceeding six months, or both, where the offense was committed in the county, and misdemeanor cases involving nonsupport of a minor child.

The judge or judges of each court will be elected for six-year terms at the general state election by the voters of the district in which the court is established. Their terms will commence on the first Monday of January after the first day of January next succeeding their election. Vacancies in a municipal court will be filled by appointment by the Governor, and vacancies in a justice court will be filled by appointment by the board of supervisors of the county in which the court is established. Judges will have to be residents of the district in which they are elected or appointed to serve.

Municipal court judges will, as at present, be required to have been admitted to practice law for five years immediately preceding their election or appointment. An exception is made, however, so that any elected judge of an existing court who had five consecutive years of judicial service immediately preceding November, 1950, will be eligible to become judge of a superseding municipal court upon the initial selection of judges thereto and for consecutive terms for which he may be reelected.

Justice court judges will be required either to have been admitted to practice law or to have passed a qualifying examination under regulations prescribed by the Judicial Council, but the judges of existing courts will be exempt from the requirement.

The number of judges and attaches for each municipal court, and their salaries, will continue to be fixed by the Legislature. The salaries of justice court judges will, as at present, be fixed by the boards of supervisors, subject, however, to a schedule of minimum salaries prescribed by the Legislature. The number, qualifications, and compensation of justice court attaches also will be fixed by the supervisors, unless a county freeholder's charter provides a different manner of regulation.

In the initial selection of personnel for both the municipal and justice courts, priority will be given the officers and employees of courts to be superseded thereby.

The judges of existing municipal courts will be blanketed in by Assembly Constitutional Amendment No. 49 for the full terms for which they previously were selected. On January 1, 1952, the qualified judges of other existing courts situated within a district will become judges of the municipal or justice court established therein until the selection of their successors at the next general election, unless the number of such incumbents exceeds the number of judicial offices provided for the new court. In the latter case, there will be no automatic succession to office, and the existing courts in that district will continue to function until the first judge or judges elected to the new court at the general election in 1952 qualify.

If the people adopt Assembly Constitutional Amendment No. 49 at the 1950 election, the first of the new courts will begin to function on January 1, 1952, the date fixed for judges of existing courts to become judges of the new courts. The remainder of the new courts, to whose offices the judges of existing courts did not automatically succeed, will commence to operate on the first Monday after January 1, 1953.

The other officers and employees of existing courts also will succeed automatically to comparable positions in the new courts, so far as such positions are provided by law. If two or more persons are equally entitled to one office or position, the judges will make the selection from among them, except that if the conflict exists as to the office of constable of a justice court, the board of supervisors will make the selection.

The county will pay the salaries of the judges and attaches of both the municipal and justice courts and will be required to furnish suitable courtrooms and supplies.

Fines and forfeitures collected by municipal and justice courts will be divided between the county and the cities therein largely according to which political subdivision employed the officer making the arrest. Fines and forfeitures following arrests made by state and county officers will be paid to the county. When arrests are made by city officers, except in the case of Vehicle Code violations, 75 percent of the fines and forfeitures will be paid to the city and 25 percent will go to the county. In the case of arrests made by city officers for Vehicle Code violations the fines and forfeitures will continue to be paid to the city.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By RAY H. WHITAKER, Deputy

**REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF
TRANSMITTAL AND REPORT BE PRINTED IN JOURNAL**

Mr. Brown asked for, and was granted, unanimous consent that the following letter of transmittal, and the Preliminary Report of the Investigation on Sex Crimes in California by the Subcommittee on Sex Crimes of the Assembly Interim Committee on Judicial System and Judicial Process, be ordered printed in the Journal in 10 point type :

LETTER OF TRANSMITTAL

ASSEMBLY INTERIM COMMITTEE

ON

JUDICIAL SYSTEM AND JUDICIAL PROCESS

CALIFORNIA LEGISLATURE

ASSEMBLY CHAMBER, STATE OF CALIFORNIA,

SACRAMENTO, March 8, 1950

Hon. Sam L. Collins

Speaker of the Assembly

Assembly Chamber, Sacramento, California

DEAR MR. SPEAKER: Pursuant to House Resolution No. 232 of the 1949 Regular Session of the Assembly, and House Resolution No. 43 of the 1949 First Extraordinary Session of the Assembly, the Subcommittee on Sex Crimes of the Assembly Interim Committee on Judicial System and Judicial Process does herewith submit its Preliminary Report of the Investigation on Sex Crimes in California.

The following report completely covers this important subject and should show to the public that there is no immediate answer to the problems presented. It will definitely indicate that those who come forth with panaceas to cure the situation have not familiarized themselves with the existing conditions. We urge all those with solutions to study what we have discovered in our search for the answer.

Respectfully submitted,

RALPH M. BROWN, Chairman
JULIAN BECK, Vice Chairman
GORDON P. FLEURY
H. ALLEN SMITH
STANLEY T. TOMLINSON
WILLIAM H. ROSENTHAL

Preliminary Report of the
SUBCOMMITTEE ON SEX CRIMES
of the
ASSEMBLY INTERIM COMMITTEE ON
JUDICIAL SYSTEM AND
JUDICIAL PROCESS

Created by House Resolution No. 232—Regular Legislative Session 1949
and

House Resolution No. 43—First Extraordinary Legislative Session 1949

MEMBERS OF SUBCOMMITTEE

HON. RALPH M. BROWN, *Chairman*
HON. H. ALLEN SMITH
HON. WILLIAM H. ROSENTHAL

HON. JULIAN BECK, *Vice Chairman*
HON. GORDON A. FLEURY
HON. STANLEY T. TOMLINSON



CALIFORNIA LEGISLATURE

ASSEMBLY

HON. SAM L. COLLINS
Speaker

HON. THOMAS A. MALONEY
Speaker pro Tempore

ARTHUR A. OHNIMUS
Chief Clerk

PRELIMINARY REPORT OF THE SUBCOMMITTEE ON SEX CRIMES
of the
ASSEMBLY INTERIM COMMITTEE ON JUDICIAL SYSTEM
AND JUDICIAL PROCESS

California Legislature—1949 Regular Session

MEMBERS OF STANDING COMMITTEE

HON. RALPH M. BROWN, <i>Chairman</i>	30th District, Modesto
HON. WILLIAM H. ROSENTHAL, <i>Vice Chairman</i>	40th District, Los Angeles
HON. JOHN D. BABBAGE.....	76th District, Riverside
HON. JULIAN BECK.....	41st District, San Fernando
HON. ELWYN S. BENNETT.....	51st District, Los Angeles
HON. BERNARD R. BRADY.....	19th District, San Francisco
HON. THOMAS W. CALDECOTT.....	18th District, Berkeley
HON. GEORGE D. COLLINS, JR.....	22d District, San Francisco
HON. ARTHUR H. CONNOLLY, JR.....	21st District, San Francisco
HON. ERNEST C. CROWLEY.....	5th District, Fairfield
HON. RICHARD J. DOLWIG.....	27th District, South San Francisco
HON. GORDON A. FLEURY.....	8th District, Sacramento
HON. DONALD L. GRUNSKY.....	32d District, Watsonville
HON. ROBERT I. MCCARTHY.....	25th District, San Francisco
HON. H. ALLEN SMITH.....	43d District, Glendale
HON. STANLEY T. TOMLINSON.....	37th District, Santa Barbara
HON. LAUGHLIN E. WATERS.....	58th District, Los Angeles

S1ERLING HUTCHESON
Attorney-at-Law
Executive Secretary to the
Subcommittee

OAK K. BURGER, Consultant to Subcommittee
Assistant Professor of Criminology
Los Angeles State College
Member Dept. of Law, Los Angeles City College
Scientific Investigation Div., Los Angeles Police Dept.

LETTER OF TRANSMITTAL
ASSEMBLY INTERIM COMMITTEE
ON
JUDICIAL SYSTEM AND JUDICIAL PROCESS
California Legislature
RALPH M. BROWN
CHAIRMAN
MEMBER CALIFORNIA LEGISLATURE
THIRTIETH ASSEMBLY DISTRICT, STANISLAUS COUNTY

ASSEMBLY CHAMBERS, STATE OF CALIFORNIA
SACRAMENTO, March 8, 1950

HON. SAM L. COLLINS
Speaker of the Assembly
Assembly Chambers, Sacramento, California

DEAR MR. SPEAKER: Pursuant to House Resolution No. 232 of the 1949 Regular Session of the Assembly, and House Resolution No. 43 of the 1949 First Extraordinary Session of the Assembly, the Subcommittee on Sex Crimes of the Assembly Interim Committee on Judicial System and Judicial Process does herewith submit its preliminary report of the investigation of sex crimes in California

The following report completely covers this important subject and should show to the public that there is no immediate answer to the problems presented. It will definitely indicate that those who come forth with panaceas to cure the situation have not familiarized themselves with the existing conditions. We urge all those with solutions to study what we have discovered in our search for the answer

Respectfully submitted,

Hon. RALPH M. BROWN, Chairman
Hon. JULIAN BECK, Vice Chairman
Hon. H. ALLEN SMITH
Hon. WILLIAM H. ROSENTHAL
Hon. GORDON A. FLEURY
Hon. STANLEY T. TOMLINSON

House Resolution No. 232**Relative to the creation of the Assembly Interim Committee on the
Judicial System and Judicial Process**

WHEREAS, There is great need of a thorough investigation into all phases of the Judicial System of the State, and the administration of justice therein, in order that facts may be obtained and correlated as a basis for future legislation; and

WHEREAS, The facts relating to said subjects can best be secured by a fact-finding committee of the Legislature; 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 is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the subject of this resolution, and all facts included and in any way related to the subjects mentioned in the recitals hereof, including but not limited to:

(a) The composition, structure, jurisdiction and administration of the several courts;

(b) The method of selection, compensation and retirement of judicial officers and attaches;

(c) The procedure, process, and rules of the courts, statutory and otherwise;

(d) All provisions of the law relating to civil actions and remedies, and all laws relating to criminal procedure;

(e) All laws relating to publication of notices and service of process;

(f) All laws relating to family relations including marriage, divorce and adoptions and the administration of such laws, 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of the same Members of the Assembly who comprise the membership of the Assembly Standing Judiciary Committee and the chairman shall be appointed by the Speaker. 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 commencement of the 1951 Regular Session, with authority to file its final report not later than the fifteenth legislative day of that 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 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.

5. The committee has the following additional powers and duties:

(a) To select 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 subpoenas, 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.

6. The sum of twenty thousand dollars (\$20,000) 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.

(Adopted June 28, 1949; Assembly Journal of the
1949 Regular Session, pages 5130 and 5131)

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 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.

(Adopted, Assembly Journal, 12-21-49, p. 408—First Extraordinary Session)

CONTENTS

	Page
Foreword	39
Chapter I What Are Sex Crimes—The Statutory Law	40
A. The Crime Which Is Forbidden Is the Overt Act Not the Urge	40
B. Definition: "Sex Crime" Equals Crime Plus Sex	40
C. Generalizations as to Sex Crimes	40
D. List of Sex Crimes—Elements and Penalties	41
E. Remedial and Other Provisions	53
F. Grading or Grouping of Sex Crimes	55
Chapter II. Incidence of Sex Crimes	56
A. Two Types and Sources of Statistics	56
B. Incidence of Crimes Known to Police	56
C. Incidence of Total Crimes Committed and Subject to Potential Prosecution	57
D. Relative Incidence of Sex Offenses as Compared to All Crimes	57
E. Whether There Is a Rise in the Incidence of Sex Crimes	58
F. The Where: Geographical Distributions and Locations	58
Chapter III Who Are Sex Offenders	60
A. Meaning of Term "Sex Offender"	60
B. Present Knowledge of Past Sex Offenders	60
C. The Future Sex Offender	62
Chapter IV. Victims of Sex Offenders	64
A. Who Are Victims of Sex Offenses	64
B. Effects of Sex Crimes Upon Victims	64
Chapter V. Enforcement of Laws Against Sex Crimes	66
A. Introduction	66
B. Report-Investigation-Arrest Stage	66
C. Charge-Prosecution Stage	67
D. Court Stage	68
Chapter VI Special Legislation: Sex Psychopath Laws	75
A. Operation of Laws	75
B. Administration of Sexual Psychopathic Laws	77
Chapter VII. Treatment of Sex Offenders	79
A. Generalizations	79
B. Treatment Methods	79
C. Places Providing Treatment	83
Chapter VIII. Research in Sex Crime Problems	86
A. The Administration of Criminal Justice	86
B. Diagnosis Techniques	86
C. Treatment of Mentally Ill Sex Offenders	87

CONTENTS—Continued

	Page
Chapter IX. Community Problem : Role of Other Groups-----	89
A. The Community as a Group-----	89
B. The Home -----	89
C. Schools -----	90
D. Religious Organizations -----	90
E. Youth Organizations -----	91
F. Mental Hygiene Societies-----	91
G. The Press -----	91
Chapter X. Recommendations Made to the Subcommittee by Others	94
A. Recommendations Re Research-----	94
B. Education -----	95
C. Changes in the Statutory Law of Sex Crimes-----	96
D. Law Enforcement and Administrative Methods-----	98
E. Systems for Detecting Dangerous Sex Deviates -----	98
F. Behavior Clinics -----	100
G. Sex Psychopathic Act-----	100
H. Control of Sex Offenders,-----	101
Chapter XI. Conclusions-----	102
A. Vastness of the Problem-----	102
B. Present Laws -----	102
C. Criminal Law—Enforcement Picture-----	103
D. Mental Illness—Treatment Approach-----	105
E. Segregation -----	106
F. Research -----	107
G. Cooperation of the Community-----	107
Appendix -----	109

FOREWORD

Two small children were murdered by sex fiends in Southern and Central California in the fall of 1949. The publicity of these murders focused the attention of the public upon sex crimes and sex offenders. There was much public opinion that the size of the sex crime problem was such that existing legislation and techniques of control were inadequate.

Assemblyman Ralph M. Brown, Chairman of the Assembly Interim Committee on Judicial System and Judicial Process, appointed a Subcommittee to Investigate Sex Crimes, in November, 1949. This subcommittee undertook to ascertain, study, and analyze all facts relating to sex offenses. For this purpose the Subcommittee to Investigate Sex Crimes held three hearings open to the public in Los Angeles on December 7, 8, and 9, 1949. Persons who were invited to testify and who volunteered information included psychiatrists, neurologists, judges, district attorneys, police chiefs, public defenders, parole and probation officers, educators, and representatives of interested civic organizations. The hearings were transcribed and the testimony is in the subcommittee's files.

The Subcommittee to Investigate Sex Crimes held a meeting in Sacramento on December 14, 1949, to hear the testimony of Dr. Alfred C. Kinsey of Indiana University, and Mr. Richard A. McGee, Director of the Department of Corrections, State of California.

Two more public hearings were held by the subcommittee in San Francisco on January 13 and 14, 1950. At these hearings, testimony was heard from law enforcement officials, psychiatrists, and officials from the California Departments of Corrections and Mental Hygiene.

The subcommittee and its staff made a study of activity being made in eastern and middlewestern states to solve the sex crime problem in those areas. Attention was directed particularly to existing and proposed legislation, law enforcement methods and results, treatment facilities and techniques, and research results and programs.

The subcommittee has prepared a report setting out its findings, and conclusions for the assistance of the California Legislature at the special session convening March 6, 1950. Although a special session of the Legislature was called by the Governor to convene on December 12, 1949, to consider legislation on the sex crime problem only a few bills were passed. Action on most of the bills offered to deal with the sex crime problem was deferred until pertinent information could be considered and correlated and there could be developed an overall, uniform, and long range program for solution of the problem.

It has been demonstrated to the subcommittee that the problem of sex crimes has two major aspects. The first and foremost is the protection of the community from the sex offender. The second is the responsibility due the individual offender for his control, correction, or treatment. It was for the furtherance of these two purposes that the material in this report was gathered and digested, and is now presented.

The subcommittee wishes to express its appreciation to the many persons who contributed to this report by their appearance at hearings, their expression of opinions, their correspondence, and their research on various aspects of the study. Their names appear in alphabetical order in the Appendix.

CHAPTER I

WHAT ARE SEX CRIMES—THE STATUTORY LAW**A. THE CRIME WHICH IS FORBIDDEN IS THE OVERT ACT
NOT THE URGE**

A crime is conduct which is proscribed by law. However immoral or distasteful or unpleasant an act may seem in the eyes of a person's fellow citizens, it is not a crime unless forbidden by law.

The law looks for the essential element of an overt act. Wishful thinking is not a violation. The overt act may be passive rather than aggressive. It may be a failure to perform a duty rather than an affirmative action. There must be, however, some act constituting criminal conduct in order that a court may convict a person.

The convicting court looks to the past conduct of the defendant. The issue is what did the accused do; it is not what inclination or tendency does he show. Predictions of the defendant's future conduct are matters for consideration following his conviction.

B. DEFINITION: "SEX CRIME" EQUALS CRIME PLUS SEX

Probably there can be no better definition of "sex crime" than that it is a crime which has some connection with sex. The term "sex crime" covers such a variety of acts that a longer definition is usually too wordy to be useful or too narrow in scope.

A definition has been offered by Dr. George N. Thompson, associate clinical professor of neurology and psychiatry at the School of Medicine at the University of Southern California in an address over KECA, November 22, 1949. It is, "By definition, a sex crime is any criminal act in which some type of sexual satisfaction is the motivating force of the crime." Dr. Thompson's definition is broader than some might realize because it would include arson committed by the pyromaniac, murder by the sadist, and theft by the kleptomaniac. The definition is narrower than others because it omits crimes with sexual significance which are committed for economic or other motives.

Since the term "sex crime" or "sex offense" has had widely varying definitions when used by persons appearing before the committee and by persons who have prepared materials available for the committee's study, the committee has attempted to use the terms in this report in a single meaning. The committee has chosen the broadest sense of the term. Where a narrower meaning is desired, limiting words are used, e.g. "sex crimes of force," "sex crimes against children," etc. Without an adjective or limiting term, a "sex crime" means a crime which has some connection with sex.

C. GENERALIZATIONS AS TO SEX CRIMES

Most of the sex practices known to man are forbidden by statute.

The State of California does not prohibit all practices that are prohibited in other states. On the other hand, the California Penal Code is as comprehensive as the laws in any other state.

In all states, sex crimes usually have a popular connotation different from the definition contained in the penal law.

The names used for the crimes differ widely in various states. For instance the crime of sodomy has nine different names in as many states: Sodomy, buggery, infamous conduct, crime against nature, pederasty, fellatio and cunnilingus, bestiality, sexual perversion, and disorderly conduct.

California, like most states has certain statutes which sharply define specific crimes. It has other statutes which are catch-alls designed to cover any number of acts. All states have such catch-all statutes, but they are narrowest in meaning in such states as California which have a large number of specific statutes.

Punishments for sex crimes do not follow a logical pattern. There are wide variations between states as to maximum penalties. For instance, the crime of sodomy is punishable in two states by a term of life imprisonment; whereas three states have a maximum term of only three years. Wide variations appear within a state as to maximum penalties. In California, for instance, until the 1949 Special Session of the Legislature enacted an amendment to Penal Code Section 286, the maximum term for sodomy was 10 years whereas assault with intent to commit sodomy was punishable by a term of 20 years. See Penal Code Section 220.

Three trends in legislation concerning sex crimes were reported by Dr. Alfred C. Kinsey to the committee in Sacramento, on December 14, 1949. First, "The trend throughout the years has been toward a lessening of the penalties." Second, "The trend has been very definitely toward the elimination of sex law. And "The third trend has been an attempt to recognize which of the sex offenders are in actuality psychiatric cases, and to treat those cases under much the same procedures as cases of insanity are treated under the laws of the particular state in which they occur."

D. LIST OF SEX CRIMES—ELEMENTS AND PENALTIES

1. Crimes Involving Illegal Sexual Intercourse

One group of sex crimes contains the common element of illegal sexual intercourse. In four of these crimes: Rape, abduction, seduction, and prostitution, the conduct is prescribed primarily because the method of obtaining the sexual intercourse is improper. In three of the crimes: Incest, adultery, and fornication, the significant factor is the relationship or status of the parties who engage in the forbidden sexual intercourse.

a. Where the method is the distinguishing characteristic.

(1) *Rape without consent*—The crime of rape includes certain illegal acts of sexual intercourse with a female who is not the wife of the perpetrator.

Rape has two important categories. The first is statutory rape, in which the female is under an age set by statute. This crime is discussed under Section D.7 of this Chapter entitled "Crimes Against Children." The second is rape without consent, in which the consent of the female, because of one circumstance or another, has not been given to the act of sexual intercourse.

The classic type of rape without consent is that described by Blackstone as "the carnal knowledge of a woman forcibly and against her

will." The California law now recognizes that the required consent is lacking in many other circumstances besides the one where her resistance is overcome by force. Where the female is a lunatic, mental defective, intoxicated, drugged, afraid of immediate bodily harm, unconscious of the nature of the act, or acting under a belief that the perpetrator is her husband, the act is considered to be against her will. See California Penal Code Section 261, subdivisions 2, 3, 4, 5, 6.

"The essential guilt of rape consists in the outrage to the person and feelings of the female. Any sexual penetration however slight, is sufficient to complete the crime." California Penal Code Section 263.

A woman may be guilty of rape if she assists or conspires in the perpetration of the act by a man upon another woman.

Defenses to the crime of rape include the fact that the perpetrator is married to the female (unless he is an accessory to the rape by another man) or that he is under 14 and his physical ability to accomplish penetration is not proved as an independent fact and beyond a reasonable doubt. The female's lack of chastity is not a defense in itself; i.e., a prostitute can be raped.

The elements of the crime of rape in California are generally the same as in most other states. Many states, however, do not include specific statutes concerning the situations where consent is obtained by impersonating the female's husband, by using drugs or anesthetics, or because of her insanity or imbecility, etc., or where the act of intercourse is with any inmate of a deaf and dumb school or institution, as does Virginia, or intercourse when the woman is in custody of the law, as do the statutes of New York, North Dakota, South Carolina, and Wyoming.

Rape is a felony in California, and the maximum punishment is a term of 50 years. This maximum is near the average for the states. There are 18 states with a maximum penalty of death and nine more with life imprisonment as the maximum. Four states have a maximum term of 20 years, one state has 15 years, and Rhode Island has a maximum of five years.

(2) *Abduction*—The crime of abduction is the taking away of any woman unlawfully, against her will, and by force, menace, or duress compelling her to do certain acts.

Abduction for the purpose of sexual intercourse or "defilement" is covered by California Penal Code Section 265 (See also Section 266b). Section 265 also covers abduction for the purpose of marriage to any person. There is no limitation of the crime as to the age or chastity of the female in this section.

The history of the crime of abduction goes back to early English origin where "stealing an heiress" was apparently one of the means of acquiring a fortune. See Statute of 1487, 3 Henry VII, c. 2.

The crime of abduction is unlawful in every state, but the California statute is more specific as to the sexual element than the statutes of a few states. Also to constitute the crime in California there must be both a taking and a consummation of the defilement or the marriage; whereas in New York the crime is committed as soon as there is a taking for these purposes.

Abduction is a felony in California and is punishable by a term of 2 to 14 years. This is near the average for the states. In Michigan

the maximum penalty is a term of one year to life imprisonment. Two states give a maximum of 21 years. On the other hand six states give a maximum of five years, and Colorado's maximum is one year and/or a maximum fine of \$1,000.

(3) *Seduction*—The crime of seduction is the act of persuading a female to surrender her chastity. The perpetrator overcomes the objections of the female by means of promises, and/or bribes, without the employment of force.

In California, either a false promise of marriage or any other artful fraudulent enticement (such as "medical treatment") is recognized as sufficient to sustain a conviction. See California Penal Code Sections 266 and 268.

The age of the female is immaterial, but it must be proved that the girl had not had sexual intercourse before the alleged seduction. In some states, the statutes require only a "chaste reputation."

A defense to the prosecution for seduction under promise of marriage is the actual marriage of the parties before the prosecution begins.

All but 12 states have a seduction statute, but California has a broader statute than most. Twenty-four states limit prosecutions to seductions under promise of marriage. A few states say that the female must be under a certain age, and in three states the male must be over a certain age. New Jersey limits prosecution to the situation where the seduced female is actually pregnant.

Seduction is a felony in California, and the maximum penalty is a term of five years and/or a fine of \$5,000. This is in line with the majority of states. Georgia has a maximum term of 20 years, and five states have a maximum term of ten years. Twenty-two states have a maximum term of five years. Seduction is no crime in at least eight states.

(4) *Prostitution*—Prostitution is the act of permitting common or indiscriminate sexual intercourse for hire.

The illicit industry of prostitution is covered in minute detail in the criminal laws of California as it is in almost every state. Penalties are provided for nearly all the parties that take part in the trade.

The parties engaged in the business of prostitution may be segregated into 15 classifications. The *operator* maintains a house where prostitution is carried on with his knowledge. The *procurer* supplies the house with women by means of force, threats, promises, enticements, etc. The *abductor* is a procurer by force. The *agent* is a person who assists a procurer. A *pimp* may be an agent for the prostitute or house or the procurer. The *transporter* is one who knowingly transports a female for the purpose of prostitution. The *creditor* is a person who detains a prostitute in a house until she pays off a debt she has incurred while in the house. The *husband* of the prostitute very often has caused his wife to become a prostitute. The *resident and employee* makes it impossible for the house to continue to operate and fails to report it to the police. The *landlord or sublessor* who knows of the activity provides the place for the illicit trade. The *informant* is the person who informs anyone besides the police of the method for obtaining a prostitute in a locality. The *associator* is the person who frequents the company of prostitutes. The *prostitute* and the *customer* are self-explanatory categories.

The *prostitute* herself is usually subject to the least serious penalty. In California, under Penal Code Section 647, a common prostitute is a vagrant and subject to a fine of \$500 and/or a term of six months in the county jail. The *customer* "who frequents a house of ill-repute" is subject to a punishment of a term of five years in California. This is the highest of any state, and in most states he is not punishable at all.

For code sections covering these prostitution offenses see California Penal Code Sections 266, 266a, 266b, 266c, 266g, 267, 309, 315, 316, 318, 647.

b. Where the relationship or status of the parties is the distinguishing characteristic.

(1) *Incest*—The crime of incest is a voluntary act of sexual intercourse between persons who are too closely related to each other. California Penal Code Section 285 and Civil Code Section 59 establish the taboo between "parents and children, ancestors and descendants of every degree, and between brothers and sisters of the half as well as the whole blood, and between uncles and nieces or aunts and nephews." First cousins are not within the forbidden degree of relationship in California.

The companion crime of "incestuous marriage" is established in California by the same code sections. Although most states have the latter crime, 11 states have only the crime of "incestuous sexual intercourse."

Incest is a felony in California and has a maximum penalty of a term of 50 years. This is the heaviest penalty provided by any of the states. Twenty-two states have a maximum term of ten years, and Virginia has a maximum of only one year and/or a fine of \$500. Many states make the penalty vary according to the degree of relationship between the parties.

(2) *Adultery*—The crime of adultery is a voluntary act of sexual intercourse by a married person with someone other than his or her spouse. See California Civil Code Section 93 and California Penal Code Sections 269a and 269b.

The crime of adultery in California has a broader scope than in many states. In some states, the sexual intercourse must be habitual before a person is guilty. At least 12 states even require the adultery to be open and notorious for conviction. In three states the prosecution cannot be commenced unless the aggrieved spouse complains. In at least five states adultery is not a crime.

A number of states give adultery a broader scope than in California. In seven states, if the woman is married, the man is guilty of adultery whether he is married or not. In eleven other states, both parties are guilty of adultery if either the man or woman is married. These states thus change adultery to mean sexual intercourse with a married person in addition to sexual intercourse by a married person.

Adultery is a misdemeanor in California and is punishable by a term of one year and/or a fine of \$1,000. This is near the average penalty for the states. The greatest penalty is a five-year term and/or a fine of \$1,000, and the smallest is a fine of \$10 to \$50.

(3) *Fornication*—The crime of fornication is an illegal act of sexual intercourse by an unmarried person. In California and nine other states there is no provision for the crime of fornication.

In the states where fornication is a crime, the penalty is a light one. The penalties range from Oregon's maximum term of five years or fine of \$500 to North Dakota's term of 30 days or Rhode Island's maximum fine of \$10.

2. Crimes Involving "Unnatural Practices"

a. *In General: The law approves and recognizes only one method of sexual intercourse*

That method is the relationship between the sex organ of a man and the sex organ of a woman. Other practices of sexual gratification such as connections per anum or per os (mouth) are forbidden. These other practices are here classed as "unnatural" in the sense that they are proscribed by law.

The states differ widely in terminology and organization of statutes in handling this area of sex crimes. Some states such as Minnesota, New York, and Washington have a single statute specifically setting out all types of relationships and calling all of them "sodomy." Such a statute would read, "Every person who shall carnally know, or shall have sexual intercourse in any manner with any animal or bird, or shall carnally know any male or female by the anus or with the mouth or tongue; or who shall attempt intercourse with a dead body is guilty of sodomy." Other states such as Michigan, California, and Georgia have separate statutes for the different acts. The organization of these crimes in this report does not follow that of any state, but it is an attempt at a logical development.

Generally both the active and passive person in these acts is guilty of the crime.

b. *Relations Between Man and Man*

(1) *Sodomy* is copulation between the male organ and the anus of the other party. Sexual intercourse between males per anus has been practiced at least as far back as Biblical times in the town of Sodom; whence comes the term. The term sodomy has come to have a much broader meaning than this in a number of states and even covers most of the crimes listed below as "unnatural practices."

Sodomy, in its narrow and historical sense, is a crime for either party in California under Penal Code Section 286.

(2) *Fellatio* is copulation between the male sex organ and the mouth of the other party. This act is a crime for both active and passive parties under California Penal Code Section 288a.

Sodomy is a felony in California, and the maximum penalty is a term of 20 years.

Fellatio is likewise a felony and has a maximum penalty of a term of 16 years.

These California maximum penalties correspond to the severe penalties of other states. Georgia and Nevada have maximum penalties of life, and 25 other states have maximum terms of 10 or more years. Only three states have the maximum term as low as three years.

c. Relations Between Man and Woman

(1) *Sodomy* practiced upon a woman is a crime in California for both parties and is covered by Penal Code Section 286.

(2) *Fellatio* in the sense of an oral copulation of a man's sex organ by a woman is a crime in California for both parties and is covered by Penal Code Section 288a.

(3) *Cunnilingus* is the oral copulation of a female's sex organs. It is made a crime for both parties by Penal Code Section 288a.

It is no defense to any of these crimes that the parties are married to each other. Thus in spite of discussion in medical or other treatises on marital relationships, these practices are illegal in every state.

These crimes are felonies in California and the maximum penalties are 20 years for sodomy and 16 years for fellatio or cunnilingus. These penalties correspond with the penalties of other states.

d. Relations Between Woman and Woman

If cunnilingus, the oral copulation of the female sex organs, is practiced by a woman it is a crime in California for both parties under Penal Code Section 288a.

The crime of cunnilingus is a felony in California as in most states and has a maximum penalty of a term of 16 years.

e. Relations Between Human and Animal or Bird

Bestiality is the practice by a man or woman of obtaining gratification with an animal or bird. California Penal Code Section 286 states, "Every person who is guilty of the infamous crime against nature, committed * * * with any animal * * * is punishable * * *." The cases do not indicate whether "the infamous crime against nature" includes all possible practices by man or woman with a beast. Presumably all types could be prosecuted under this section. There are states such as New York which are more explicit on the nature of the crime. (See quote above.)

Bestiality is a felony in California and the maximum penalty is a term of 20 years.

f. Relations Between Human and Corpse

Necrophilia is the practice of sexual relations with a corpse. There is no specific code section covering this act in the California Codes. A perpetrator is prosecuted as a vagrant under Penal Code Section 647 (5) because his conduct renders him a "lewd or dissolute person."

This crime is a misdemeanor and renders the offender subject to a maximum penalty of a term of six months in the county jail and/or a fine of \$500.

If the perpetrator mutilates, disinters, or removes the body, he is guilty of a crime under California Health and Safety Code Section 705 (2), which is a felony. In many other states, however, sexual relations with a corpse are covered specifically by a statute. The crime is usually a felony, and is severely punished.

3. Attempted Sex Crimes

a. Attempts

An attempted crime is an endeavor to accomplish a crime carried beyond mere preparation, but falling short of execution of the ultimate design in any part of it.

The punishments for attempts of most of the sex crimes are covered by the provisions of California Penal Code Section 664. In general, the maximum punishment is one half the term or fine established for the completed offense.

b. Assaults and Batteries

Many acts which are sexually motivated and offensive to other persons are prosecuted as assaults and batteries.

A battery is any willful and unlawful use of force or violence upon the person of another. California Penal Code Section 242.

An assault is an unlawful attempt, coupled with a present ability to commit a violent injury on the person of another. California Penal Code Section 240.

Both an assault and a battery are misdemeanors, and are punishable by a term of six months in the county jail and/or a fine. The fine for a battery is \$1,000; for an assault the fine is \$500.

An assault with intent to commit rape or the infamous crime against nature (sodomy) is a felony and is punishable by a term up to 20 years. See California Penal Code Section 220.

An assault with intent to commit any other felony (such as fellatio or cunnilingus) is a felony and is punishable by a term of five years and/or a fine of \$500.

c. Conspiracies

A conspiracy to commit a felony is punishable in California in the same manner and to the same extent as is provided for the punishment of the said felony.

A conspiracy to commit any other crime is punishable at the maximum by a term of imprisonment in the county jail of one year, or in state prison for three years or by a fine of \$5,000, or both.

d. Solicitations

Solicitation of rape by force and violence is covered by California Penal Code Section 653f. It is a felony and is punishable by a term of five years or a fine of \$5,000.

Solicitation of other sex crimes is not a specific crime in California except to the extent that the conduct would be covered by some other catch-all statute. For instance the conduct might amount to the lewd behavior of a vagrant under Penal Code Section 647 (5). This would be punishable by a term of six months in the county jail and/or a fine of \$500.

The conduct might be an act of disturbing the peace or use of indecent language in the presence or hearing of women or children. This is punishable by California Penal Code Section 415, by a term of 90 days in the county jail and/or a fine of \$200.

4. Sex Offenses Causing Embarrassment or Nuisance

There are a number of sex offenses which lack the element of physical contact with another party and which are characterized by the fact that they cause embarrassment or are a nuisance to the public.

a. Conduct of a Peeping Tom or Voyeur

Since 1947, California has had a statute specifically covering the practice of spying into the windows or doors of a human habitation. Penal Code Section 647 (12) claims a person who has done this as a voyant. The statute limits the crime to the act which is committed at nighttime and in which the perpetrator commits a trespass on the private property of another. It is immaterial whether the voyeur spies upon a man or woman or any particular object. In North Carolina, the crime is limited to "peeping into a room occupied by a woman."

This crime is a misdemeanor and is punishable by a term of six months in the county jail and/or a fine of \$500.

Only six states have such specific statutes, and in the rest the peeping tom or voyeur is probably prosecuted as being guilty of "disorderly conduct."

b. Indecent Exposure or Exhibitionism

California Penal Code Section 311 provides: "Every person who wilfully and lewdly, either: 1. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or, 2. Procures, counsels, or assists any person to so expose himself or to take part in any model artist exhibition, or to make any other exhibition of himself to public view, or the view of any number of persons, such as is offensive to decency, or is adopted to excite to vicious or lewd thoughts or acts; * * * is guilty of a misdemeanor."

Both men and women may be guilty of this crime.

This crime is punishable in every state, but not all have specific statutes to cover it.

Maximum punishment in California is a term of six months in the county jail and/or a fine of \$500. This is the normal type of penalty. Fourteen states have a maximum jail term of one year, nine states have a maximum of six months, and three states have a maximum of three months. At one extreme is Oklahoma with a maximum term of 10 years and/or a fine of \$1,000; whereas Mississippi has a term of 20 days and/or a fine of \$50.

Nudism is an associated crime but is not punishable in California. Some California communities do have ordinances to regulate the practice. There are at least three states that have nudism statutes, which regulate the participants in the practice.

c. Masturbation

The practice of masturbation in and of itself is not a crime in any state. In California, as in most states, however, when practiced under certain circumstances, it would be punishable. For instance, an act within view of another person would render the offender guilty of an act classifiable and punishable as indecent exposure, lewd vagrancy, or perhaps contributing to the delinquency of a minor.

Mutual masturbation, or the practice of masturbation upon other parties is a very serious crime in most states. In California, if practiced upon a child under 14 it is a lewd and lascivious act, and may draw a punishment of a term up to life imprisonment. There is further discussion of this under the heading "Crimes Against Children." If practiced upon an adult, the practice would amount to lewd vagrancy, and would be punishable as a misdemeanor under Penal Code Section 647 (5).

d. Public Obscenity, Lewd Writing, Etc.

(1) *Obscenity*.—The use of any vulgar, profane, or indecent language within the presence or hearing of women or children, in a loud and boisterous manner is a misdemeanor in California. See Penal Code Section 415.

In most states the crime includes use of such language before men as well as before women or children. Also many states draw a distinction between "profanity" in the sense of sacrilegious language, and "obscurity." These states make the penalty for the latter type of language much lighter. Some states have specific statutes covering obscenity on common carriers and over the telephone.

The maximum penalty in California is a term of six months in the county jail and/or a fine of \$500. As compared with other states, this is about the average penalty, although the penalties vary a great deal within a narrow range.

(2) *Lewd Writing, Songs, Pictures, Records, Etc.*—It is a crime to deal in practically any way with lewd materials whether spoken, written, drawn, or however fashioned. California Penal Code Section 311 provides that such conduct is a misdemeanor. The maximum penalty for this misdemeanor is a term of six months in the county jail, and/or a fine of \$500.

5. Catch-all Sex Crime Statutes

California like most states has certain statutes which are used, whether originally designed for it or not, for prosecution of a number of offenses which may be classed as sex crimes. These catch-all statutes have a narrower meaning or use in California than in many states which do not have as many specific statutes as California does.

The chief catch-all statute is Penal Code Section 647 covering a vagrant. Normally a vagrant is an idle person who will not work or begs for a living. In California a vagrant includes "every idle, lewd, or dissolute person." When an offender cannot be convicted of some crime, due to lack of evidence or some other reason, he will be charged with being a lewd vagrant.

Another catch-all statute is Penal Code Section 415 covering acts disturbing the peace, because they amount to offensive conduct.

A third type of statute is Welfare and Institutions Code Section 702 providing a penalty for certain acts contributing to the delinquency of a minor. This provision will be discussed under the heading of "Crimes Against Children."

Being a vagrant or disturbing the peace is a misdemeanor and the maximum punishment is a term of six months in the county jail and/or a fine of \$500.

6. Other Crimes Which Are Sex-motivated

No list of sex crimes would be complete without at least a passing glance at certain crimes which are sex-motivated, yet do not seem on their surface to have a special sex significance.

Murder—One form of murder is murder committed by a sadist. Recent cases demonstrate that sex motivation sometimes leads to homicide.

Arson—Psychologists have demonstrated that many arsonists are pyromaniacs who start fires when driven by an urge for sexual satisfaction.

Theft-Burglary—The kleptomaniac is a person who takes other people's property impelled by a motivation that is primarily sexual. Many burglaries are committed by fetishists seeking such items as women's undergarments and shoes. An investigation of a Chicago case indicated that the motivation for repeated burglaries was sexual satisfaction.

Kidnaping—This crime is likewise sometimes motivated by the sexual desires of the perpetrator.

Assault and Battery—As has been mentioned before, much sex-motivated conduct is prosecuted under the statutes against assault and/or battery.

7. Crimes Against Children

a. In General

All sex crimes previously discussed protect the child as well as the adult. The illegal acts of rape, sodomy, fellatio, cunnilingus, etc., constitute criminal conduct whether the victim is five or fifty years old.

In addition, there are many laws set up specifically to protect children from sexual experience of any kind. The acts constituting these crimes have as their chief distinguishing characteristic the fact that a child is the object or victim of the sexual conduct. The purpose of these statutes is to erect a barrier around children and to protect them from the lust and lewdness of other people.

Statutes specifically designed to protect children differ as to the age of the child protected. Some statutes set a specific age such as 18, 14 or 10 years old. Others merely define the crime as an act against "children."

Practically no such statute is designed to adapt the criminality of the act or the punishment of the crime to differences in maturation and social development between children. Factors which distinguish cases such as the education or experience of a child, the customs of a local community, etc. are left to be considered, if at all, by officers administering and enforcing the laws.

b. Statutory Rape

The crime of statutory rape is an act of sexual intercourse with a female, not the wife of the perpetrator, who is under the statutory age. In California this age is 18 years. See California Penal Code Section 261 (1). The common law set the age at 10 years, and in many states,

the age is set at 16 or even 12 years. A number of states vary the maximum penalty according to the age of the victim.

As a defense, consent is immaterial. Such a consent is not recognized as legal consent. In California, as in most states, factors such as the fact that the female was unchaste or in appearance or statement that the girl was "older" are no defense. The unchastity of the female, especially if she is over 14 or 16, is either a defense to the crime or lowers the maximum possible punishment in a few states.

The age of the male does not affect the character of the crime in most states. In California, if he is under 18, however, the offense must be, and if he is 18 to 21 it may be certified to the jurisdiction of the juvenile court and handled in accordance with procedures there.

In four states, Florida, Kentucky, North Carolina, and Washington, statutory rape includes the offense of sexual intercourse between an adult female and a minor male. In California, as in most states, this conduct is criminal under the provisions against contributing to the delinquency of a minor.

Statutory rape is a felony in California and is punishable by a term of 10 years. Most states correspond to California and make the punishment the same as the regular crime of rape. In a few states the penalty for statutory rape is more severe than for rape, but in a few others, it is less severe.

Assaults and indecent acts which lead to this crime may be classed as attempts or assaults to commit rape.

c. Teacher's Seduction of Pupil

In five states, a specific statute makes it a crime for a male teacher to have sexual intercourse with a female pupil. In four of these states, the age limit is not set. California has no such provision.

d. Lewd or Lascivious Acts With Children

California Penal Code Section 288 provides: "Any person who shall wilfully and lewdly commit any lewd or lascivious act including any of the acts constituting other crimes provided for in Part 1 of this code upon or with the body, or any part or member thereof, of a child under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of such person or of such child, shall be guilty of a felony and shall be imprisoned in the state prison for a term of from one year to life."

It is to be noted that this statute provides a special penalty of life imprisonment for any sex crime which is committed against a child under the age of 14.

The statute also makes a crime of certain conduct which amounts to carnal abuse of the child. It goes beyond conduct which amounts to an attempt to commit rape or an assault with intent to commit rape. It covers both male and female children. Lewd fondling, indecent familiarities, mutual masturbation and other acts of forbidden sexual experience are punishable.

Statutes covering lewd and lascivious acts upon children appear in a majority of states, but in three the crime is limited to such acts upon a female child. In three states, the child must be under 18, in twelve jurisdictions the child may be under 16. The penalties in these other states with special statutes are generally severe.

e. Lewd acts in presence of children

California has a specific statute, Penal Code Section 273g which provides: "Any person who in the presence of any child indulges in any degrading, lewd, immoral or vicious habits or practices, or who is habitually drunk in the presence of any child in his care, custody or control, is guilty of a misdemeanor."

The punishment is a term of six months and/or a fine of \$500.

Only a few such states as Louisiana, North Carolina, and Wyoming have similar specific statutes. Most states make such practices as sexual intercourse in the presence of a minor, etc., punishable under their "contributing to the delinquency of a minor" laws.

f. Contributing to delinquency of minors

In California, as in many states, the statutory provision concerning contributing to the delinquency of minors is a catch-all statute. Section 702 and 700 of the Welfare and Institutions Code cover illegal conduct which has sexual significance, and most that does not. For example, encouraging a person under 21 to habitually use alcohol, tobacco, or drugs would be "contributing to his delinquency."

Even the delinquencies of a sexual nature which are within the provisions of these statutes encompass a broad area. Such conduct as sexual intercourse in a room where a minor is situated would be punishable. (See also California Penal Code Section 273g.) Taking a minor to or keeping him in a house of prostitution would be covered. Causing the minor to become infected with a venereal disease would be contributing to his or her delinquency. Any conduct which would cause the minor to be in danger of leading an idle, dissolute, lewd or immoral life would be so punishable.

The crime of contributing to the delinquency of a minor is punishable by a term of one year in the county jail and/or a fine of \$1,000, or a period of probation of five years.

g. Molesting children: loitering where school children attend

In California, under Penal Code Section 647a, every person who annoys or molests any child or who loiters about any school or public place where school children attend is a vagrant. Oftentimes more serious sex crimes are averted by flight, resistance, or intervention, and these statutes are designed to cover the preliminary conduct which can be proved in such a situation.

Punishment in California for either the molesting or the loitering is a term of six months in the county jail and/or a fine of \$500. But a second conviction for molesting a child is punishable by a term of five years.

h. Child-stealing

In California kidnapping of a child is covered by Penal Code Section 278. It provides that "Every person who maliciously, forcibly, or fraudulently takes or entices away any minor child with intent to detain and conceal such child from its parent, guardian, or other person having the lawful charge of such child, is punishable by imprisonment in the state prison not exceeding twenty years."

i. Obscenity

As pointed out previously, the crime of using obscene language is limited in California to the situation where women or children are present. See Penal Code Section 415.

j. Immoral exhibitions and business

The California Labor Code, Section 1308, makes it a crime for anyone who has lawful custody of a minor person under 16 years of age to use the minor to engage in any obscene, indecent, or immoral purposes, exhibitions or practices whatsoever. The offense is a misdemeanor and is punishable by a term of six months in the county jail and/or a fine of \$50 to \$250.

k. Prostitution

California has certain statutes connected with the crime of prostitution which have particular reference to children. Seduction of a previously chaste female under the age of 18 for the purpose of prostitution is a misdemeanor punishable by a term of one year and/or a fine of \$1,000. See Penal Code Section 266. Abduction of a female under 18 years from any individual having legal charge of her person for the purpose of prostitution, is a felony and is punishable by a term of five years and a fine of \$1,000. See Penal Code Section 267. Admitting or keeping any minor of either sex within a house of prostitution is a misdemeanor punishable by a term of six months and/or a fine of \$500. See Penal Code Section 309. Sixteen states have this third crime. Missouri has a maximum punishment of a term of two to twenty years; Virginia has a term of ten years. Nine states are in line with California.

E. REMEDIAL AND OTHER PROVISIONS**1. Probation**

The sex offender who is convicted of a sex crime is generally subject to the same probation provisions as other offenders. See Penal Code Section 1203. Probation may be granted unless; (1) he wilfully inflicted great bodily injury or torture in the perpetration of the crime or; (2) he had been twice previously convicted of a felony or; (3) he used or attempted to use a deadly weapon in connection with the perpetration of the crime, or; (4) he was convicted of rape by force or violence or certain other crimes of force and was armed with a deadly weapon, or; (5) where he has had a prior felony conviction in which he was armed with a deadly weapon or attempted to use a deadly weapon, or he wilfully inflicted great bodily injury or torture upon his victim, or; (6) defendant is convicted of certain specific sex crimes (rape with force or violence) or a violation of Sections 286 (sodomy and bestiality), 288 (lewd and lascivious acts against children under 14), or 288a (fellatio, cunnilingus) and has had one prior felony conviction.

No defendant convicted of lewd and lascivious acts upon children under 14 (Penal Code Section 288) shall have his sentence suspended until the court obtains a report from a reputable psychiatrist as to the mental condition of such person. See Penal Code Section 288.1.

A defendant adjudged guilty of contributing to the delinquency of a minor under Section 702 of Welfare and Institutions Code may be granted probation not exceeding five years.

2. Habitual Criminals

A person must be adjudged an habitual criminal following conviction for the third separate time of certain felonies. California Penal Code Section 644 sets out the conditions for bringing a person within this class and recites a number of felonies including rape with force or violence and rape or fornication or sodomy or carnal abuse of a child under the age of 12 years. The section provides that (1) if a defendant is convicted of these offenses and (2) has two or three prior convictions, of these offenses or any of certain other felonies enumerated, and (3) has served separate terms for these prior convictions in a state or federal prison he must be adjudged an habitual criminal, and punished by imprisonment in the state prison for life.

A person who is adjudged an habitual criminal is not eligible for parole until at least 15 years of imprisonment. If he has had three prior convictions he is not eligible until at least 20 years of imprisonment. See Penal Code Sections 3047 and 3048.

3. Registration of Persons Convicted of Certain Sex Crimes

Persons convicted in California or any state of certain sex crimes are required to register with the sheriff of the county of their residence. See California Penal Code Section 290.

The listed crimes are: Convictions since July 1, 1944 of violations of Penal Code Sections 266 (seduction for purposes of prostitution), 267 (abduction for prostitution), 268 (seduction under promise of marriage), 285 (incest), 286 (sodomy and bestiality), 288 (lewd or lascivious acts against children under 14), 288a (fellatio and cunnilingus), 647a (molesting or loitering), 261 (3) (rape with force or violence), 261 (4) (rape with threats, intoxicants or drugs), 311 (1) (2) (indecent exposure), 647 (5) (vagrancy of idle, lewd, or dissolute person), or Section 702 of Welfare and Institutions Code (contributing to delinquency of minor). Conviction of attempts to commit the above offenses and determination of sexual psychopathy are also included.

The registration consists of a statement in writing giving information required by the State Bureau of Criminal Identification and fingerprints and photograph. The section applies even if a conviction is set aside or expunged by virtue of Section 1203.4 of the Penal Code. The information is forwarded to the State Bureau of Criminal Investigation and Identification where it is available upon request to all state law enforcement agencies. Only a few states have registration statutes.

It is a misdemeanor to fail to comply and is punishable by a term of six months in the county jail and/or a fine of \$500.

4. Sterilization and Asexualization

Sterilization, or an operation to prevent procreation, may be directed by a court as an additional punishment for any person found guilty of carnal abuse of a female person under the age of 10 years. See Penal Code Section 645. (See also Section 2670 of Penal Code). Over 20 states have sterilization statutes of varying scope.

5. Sex Psychopathic Acts

These statutes are dealt with in Chapter VI.

F. GRADING OR GROUPING OF SEX CRIMES

Since there are so many sex crimes, many people feel it is necessary to group them according to the seriousness of the threat they represent to society.

The Legislature performs such a grouping when it classes certain crimes as felonies and others as misdemeanors. It divides up these classifications further when it sets different maximum punishments for them.

Many people who have studied the problem have attempted to group the crimes according to how dangerous or damaging the conduct is.

The New Jersey Commission for the Study of the Habitual Sex Offender stated on p. 11 of its February, 1950. report to the New Jersey Legislature: "It is our conclusion that a distinction must be made between (1) those sexual deviates whose conduct in the community offends good taste and morals (such as homosexuals, exhibitionists, 'peepers,' and other minor lewd offenders), and (2) that other group composed of dangerous and aggressive offenders whose behavior is a serious threat to the community (such as aggressive rapists, sadists, sex slayers, and those who attack young children)."

Dr. Alfred C. Kinsey of Indiana University makes the following classification of serious sex crimes: (1) Crimes against younger children (age unspecified); (2) crimes that involve force; (3) crimes which are compulsive and/or repetitive (e g., exhibitionism).

In many areas of this report the study and discussion has been limited to certain sex crimes. Attention was particularly placed upon crimes which would be classed in the grouping above as "serious." At certain times, the subcommittee found it had no available information about certain aspects of some of the sex crimes.

CHAPTER II

INCIDENCE OF SEX CRIMES

A. TWO TYPES AND SOURCES OF STATISTICS

There are two types of statistics as to the incidence of sex offenses. The first type is the total number of sex offenses which are committed, whether prosecuted or not. The second type is the total number of sex offenses which are known to the police.

There is information available concerning the second type of statistics but there is very limited information as to the first type. There are a number of reasons for the lack of knowledge.

Authorities agree that there is a wide disparity between the two types of statistics. For instance, Dr. Crahan testified that not more than 20 percent of certain offenses, such as rape and child molestation, are reported to the police. The reason for the disparity probably lies in the nature of the crimes. There does not seem to be such a disparity in crimes against property, such as burglary and robbery. But many sex crimes are committed with the consent of all parties concerned. Moreover, there is a great reluctance on the part of many victims to make their experience known because of the embarrassment it will cause.

Statistics of the first type are available only from a few recent studies by such men as Dr. Alfred C. Kinsey. Statistics of the second type are available in police reports and the Uniform Crime Reports of the Federal Bureau of Investigation.

B. INCIDENCE OF CRIMES KNOWN TO POLICE

The subcommittee obtained a sampling of statistics for the incidence of known or reported sex offenses in California. Best available figures indicate that there were 1,378 known cases of rape in 1947 and 1,443 known cases in 1948. There were 789 known cases during the first half of 1949. These cases include both rape without consent and statutory rape. As to the crime of lewd and lascivious conduct with a child under 14, there were 695 known cases in 1947, 713 known cases in 1948 and 430 known cases in the first half of 1949. See tables prepared by Division of Criminal Identification and Investigation in the Appendix.

A sample of statistics of sex offenses on which arrests were made in 1948 was taken from the City of Los Angeles, from the Kern County, and from the County of Los Angeles.

<i>Penal Code Section</i>	<i>Kern County</i>	<i>City of Los Angeles</i>	<i>County of Los Angeles</i>
Rape, 261 -----	32	473	235
Incest, 285 -----	1	7	11
Sodomy, Bestiality, 286 -----	0	85	10
Crimes against Children, 288 -----	15	316	178
Fellatio, Cunnilingus, 288a -----	6	399	46
Indecent Exposure, 311 -----	20	137	67
Molesting Children, 647a -----	1	46	0

That these arrest statistics are different from the statistics for offenses known to the police is shown by the following comparison. In Los Angeles, in 1948, for the crime of sodomy there were 109 reports

for the 85 arrests for the crimes of fellatio and cunnilingus there were 448 reports for the 399 arrests; and for crimes against children there were 632 reports for the 316 arrests.

C. INCIDENCE OF TOTAL CRIMES COMMITTED AND SUBJECT TO POTENTIAL PROSECUTION

There have been a number of studies of the incidence of certain sex practices which are prescribed as sex crimes. One of the best known studies has been conducted by Dr. Alfred C. Kinsey of Indiana University. He has published his study of the sexual behavior of the American male. Dr. Kinsey appeared before the subcommittee on December 14, 1949, and testified as to his best estimates of actual occurrence of sex crimes. Dr. Kinsey's reports are based on a total of sixteen and one-half thousand case histories. Of these 9,000 are males. The case histories include those of 2,000 persons who have been convicted and sent to prison for sex offenses. (See testimony in Appendix.)

Dr. Kinsey's estimates are of the percentage of the male population who at some time during their lives perform at least one act for which he might, if known and prosecuted, be punished under the sex crime statutes. They are not estimates of the incidence of particular sex crimes in a given area during a given time period. The conclusion he draws however, is that at some time or another, 95 percent of the male population commits a sex offense for which he might be prosecuted. When broken down into types of offenses, the estimates are as follows:

Statutory rape -----	50 percent of male population
"Pre-marital experience,"	
Fornication -----	85 percent of male population
"Extra-marital experience,"	
Adultery -----	50 percent of male population
"Homosexual experience,"	
Sodomy or Fellatio -----	35 percent to 40 percent after adolescence; at least 4 percent are completely homosexual during any time period
Bestiality -----	15 percent to 60 percent of farm boys
Peeping Toms and	
Exhibitionists -----	Nearly 100 percent
Child molesting -----	Not over 5 percent to 10 percent

As the result of other studies it has been estimated that there are 6,000,000 homosexual acts (sodomy, fellatio and mutual masturbation) which take place each year for every 20 convictions. It is likewise estimated that there are thirty to forty million extra-marital acts to every 300 convictions. See Report No. 9, p. 2 of the Committee on Forensic Psychiatry of the Group for the Advancement of Psychiatry, entitled, "Psychiatrically Deviated Sex Offenders."

Several other studies have been made to check the results of Dr. Kinsey and his figures have been corroborated to a very great extent.

D. RELATIVE INCIDENCE OF SEX OFFENSES AS COMPARED TO ALL CRIMES

The incidence of sex offenses known to the police represents a very small percentage of all criminal behaviors. For example the arrests for sex offenses (including prostitution and rape) in Los Angeles in 1948 were only 4 percent of the grand total of arrests. This may be compared to a finding of the New York City Mayor's Committee for the Study of Sex Offenses. The committee studied the sex offenses which had occurred from 1930 to 1939 in the five counties comprising New York City. On

page 38 of the report they state, "sex crimes represented only 4 percent of all serious crimes against the person and against property which came to the attention of the police in 1939." The statistics of New York are not at all comparable to those cited with regard to Los Angeles, but they do bear out the fact that known sex crimes are a very small percentage of crimes reported to the police.

Figures for commitments of sex offenders to state prisons are interesting in this regard. From January 1, 1945 through November 30, 1949, approximately 9 percent of new prisoners at California prisons were committed for felony sex crimes.

E. WHETHER THERE IS A RISE IN THE INCIDENCE OF SEX CRIMES

Available statistics indicate there is no epidemic of sex crimes sweeping across the country and engulfing the citizens of California. Reliable statistics for a comprehensive study covering a considerable period of time were not disclosed to the subcommittee's investigation. The statistics that are available sometimes suffer from the fact that the basic units used for measuring are not comparable.

There is evidence that there has been an increase in the number of certain types of sex offenses that are made known to the police. For the State of California, from the first half of 1947 to the first of 1949 there was an increase in the cases of rape and lewd and lascivious conduct with a child. For reported rapes the rise was from 645 to 789; for reported lewd and lascivious conduct with children the rise was from 369 to 430.

A study of reported sex crimes in New York City during the 1930 to 1939 period indicated an increase in the number of reported rapes. There was a 46 percent increase between 1934 and 1939.

The Uniform Crime Reports of the FBI indicate a nation-wide increase in reported rape cases. The conclusion drawn there is that the yearly average for the country from 1936 to 1940 was 35.9 percent above that of the yearly average of 1931 to 1935. J. Edgar Hoover in the February, 1950, FBI Information Bulletin made the statement that there had been an increase of 50 percent in "vicious attacks on women and children," in the past 10 years.

The New York study indicated a rise in arrests for "sodomy," (which there includes bestiality, fellatio, cunnilingus) and contributing to delinquency (there called impairing the morals of a minor) and indecent exposure. Comparing the 1930 to 1934 period, the average number of yearly arrests rose in sodomy, bestiality, fellatio and cunnilingus from 115 to 164. For contributing to delinquency of a minor the rise was from 258 to 344; and for indecent exposure, the rise was from 280 to 404.

These statistics should be considered in the light of the following factors. There has been an increase in population, especially in California. The statistics as to reports or arrests are subject to wide variations depending upon the cooperation of the public and the activities of the police.

F. THE WHERE: GEOGRAPHICAL DISTRIBUTIONS AND LOCATIONS

The geographical distribution of sex crimes follows population concentrations. For example a total of 1,448 cases of rape were reported in 1948 by California law enforcement agencies. Of this total, 939 cases

were reported from Los Angeles County. The corresponding figures for cases of lewd and lascivious conduct against children are a total of 713 in California and 477 in Los Angeles County. The statistics for other counties are available in tables in the Appendix.

A conclusion of study of sex crimes convictions, 1930-1939, in the five counties of New York City was, "The distribution of sex crimes by county tends to follow the population distribution more closely than the commission of other types of crime," p. 38, Report of New York City Mayor's Committee for the Study of Sex Offenses, 1940. Available statistics do not completely support this proposition in California. The statistics are a different type from the New York statistics because they cover the group of felony sex offenders who are committed to prison. These California statistics reveal that there was a smaller proportion of the total sex felony commitments than the respective proportion of total criminal commitments from such areas as Los Angeles County, Alameda County and seven San Joaquin Counties. Further statistics are available in the Appendix but there is inadequate information to draw accurate conclusions as to any details concerning the distribution of sex crimes.

The subcommittee has no reliable California statistics available to show the scene of sex offenses (whether in cars, houses, streets, parks, public buildings, etc.).

CHAPTER III WHO ARE SEX OFFENDERS

A. MEANING OF TERM "SEX OFFENDER"

Sex offenders are all people who have participated in conduct which was subject to potential prosecution under the criminal law as a sex crime. There is evidence that people who are sex offenders in this sense are a very large segment of the United States population. If Dr. Kinsey is correct, 95 percent of the male population are sex offenders of one type or another at some time during their lives.

"Sex offender" is a past-tense word; it really means *past sex offenders*. The sex offender is someone who has in the past indulged in sexual conduct for which he was subject to potential prosecution.

Only a portion of the past sex offenders are *reported sex offenders*. These sex offenders are those persons whose sex offenses are reported to the police, or become known to the police through their own investigations.

Only a portion of the reported sex offenders are *arrested sex offenders*. For a variety of reasons discussed under Chapter V, no arrest is made in a number of reported sex offense cases.

A still smaller portion of the past sex offender group is made up of *convicted sex offenders*. Chapter V indicates some of the conviction ratios demonstrating the relative size of this group.

The smallest segment of past sex offenders is constituted by those *sex offenders sentenced to prison*. This group may be only 1 to 5 percent of the reported sex offenders.

B. PRESENT KNOWLEDGE OF PAST SEX OFFENDERS

1. In General

Information concerning past sex offenders is limited. This is especially true of sex offenders who have not been convicted of a felony. Relatively few studies have been made as to the nature of sex offenders. One of the most complete statistical studies made to date was of convicted sex offenders in New York City during the period 1930-1939.

The conclusion of the Report of the New York City Mayor's Committee for the Study of Sex Offenses, page 73, was, "In a nutshell, then, the sex offender differs little from other kinds of offenders. Often his was a socio-economic as well as a personality problem. Any attempt to study him, therefore, must embrace the whole person, not merely the sexual side of his make-up."

2. Sociological Data on Past Sex Offenders

In California there has been a study of male sex offenders convicted of felonies and committed to prison, from 1945 to 1949. The offenses for which conviction was made included forcible rape, assault to rape, incest, lewd and lascivious conduct with children, sodomy, fellatio and cunnilingus, bestiality, and annoying children. The study was prepared by Mr. Ronald H. Beattie.

The New York City study has been mentioned above. Statistics were obtained from probation records for convicted sex offenders. The offenses included forcible rape, statutory rape, carnal abuse of a child, contributing to the delinquency of a minor, indecent exposure, incest, sodomy (including bestiality, fellatio, cunnilingus, and necrophilia), abduction, and seduction.

Sex: Studies of sex offenders have usually been limited to males. In the New York City study, out of a total of 5,660 convicted offenders, there were only 51 females. Almost invariably in these cases there was a male accomplice. Data on female sex offenders must therefore await further studies.

Age: The California study of sex offenders committed to prison indicated their median age at time of admission was much older as opposed to a median age for all offenders committed. The figures were 46.7 years compared with 29.3 years. Within the group of committed sex offenders, the median age of those committed for rape was much younger than those committed for other sex offenses. Figures were 27.3 years for the rapists as compared with approximately 41 years for those committed for lewd and lascivious conduct with children or the other sex offenses as a group.

These figures are borne out by the conclusions of the New York City report. On page 75, it says, "The more natural and violent crimes are usually typical of younger offenders. Unnatural crimes such as carnal abuse, incest and sodomy are more typical of the older offenders. Four of the seven indictable crimes considered, namely abduction and seduction, forcible and statutory rape, principally involved men under 31. Men over that age were chiefly responsible for the other three crimes, carnal abuse, incest, and sodomy, as well as the two misdemeanors of impairing morals and indecent exposure."

Race: The California study of sex offenders committed to prison indicated that the crime of lewd and lascivious conduct with children is predominantly a white man's crime. The same high trend of white men was evident in other sex offenses except in commitments for rape, where the proportion was relatively low. The Mexican group had a high proportion committed for rape—12.7 percent of all commitments are white but 26.9 percent of all rape commitments were Mexican. The Mexican group had a low proportion in all other sex offenses covered in the study. The Negro group had a low proportion in all types of sex offenses.

Marital status: The California study of sex offenders committed to prison disclosed that among the offenders committed for lewd and lascivious conduct with children there were higher proportions of divorced, separated, or widowed men than in the other sex offenses. In the cases of commitments for rape, there was a higher proportion of single men than in the other sex offenses.

The New York study showed comparable trends with the addition that there were more married men convicted of impairing the morals of a minor than any other crime. They also found a noteworthy incidence of indecent exposure among married men.

Economic status, education, residential status: There is some information on these factors in the New York City report, but the subcommittee discovered no adequate data concerning California sex offenders.

There was much testimony, however, that sex perversion is no respecter of social strata.

3. Psychological Data on Past Sex Offenders

a. Methods of Diagnosis and Analysis

Although there are a large number of methods, tests and techniques which have been used to obtain psychological information concerning sex offenders, most authorities agree that more and better tools are needed. Wherever possible, case histories are obtained of the individual studied. Observation of behavior and psychoanalysis are used. Sometimes electroencephalographic studies, discussed in Chapter VII, are made of the brain. There is a battery of psychometric tests now available for uncovering motivation, personality, and the intricacies of character. These include the Rorschack Ink Blot Test, the Thematic Apperception Test, the Szondi Test, the Bender-Gestalt Test, the Word Association Test, and many others. There are a number of intelligence tests which are designed to indicate the intellectual capacity of the person.

One difficulty with results of analysis of many sex offenders is that the study of the person is made under circumstances quite different from the situation existing while he was participating in the proscribed behavior or "on the prowl." Another difficulty arises when the offender is unwilling to cooperate in the examination.

b. Psychological Classification of Sex Offenders

In general sex offenders run the gamut of known psychological and psychiatric classifications.

Many sex offenders are mentally ill. These may be diagnosed within existing classifications of mental defect, disease or disorder. Such classifications include the mental defectives, the persons suffering from mental deterioration including the seniles and paretics, the psychotics including the paranoiacs, schizoids, and manic-depressives, the psycho-neurotics, and the so-called psychopaths or those suffering from constitutional inferiority or personality disorders and the epileptics.

There was insufficient information available to correlate specific types of mental illness.

There is little information concerning the intelligence of sex offenders, but the California study of sex offenders committed to prison indicated that their intelligence ratings were comparable to those of all offenders committed. It was noted that within the group of sex offenders, the intelligence rating of those committed for lewd and lascivious conduct with children and the other sex offenses studied was much higher than those committed for rape.

There is very little information available concerning the question of the heredity of a predisposition to commit sex offenses. There is research now being conducted at the State of New York Psychiatric Institute as to the inheritance of homosexuality.

C. THE FUTURE SEX OFFENDER

Potential future sex offender is a future-tense term and means the person who will or probably will commit a sex crime. There are many efforts being directed toward this type of individual. Medical men are seeking means of diagnosis. Citizens are looking for means of preventing

crimes by such future sex offenders. State legislatures in over 25 percent of the states have enacted so-called "sex-psychopathic" acts to attempt to deal with the future sex offender.

Medical science has developed, in certain areas, objective tests for making highly accurate diagnoses. The result in these areas is that predictions may be made which have a high validity. For instance a typhoid carrier can be segregated. A prediction can be made that this individual will spread this dread disease if allowed to go free. The prediction has a high degree of probability. There are numerous other objective tests in medical science by which the presence of disease, the condition of pregnancy, and other facts can be established. On the basis of these tests, accurate predictions may be made.

There are as yet no correspondingly accurate objective tests by which future sex offenders can be diagnosed and segregated. Predictions of future conduct are therefore weakened.

A primary purpose for studying *past sex offenders* is to obtain means and tests for diagnosing *potential future sex offenders*.

CHAPTER IV

VICTIMS OF SEX OFFENDERS

A. WHO ARE VICTIMS OF SEX OFFENSES

There is no adequate statistical material as to who are the victims of sex offenders. The information available to the subcommittee included to a great extent untested generalizations and examples of extreme cases. One reason for lack of knowledge of victims is that a large proportion remain unknown to the police. Secondly, in those cases known to the police, generally information is not collected concerning victims. To a great extent this is due to the fact that victims are generally not subject to the supervision of law enforcement agencies. An exception to this is the case of juveniles who come within the jurisdiction of juvenile authorities.

There are great variations between the victims of sex offenses. As to *sex*, not all victims are women by any means. The New York City Mayor's Committee for the Study of Sex Offenses (covering period 1930 to 1939) found that 12.4 percent of victims were male. As to *age*, there is a wide scattering in the ages of the victims, being anywhere from 18 months to 80 years. The New York City report indicated that of 2,846 female victims of felony sex offenses where convictions were obtained, 1,788 or 63 percent were over 14 years of age. The study found a much smaller proportion of male victims; 33 percent were over 14.

Another difference in victims is their degree of physical maturity and social experience. Crimes against children of a certain age may involve girls who in spite of their youth are active participants or seducers as a result of previous experience in sexual matters. There are on the other hand the females of genuine innocence and/or chastity. The criminal law is not defined to take these differences into account.

The subcommittee found little data on facts which would indicate the economic status, family background, housing conditions, education, intelligence, race, residence, location, etc., of the victim. Such information is of value for crime prevention programs.

B. EFFECTS OF SEX CRIMES UPON VICTIMS

The New York City Mayor's Committee concluded on page 70 of its Report that a case study of the victims of sex crimes would be desirable. "We had no facilities for making any case studies of the victims of sex crimes. Yet such a study is desirable. In most sex crimes, the fact that a particular girl is a victim of a sex assault is no accident. Generally there is to be found something in the personality, the environmental background, or the family situation of the victim of the sex crimes, which predisposes her to participation in sex delinquency. In the statutory rape cases for example it is evident from a reading of the probation reports that most of the girls involved come from the same low income groups of the community, the same disorganized neighborhoods, and the same type of disorganized families as the offenders."

Here again, there is incomplete data upon the effects of sex crimes upon victims from which to draw any comprehensive picture. There is some information available from probation reports, but it includes principally objective physical data such as injuries, pregnancies, and venereal disease infections. There are other harmful results such as social disgrace and ruined lives. Perhaps one of the most serious results is mental disturbance either from the shock of the crime or from the later court room experience.

Of course society does not need statistics in this field to be aware of the problems caused by these effects. But study would perhaps reveal the extent to which the ill effects are caused by the offender.

If other contributing causes were found, an approach which would remove or mitigate them might be utilized. The end result would be to lessen the serious effects of some sex crimes.

CHAPTER V

ENFORCEMENT OF LAWS AGAINST SEX CRIMES

A. INTRODUCTION

An elaborate system for the enforcement of laws has developed throughout the United States. Techniques which emphasize the report, investigation, prosecution and trial of criminal matters operate ceaselessly to carry out the law.

The several phases of the enforcement system are conducted by specialized agencies, mutually dependent, and each equipped with facilities and authority to promote the common end.

Despite the high degree of organization within the enforcement framework, and the apparent adequacy of legislation, there are many factors which appear to interfere with the successful prosecution of the law.

The following brief outline of the procedure includes information which may demonstrate some of these factors.

B. REPORT-INVESTIGATION-ARREST STAGE

1. The report-investigation-arrest phase is usually handled by police agencies. Information regarding crimes stems for the most part (75 percent) from individuals or civil agencies. Other sources are courts, law enforcement bureaus, parole and probation officers and other units of criminal justice.

The report, if made by an apparently competent person (reasonable age, not patently psychotic, etc.), must satisfy three requirements. These requirements are:

- a. Act described must constitute crime;
- b. Within jurisdiction of police;
- c. Not outlawed by statute of limitations.

2. The investigation which usually follows the report is often handicapped by the following (as well as other) factors.

- a. The victim fails to preserve basis for physical evidence.

The victim removes clothing involved from scene, cleans, launders, or otherwise alters it.

The victim allows a time lapse between event and report and this reduces chance of establishing evidence from semen stain, prints (foot, hand, finger, etc.), evidence of struggle, lipstick on suspect (clothing, other areas), or location of witnesses.

The victim allows a time lag between incident and medical and/or laboratory examination (often requisite to establish case).

- b. The victim is unable to supply information.

Hysteria which sometimes accompanies or follows experience totally distracts victim from making accurate observations and/or report (psycho-traumatic effect).

Due to stealthy nature of some attacks (aided by inadequately lighted areas) the victim simply cannot provide description or other information.

Children may not be able to report situation clearly due to their age or suggestibility. Experience clearly indicates that many youngsters report matters which are either imaginatively inspired or reflect an experience occurring to another. Investigators learn to watch for adult phrasing, language, attitudes, etc. This behavior may be part of the child's fantasy thinking or may be an attention device. It must be considered whenever a child reports a crime.

c. Victim unwilling to supply information.

Women often are reluctant to repeat details of attack.

Victims are embarrassed by probable attendant publicity. They resent new approach which highlights bizarre aspects of victims.

Families (husbands, parents) refuse to sanction interview of victim. They wish to avoid publicity and social opprobrium, the impact of repeating experiences and neighbor reprisals.

Boys often are too embarrassed by event to report it. They shun the attention given victims in news stories, etc.

3. Arrest procedure.

The class of crime rules the procedure involved.

a. Misdemeanor arrests are upon authority of warrant unless all elements committed in presence of arresting officer. They must be immediate (or under fresh pursuit rules). (See California Penal Code, Section 836.)

The time interval between report, complaint, warrant, and arrest often gives the offender opportunity to destroy evidence, dissuade witnesses, appeal to victim for mercy and/or escape. Also it reduces or nullifies opportunities for examination of clothing, search of cars, etc., interrogation, and other investigative processes.

b. Felony arrests are authorized by most jurisdictions when offender is suspected of a felony class offense. (See California Penal Code Section 836.3.)

Under this authority officers may arrest upon notice of a crime. This authority permits the gathering of evidence, interrogation (before suspect has chance to solicit help or advice, gather support from delay, etc.), the contacting of witnesses plus other investigative advantages.

The obvious advantages in this picture invite belief that many police jurisdictions use felony booking although the facts may spell a misdemeanor. This policy, expedient as it may appear to police, partially explains the large number of felony arrests which are reduced to misdemeanor charges at the prosecution level.

C. CHARGE-PROSECUTION STAGE

The prosecution of sex offenders is encumbered by most of the problems associated with the investigation phase. In addition, the prosecuting officer must evaluate the case in light of the rules of law. The competency of witnesses, the weight of testimony, the amount of evidence and other considerations must be judged. The prosecuting office must determine the specific statutory charge which best squares with the facts. They must also determine the advisability of reducing the charges in an effort to increase the probability of conviction. This practice of compromise with defendants by accepting pleas of guilty to a lesser charge is often attacked.

Prosecuting officers coming to a decision to reduce a charge generally reason along the following lines. (1) The case actually equates to a lesser charge for the reasons cited under police arrest practices. (2) The probability of conviction on a more serious charge is reduced because the evidence is weak, the possible penalty is too severe and juries will tend to acquit, the witnesses are reluctant to appear so that the credibility of testimony is reduced, or the character of the defendant who is prominent is difficult to attack. (3) The certainty of a conviction although a lesser offense is a statistical triumph. (Prosecutors are conscious of their conviction ratios.)

The critics of the practice of reducing charges argue four points. (1) The intent of the statute is violated by acceptance of a plea to a different and lesser offense. (2) The lesser offense plea encourages a lighter penalty. For example misdemeanor imprisonment is six months to a year but the maximum average sentence is ninety days, and in a high percentage of cases, a probation is granted or a cash fine is accepted. (3) The lesser offense reduces the deterrent effect of the prohibition. They argue that experience with "easy" prosecution encourages the offender to risk the conduct and that certain offenders may welcome a short sojourn in jail because of its homosexual opportunities. (4) The practice undermines law enforcement morale. They point to the fact that police agencies become disgruntled over "light sentences" or "slap on wrist" dispositions and that the result is police officers put forth less effort.

J. Edgar Hoover stated in the February 1950 issue of the F. B. I. Bulletin, "The officer of the law can investigate and detect the perpetrator of sex crimes, but he cannot remedy the situation which yearly turns scores of degenerates back upon us.

"What officer has not arrested the sex offender, heard him receive a token penalty, and, a few months later, watched him walk out of confinement to prowl the streets again?"

D. COURT STAGE

Many of the problems met at the arrest and prosecution level are faced again at the time of court proceedings.

1. The Preliminary Hearing

The serious offenses are usually presented to the court through the preliminary hearing. This step, held after complaint-arrest-arraignment, is for two general purposes.

(1) To inquire as to whether a public offense has been committed in fact; and to establish that there is sufficient cause to believe that defendant is guilty. To establish sufficient cause the evidence need not be sufficient to justify a verdict of guilty, "but it is sufficient if it points to defendant, and induces a belief that he may have committed the offense charged." (*Ex parte Winthrop*, 5 Cal. Unrep. 56)

(2) The preliminary hearing permits the taking of depositions of witnesses so that subsequent events will not rob the case of such information through death, accident, insanity, etc.

The proceedings include examination of the witnesses both for prosecution and defense if desired. Exhibits may be introduced, governed by the same rules of admissibility which apply at trial; cross examinations

are permitted; and the procedure is subject to exclusion of other witnesses if the magistrate so determines (motion of either side or magistrate's decision); and further, the public may be excluded if so requested by defendant.

It is at this stage that many prosecutions for sex violations fail. The child witness or embarrassed female may crumble under the experience of having to repeat her statements in a court which is strange and formal, under cross-examination by a vigorous examiner, or where circumstances confuse the witness. Here too the child may fail to qualify as a witness. The questions from the bench, which are in actuality reasonable and simple, tests of orientation and perspective may for any number of reasons confound the youngster. Extreme care must be exercised to prevent a miscarriage of justice and many courts feel that stringent evaluation of the witnesses' capacity to testify is requisite at this time.

The prosecuting attorney also has this opportunity to judge the value of his witnesses and if their manners suggest to him that they will be unsatisfactory he may determine to accept a plea to a lesser charge, if possible, rather than risk a prosecution based on unimpressive testimony.

Research indicates however, that the majority of sex defendants upon whom felony complaints are filed are held to answer at their preliminary hearing. The attitude of the lower court appears to be that crimes of gravity should be handled by the superior trial court unless there are patent defects in the prosecution's charge or evidence. One effect of holding the defendant to answer is the realization on his part that he is involved in a serious legal procedure. He may have regarded the proceedings somewhat lightly prior to the pronouncement that he is held to answer in the superior court, but recognition that a court of law, although sitting in a preliminary stage, has in reality judged that he is involved to a particular degree, is often a sobering one.

2. Pre-Trial Period

The defendant awaiting trial, after preliminary hearing, is usually anxious to "bargain" with the prosecuting agency. Bargaining in regard to the plea is a common occurrence. The Missouri Crime Survey reported that where the state's case was in any wise weak (including lack of preparation) this practice rewarded defendant, who often gained a real advantage by agreeing to plead to a lesser charge. Roscoe Pound has referred to this as follows, "90 percent of these 'convictions' are upon a plea of guilty made on 'bargain day' in the assured expectation of nominal punishment, as the cheapest way out."

Authorities such as Moley, Barnes, Teeter, Tannenbaum, and many others are very critical of this trend. They urge that it is inimical to social ends, particularly because it places the "individualizing of treatment" within the hands of an authority not competent to so function. They point out that the office of prosecuting attorney is usually a political job, carrying with it the many obligations necessarily imposed upon it. They add that despite the fact that majority of prosecuting officials are incorruptible there is much evidence to effect that they represent no higher level of competency than that of an average attorney. (Criminal Law in Action, Harcourt Brace.) The quarrel is not with individualizing treatment of the offender but with the practice of permitting

the prosecution to do so. It is believed that this function belongs with the court.

The prevalency of the bargaining practice, however, is well illustrated by statistics reported in the *Journal of Criminal Law*, January-February, 1942, which point out that in New York City in a single year, of the 5,761 convictions, 5,067 resulted from such pleading; in Chicago 2,582 convictions included 2,086 guilty pleas; and in Milwaukee 1,169 total convictions included 705 resulting from pleas.

A recent California case illustrating this "bargaining" occurred February 23, 1950, where a defendant charged with two counts of Penal Code Section 288 (felony involving lewd and lascivious conduct with children) was permitted to plead guilty to one count of Section 702 W. I. C. (misdemeanor of contributing to delinquency of a minor). Plea to second count was held in abeyance, pending decision on probation application. Probation (3 years) was granted on first plea, whereupon the representative of the district attorney present moved to dismiss the second count "in the interest of justice." Motion was granted and the defendant who had faced two felony counts involving children was granted probation following pleading guilty to one misdemeanor count of contributing to delinquency of a minor.

Mention of the "bargaining" practice cannot close with the role of the prosecutor. It is in many instances necessary for the success of this effort that the defense attorney be a particularly able defense counselor or that he have powers persuasive to the prosecutor.

There are many able and honest criminal lawyers. These men defend many persons who are undoubtedly guilty, and they defend them with ability as well as integrity. They do this by seeing that their clients legal rights are not encroached upon and by obtaining every consideration due their client under the constitutional provisions and the Bill of Rights. Professor John Barker Waite has said, "The attorney who can save only the innocent from punishment will have few clients."

The reputation and effect of a highly regarded member of the legal profession as a defense counsel in a particular case is of course, a factor for the prosecutors office to consider. There are many occasions when a prosecuting agency doesn't have any man capable of crossing legal swords with the defense attorney. The fact that such legal talent is expensive is not important to the guilty defendant facing trial on a serious sex charge. The stronger the case for the State the greater is his need to be well defended. If it is at all possible he will raise the necessary money to obtain such counsel. This is another blow at the State's case. Although there have been recent attempts to change the criminal court trial from a battle of wits to a trial of facts, there is still great need for improvement in this regard.

Another group of defense attorneys must be described as "sharp." There is no question but that many questionable practices such as endless continuances, contacting of witnesses, and other techniques warn the prosecutor of difficulties ahead in the prosecution of his case. That these "sharp practices" are going on is evident and the willingness of the prosecuting attorney to compromise or bargain rather than fight such tactics is understandable.

As a result of all of the factors so far described the number of men who finally go to trial before a superior court for the offense originally charged and filed is relatively few.

3. Trial Phase

The relatively few who go to trial are still some distance from conviction even though they may have committed a sex offense.

a. The first difficulty facing the success of prosecution is the interminable periods of time which are involved in the various stages. Each delay is considered by most students of the effect as an advantage to the defendant. Gillin states that "the delays due to clumsy criminal procedure are almost wholly in favor of the accused and against the interest of the State." Many times the respect for technicalities which is involved in court procedure promotes these delays. The Pope case in Alabama exemplifies this in startling fashion; Pope was convicted five separate times by juries and in four of the instances after long appeals to the Supreme Court of Alabama the decisions were reversed on technical grounds.

Other delays are in the form of long argument over jury selections, presentation of endless character witnesses, arguments over points of law, the main purpose of which is to lay foundation for appeal in case of conviction, and the traditional courtesy extended attorneys requesting continuances and others. One case involving a defendant in a prosecution under Penal Code Section 288 (lewd and lascivious conduct with a child under 14) was continued on seven occasions at the request of the defendant. Finally the particular judge to whom an appeal for an eighth delay was addressed, refused, and ordered trial.

b. The problem of selecting juries is followed by the fact that juries in many instances are not capable of determining the issues involved. The selection of juries involves the effort of the opposing sides to panel persons who appear as sympathetic to their view as possible. This is understandable but hardly consistent with the theory of the system. For a report on the jury problem read Jerome Frank's *Courts on Trial*.

c. In this connection, however, one particular problem has received much attention from the lawyer-jurist group. There are many members of that group who feel that the cautionary instruction required in many criminal cases, imposes a hardship upon the prosecution. It has arisen most frequently in the prosecution of sexual crimes. This is particularly true in offenses of contributing, sodomy, fellatio, cunnilingus, lewd and lascivious behavior with children.

The cautionary instruction, wherein the court instructs the jury that certain testimony should be cautiously viewed are held under recent case to be instructions in law (*People v. Dail*, 22 Cal. 2d 642.)

The instruction is considered by many lawyers, prosecutors, and jurists to be especially damaging to prosecution when directed to jury re testimony of a child. The objection is that the jury is already prepared to view a child with caution and to have the judge admonishing them to be cautious is, in the opinion of the rule's critics, to sow the seeds for overly cautious evaluation.

The other side of the issue urges, however, that where there is corroborative evidence to the testimony of the witness, the judge may refuse

to instruct without prejudicial error, and further, that the instruction is essential to fairness in trial. (People v. Neal, 65 Cal., A. C. A. 285.)

d. Another problem facing the prosecution is the requirement of establishing necessary evidence in the face of the many rules surrounding such presentation. This is illustrated by the effect of the so-called "accomplice rule."

The rule is that which states that a conviction cannot be had upon the testimony of an accomplice unless it shall be corroborated by such other evidence as shall connect the defendant with the commission of the crime; and the corroboration is not sufficient if it merely shows the commission of the offense or the circumstances thereof. (See California Penal Code Section 1111.) This rule demands that many cases of sodomy, for instance, where a boy-adult relationship is involved, be prosecuted as contributing to the delinquency of a minor (misdemeanor) due to the fact that if the boy participant is 14 years of age or over he is an accomplice under the law and the accomplice rule of evidence will be invoked.

This situation is almost impossible to overcome under present rules because the crime situation usually precludes the corroboration necessary to admit the boy's testimony.

e. Finally the prosecution must hurdle the evidence "exclusion rules," as exemplified by difficulty of introducing the fact of prior conviction for similar sex offenses.

This rule prevents admission of evidence of previous conviction for similar sex offenses. The critics argue that many juries cannot believe well-mannered or presentable individual capable of such conduct and therefore will not convict. These critics suggest that admission of evidence of convictions for previous offense of a similar nature would overcome this defect.

The rule is defended, however, by an equally large number of thoughtful persons involved in criminal justice who contend that admission of such evidence would tend to prejudice the jury and violate the constitutional rights of the defendant.

Others such as Hon. Charles W. Fricke, Judge, of the Superior Court of Los Angeles, assert that such evidence is admissible in those cases where it is relevant. He points out that whenever the question of "intent" is involved in criminal offense, and evidence is equivocal, evidence of other crimes is admissible for the purpose of showing it. Evidence of other crime convictions is also admissible, he added, for the purpose of identifying the perpetrator by showing the modus operandi was of a particular character and that on former occasions, this same defendant, by a similar modus operandi, had done the same thing.

As is easily recognized many problems have impeded the accomplishment of prosecution. Assuming, however, that the case is submitted to the court or jury for decision what are the probabilities of a conviction?

If it is a jury case one must remember the decision of guilt has to be unanimous. A single dissent results in "hung jury" which is in many instances equivalent to acquittal. (State often abandons prosecution.) Additionally there is the real consideration of the effect of "severe penalties" upon a jury. There is no question but that juries many times are influenced by the severity of the penalty attaching to a guilty verdict.

Various other influences work against conviction but despite these factors, juries return verdicts of "guilty" in a substantial percentage of cases tried before them. They appear to be particularly prone to convict in the sex offense cases. (34th Annual Report Municipal Court of Philadelphia.) This tendency may account for trend toward selection by defendant of "court trials" (no jury). Studies in New York, Ohio, Missouri, and Massachusetts verify belief that sex defendants select juries less frequently today than in the past.

If the trial is by court (without jury) the defendant may reasonably assume the decision will square with the facts admitted into trial. The courts appear to be doing an honest and capable job. The fact that they convict felony sex defendants less frequently than do juries is attributable for the most part to insufficiency of evidence presented.

4. Post-Conviction Stage

a. Sentencing Phase—While it might appear that the bulk of the administration of criminal justice has been accomplished through the decision of guilt or innocence that is not the case.

The final act of the court after a conviction is the passing of sentence. This may be the most socially significant step in the entire procedure.

At the present time few California courts have pre-sentence clinics to assist them in determining proper disposition of convicted defendants. This fact is deplored by many jurists, particularly those who face the problem of the sex offender. This problem of suitable penalties involves both the misdemeanor court as well as felony tribunal. (Most sex convictions disposed of in misdemeanor court—95 percent in Los Angeles according to Judge Harold W. Schweitzer.)

A few California courts have the services of regular court psychiatrists but most courts must depend upon the probation report for guidance in determining sentence (exception is San Francisco which has the Langley Porter Clinic—see report of Judge Sapiro in Appendix). Thus the courts face the responsibility of determining sentences with very little assistance from capable sources.

An examination of the sentences following conviction is published in the Los Angeles Police Report (1948 Annual Report). (The report covers all sex offenses under California statutes except rape and prostitution.)

Convicted	1,983	Jail and/or fine	817
State prison	26	Jail and suspension	137
County jail	500	Jail, fine and suspension	226
Straight fine	10	Jail suspended	233
Probation		34	

Of the 1,983 convicted sex offenders, 26 were remanded to the Adult Authority for term proscribed by law. This means that the remaining group of 1,957 convicted sex defendants will return to the community within periods of from one day to one year.

b. Second Offenders—Recidivism—Contrary to general belief, the sex offender is not inclined to recidivism. This does not mean that the sex violator ceases his deviated pattern after conviction but statistics do persuade the belief that he avoids future conflict with the law.

The proportion of persons committed to prison for sex offenses who were without prior commitment record is over 50 percent, whereas for

all men committed it was 26 percent (sex offenders California prisons—1949). Those offenders who do reappear, however, are conspicuous and offensive to the public. Demands are made that the repeaters be sternly handled.

Studies of the cases of second offenders convicted for sex felony crimes reveal that such persons do receive severe penlties. The problem seems to come from that much larger number of violators who reappear under misdemeanor prosecutions and for whom short sentences (six months to one year maximum) are only penalty available. This situation prompts much of the interest in the sex psychopathic acts (see Appendix and Chapter VI).

The incidence of parole-probation violations by convicted sex offenders is low. As a class they are considered excellent risks. That there may be individuals within their ranks who represent great menace to society cannot be denied. The big problem is to select the potential menace from a relatively innocuous group.

c. Keeping Contact—Registration—Some effort to maintain contact with the offender is made throughout the post conviction stage. This follows him after release from prison, jail, or other terms of his sentence. It is demonstrated by California Penal Code Section 290 (Sex Registration Law) which requires the registration, photograph and fingerprints of specified sex offenders. (See California Penal Code Section 290 as amended 1949 First Extraordinary Session. See also Chapter I of this report.)

CHAPTER VI

SPECIAL LEGISLATION: SEXUAL PSYCHOPATH LAWS**A. OPERATION OF LAWS****1. Laws for Compulsory Commitment**

Fifteen American jurisdictions have enacted special laws to deal with the sex offender. These laws as a group are called "sexual psychopath" laws although in several states, such as New Jersey, they do not bear this name.

The theory behind these laws has several elements. The laws are designed to apply to persons who are potential future sex offenders. Such persons who are a menace to society should be identified and isolated. These persons are generally to be segregated from the group of known past sex offenders. They are distinguishable by the fact that they have no control over their sexual impulses. This condition is interpreted as being a mental illness; persons suffering from it are not responsible for their conduct. When such a person has been committed, he should be given treatment, if possible, so that he will no longer be a menace to society. If he is cured he will be released. The whole problem is regarded as a medical problem, both as to the identification or diagnosis and the treatment. It is reasoned that these "sexual psychopaths" are not being punished for past acts but are being quarantined to prevent them from perpetrating future crimes.

It should be noted that the acts are designed to apply to persons who are not insane (psychotic) or mentally defective.

This theory or ideology has been given severe criticism; many of its basic elements have been attacked. For summaries of this criticism see the report of the New Jersey Commission on the Habitual Sex Offender, February 1950, and an article by Edwin H. Sutherland, "The Sexual Psychopath Laws," *Journal of Criminal Law and Criminology*, Vol. 41, January-February, 1950.

California's Sexual Psychopathic Act, Section 5500 et seq. of Welfare and Institutions Code, was one of the first such laws in the United States when enacted in 1939. The provisions of California's Sexual Psychopathic Act, as amended in 1949, are explained in a discussion by Attorney General Fred N. Howser in the Appendix.

The systems set up for committing the "sexual psychopath" vary considerably in the different jurisdictions. A chart appears in the Appendix which shows the differences between the statutes.

A considerable amount of study has been made of these statutes by a number of groups. There has been a study by the Criminal Law Committee of the Chicago Bar Association. The Group for the Advancement of Psychiatry has a study which was made by its Committee on Forensic Psychiatry. The results appear in the Group's Report No. 9 entitled "Psychiatrically Deviated Sex Offenders." A very recent and comprehensive study was made by the New Jersey Commission on Sex Offenders. Their report was formulated by Professor Paul W. Tappan of New York University and was published in February, 1950.

After analysis of the "sexual psychopath" statutes, discussion may be directed to the following aspects. (See the "sexual psychopath" chart in the Appendix.)

Designation of Condition

This phrase refers to what term is applied in the statute to the person who is the object of the legislation. For instance in California it is the "sexual psychopath."

Elements of Definition

This phrase refers to the elements of definition of what a "sexual psychopath" is. For instance, in California, he is any person who is affected with one of the following conditions, "mental disease or disorder, psychopathic personality, or marked departures from normal mentality" and is "affected in a form predisposing him to the commission of sexual offenses and in a degree constitutes him a menace to the health and safety of others." The elements of definition are the legal criteria set forth in the statute, not necessarily the medical or clinical elements of diagnosis.

Basis of Jurisdiction

This phrase refers to the facts which must be established before the court has jurisdiction for determining whether a person is a "sexual psychopath." For instance, in California there must be a criminal charge preferred against the person; whereas, in a few states like Wisconsin, no charge is necessary. In some states, there must be a conviction for particular sexual offenses.

Discretion in Initiating Proceedings

This phrase refers to the question of who has the right to file a petition or an affidavit or whatever is necessary to start a court hearing into the question of whether a person is a "sexual psychopath."

Tribunal and Proceedings

This phrase refers to what sort of court or tribunal has jurisdiction of the hearing, and how the proceedings are carried on. Questions such as provisions for private hearings, jury trial, and time within which hearing must be held are discussed under this heading.

Medical Examination, Qualification of Examiners

This phrase refers to the type of medical examination which the statute requires be made of the person alleged to be a "sexual psychopath." The results of the medical examination are referred to the court. The states generally set up some qualifications for the medical examiners such as the California requirement that they be holders of physician's and surgeon's certificates whose practice has been directed primarily to diagnosis and treatment of mental and nervous disorders for at least five years.

Effects of Commitment on Criminal Proceedings

This phrase refers to the question of whether commitment for being a "sexual psychopath" acts as a defense to the criminal charge, or perhaps suspends the proceedings.

Procedure for Release

This phrase is self-explanatory and applies to a release from commitment in a hospital or penal institution.

Nature of Release

This phrase refers to the question of whether the release which is given the "sex psychopath" is complete or is under some sort of supervision as in probation and parole.

2. Laws for Voluntary Commitment

A few states have statutes which provide for voluntary commitment of a "sexual psychopath." In California, the law was enacted in 1949 and is found in Section 5600 et seq. of the Welfare and Institutions Code. The person is called a "Mentally Abnormal Sex Offender." A discussion of this statute made by Attorney General Fred N. Howser is found in the Appendix.

Analysis of this type of act is made under the same headings as are listed above.

B. ADMINISTRATION OF SEXUAL PSYCHOPATHIC LAWS

There have been several recent studies of the administrative experience developed under the "sexual psychopath" acts. Some state laws like California's have been in existence for 10 years. The New Jersey Commission on the Habitual Sex Offender conducted a study for the past year and published its report in February, 1950. Edwin H. Sutherland, professor of sociology at Indiana University, wrote an article concerning his study which appears in the January-February, 1950, issue of the *Journal of Criminal Law and Criminology*. These two studies sum up some of the results of prior studies.

The "sexual psychopath" acts have been put to very little use during their existence. There have been more persons committed as "sex psychopaths" in California than in any other state. The number is 485 in 10 years. Minnesota, during the 10 years existence of its act, has committed between 200 and 300. In Illinois, during a 10-year period, an estimated 18 to 20 have been committed. In New Jersey, 35 cases were committed in the first six months of the law's existence.

Reasons

The subcommittee received several suggestions as to the reasons why such "sexual psychopath" acts have not been used.

(1) It is claimed that prosecuting officers and judges do not favor the act and are unsympathetic with an approach which would view sex offenders as "patients needing treatment." It was indicated that they limit the "sexual psychopath" laws for use when there is insufficient evidence to support a criminal conviction.

(2) It is suggested that sex offenders can avoid the commitment by a simple act of noncooperation. Some defense attorneys advise them to refuse to talk to the examining physicians. Most psychiatrists feel they can make no diagnosis without an opportunity to talk to the person. This halts the proceedings unless the refusal is treated as contempt of court (District of Columbia). And in the latter case, many feel that the diagnosis conducted under threat of punishment has no validity.

(3) It is suggested that enforcement officers are aware of the fact that state institutional facilities are not available for custody and/or treatment of all who could be committed as "sexual psychopaths." Therefore, they do not proceed with steps which would only further crowd the state mental hospitals.

The statutes suffer from the problem of determining who is a "sexual psychopath." There is a great variation in the statutory definitions set up. Furthermore, the mental condition of sexual psychopathy is not a definite entity, even among psychiatrists and so-called experts. The conclusion of some students of the problem is that the concept of the "sexual psychopath" is too vague for judicial administrative use. See Edwin H. Sutherland's article in the *Journal of Criminal Law and Criminology*, Vol. 41, January-February, 1950.

One result of the definition difficulty is that in practical effect a "sexual psychopath" law may become only another habitual sex offender law. Something may be said for setting the limits of the "sexual psychopath" group within the group of sex offenders who have had a prior conviction; it gives an objective criterion which makes administration easier. There is some belief that even if a "sexual psychopath" law is not limited to affect sex offenders convicted twice, it at least should be limited to sex offenders convicted at least once. It was the recommendation of the New Jersey Commission on the Habitual Sex Offender on page 52 of their report that this special "sexual psychopath" type of proceeding should be limited to the situation "where there has been a conviction in a criminal court for a serious sex crime, evidencing the danger of the offender to the security of the community."

If a "sexual psychopath" law is limited in operation to second-conviction offenders, it will miss a large number of sex offenders. See the discussion in Chapter V concerning the low rate of recidivism indicated among sex offenders.

There is a wide variety in the types of persons who are being committed as "sexual psychopaths." They differ very much in the types of mental illness from which they suffer (psychotics, feeble-minded, seniles, schizoids, psychoneurotics, etc.). Also they differ very much in the types of sex behavior which they practice. In fact, the New Jersey Commission on the Habitual Sex Offender drew the conclusion on page 28 of its report that during the first six months of administration of the new law in New Jersey, "it is almost entirely the minor sex cases that are getting attention."

Nowhere is there much treatment available for the persons committed as "sexual psychopaths." See Chapter VII on treatment facilities and methods available.

CHAPTER VII TREATMENT OF SEX OFFENDERS

A. GENERALIZATIONS

Dr. David Abrahamsen has said, "Basically crime indicates that society is sick." The control of symptoms of this sickness has, in the past, been vested in legal prohibitions and punishments. This prohibitory and punitive approach to crime has not been wholly satisfactory because there is much evidence that it has not successfully reduced the problem of crime, particularly of sex crimes.

Society is turning to the medical profession. A scientific approach nonpunitive in philosophy is suggested. Special consideration of the sex deviate is demanded by a public concerned over the threat such conduct represents to individual and group security. There is a growing demand that sex offenders be "treated" and cured.

The demand for treatment of these violators has been relatively sterile because there is no unanimity of thought within the professional groups normally engaged in the treatment of personal and social ills. Within the framework of existing knowledge there are many recommendations but few conclusive or verified assertions. If real help is to be effected experimental research and evaluative studies of present methods must be established. The question as to what basic causes provoke aberrant behavior and what may be done to relieve or modify those drives must be answered.

Furthermore, society must determine the extent to which such abnormal behaviorists are to be "cured." To actually require "cure" of these individuals is to demand that they be placed in a condition medically and mentally superior and more intact than the population which supports their treatment. Realistic definitives of scope and objectives must be established.

B. TREATMENT METHODS

An eclectic review of the treatment involved in the sex patient cases includes:

1. Psychotherapy

Psychotherapy refers to the treatment of mental or other illnesses through mental suggestion or influencing the thinking of the patient.

It is done by counselling, training individual patient into some recognition of the factors responsible for his problem, some insight or understanding of the forces at work.

a. It Is Administered by Four Groups (Primarily):

Psychoanalyst: Usually a physician specializing in psychiatry utilizing techniques of psychoanalysis. The mental processes comprise two groups, one controls conscious and second the subconscious ideas and wishes. Conscious group dominates but when some break occurs in the processes behavior or mental attitudes reflect the problem. Patient is led to relate all ideas, proper and improper, thoughts, etc., up to time of

break the "pathogenic link" is identified and if patient recognizes the relationship, he may recover completely. A method of treating psycho-neuroses.

Psychiatrist: A physician specializing in the treatment of diseases of the mind. These diseases may be physiogenic, source is physical lesion, etc., or psychogenic, where there is no apparent pathology to account for the disturbance.

Psychologists (psychotherapist): Not medically educated but advanced study in psychology, usually involving considerable graduate level work and often reflect M.S. or Ph D. in their field. (The study of the mind in action and the behavior of humans.)

Counsellors: Many other professional levels may be tapped to aid in this aspect of treatment. The churchmen, family physician, lawyers, teachers, and other community leaders can be of inestimable assistance in helping the individual involved with problem of which sexual behavior is an element.

b. The General Approach In This Method

Individual therapy is a treatment involving counselling and working with the patient for several hours a week over a long period of time. This has been considered the most effective therapy but it is admittedly the most expensive and is prohibitive on a large scale.

Group therapy for several years advocated by prominent therapists, is being considered more seriously than in the past by administrative physicians and those practicing therapy today. It consists of projecting techniques of individual analysis into a group of patients who are encouraged to discuss personal problems. Discussion of their problems with other members of the group is followed by comfort received from knowledge that others are also troubled and this will help the individual solve his adjustment difficulty. Group functions and projects such as painting, cooperative building, carpentry, occupational interests, etc., are carried on. Some benefit of this general theory is demonstrated by the phenomenon of Alcoholics Anonymous.

Adequate standards require small groups (8-20) but even this is an advantage over the individual approach (numerically at least). Mendocino Hospital in California applies this approach to groups using minimum of sixty (60) hours of such activity before they feel individual patients benefit.

Some discussion of these therapies is included in Dr. David B. Williams' report on Mendocino and Dr. Schmidt's report on San Quentin in the Appendix.

2. Surgery as a Treatment Method

a. Sterilization, obtained by cutting tubes from testicles to penis produces no effect upon drive nor capacity, it is a contraceptive technique rather than anything else.

b. Peotomy is the amputation of male sex organ. This cannot in any direct way reduce the sex drive and may very likely produce harmful personality changes. It may induce considerable exaggeration of sexually abnormal behavior such as fellatio, cunnilingus and sodomy (recipient).

c. *Lobotomy* (prefrontal lobotomy) is surgery referred to in *Science Digest*, May, 1947, as "two edged weapon of last resort." It is an operation usually restricted to cases recognized as definitely "psychotic."

The operation consists of removing buttons of bone from each side of patient's head permitting surgeon to partially sever the connection between the frontal lobes (believed to be center of association and focal point for sensory impression) and the thalamus at base of brain (where impressions are thought to be processed and where behavior affected by them is initiated). Abnormal behavior presumably results from distorted relation of ideas traveling from frontal lobes to the thalamus. Thus the interruption of this communication frees the patient from the disturbing ideas which dominated his personality.

The first operation was in Spain in 1936, and was followed in the United States in 1938 by Drs. Freeman and Watts, Washington, D. C. By 1946 over 2,000 such operations had been performed.

Medicine generally concurs that the operation works profound changes in the patient. He may be relieved from fears, anxiety, and other disturbing conditions, but he may also disregard consequences of conduct which formerly concerned him and/or he may lose all initiative at the same time feeling a sense of well being. Reports concerning the capacity of patients to return to society following a lobotomy are conflicting. (*Time Magazine* reports "sensational results"—another report refers to 10 percent receive spectacular improvement.)

The operative procedure has not been standardized according to Veterans Administration Technical Bulletin (1948). Further, many psychiatrists disagree with the basic hypothesis. Most authorities agree the operation is not to be used upon persons suffering from psychosis of which aggression is a factor. They believe that the surgery may not reduce the aggression but will remove the inhibitory function.

There seems no question but that the patient undergoes personality changes following the surgery which may be harmful. There is also the distinct possibility of complete disintegration and he may be reduced to "human vegetable" (Dr. Lauran Smith, University of Pennsylvania Hospital).

In the light of the drastic possibilities involved in this approach and in the absence of conclusive medical opinion as to the theory and practice of such surgery it would appear that prefrontal lobotomy as such must be regarded as in an experimental stage.

d. *Castration*.—Orchotomy is the surgical removal of the testes thus producing the theoretical status, at least, of a neuter condition.

This operation is one of the most controversial methods suggested to eliminate sexual offenders. The controversy, however, appears to be between the medical professions and lay groups. There seems to be considerable accord within the profession of medicine to the effect that castration would not have any particular beneficial result, and might produce personality changes increasing the individual's problem.

The medical view is that the sex drives do not originate in the testes, (in fact many sex violators are without the testicular function at the time of their act) and that the side effects of the surgery promote a real possibility of personality disorders which will complicate the problem. They believe the removal of testes may exaggerate any tendency toward

bizarre performances for sexual satisfaction. As long as most sex drives originate in the mind and the center of an erection is the spinal cord they reason that removal of the testes was no more efficacious than removing the patient's thumb. There is a further danger that removal of testes will alter hormone balance and result in effeminacy.

Some physicians suggest that such surgery may have a psychological effect which would justify its use in a few circumstances. Such circumstances include the situation where the individual would regard the operation as a purge. Such a person would feel a need for atonement and riddance of his guilt feelings. Other psychiatrists advance the argument that loss of the testes, would in many instances affect the male ego in a manner which would lead to additional behavior of disapproved character.

The proponents of castration urge acceptance of available statistics regarding the experiment. They point to the experience of Judge Collier's Superior Court in Pasadena, California, where over a period of years Judge Collier accepted the surgery as a condition of probation. Over 50 such cases were placed under supervision of the Los Angeles County Probation Department. The known facts are that none of the individuals were returned to the sentencing court, that three of them were again arrested but not specifically for sex violations, and that both the Pasadena court and the city police were satisfied that the surgery had contributed to the results. Additional argument is advanced that the Beverly Hills court accepted a defendant's request for the operation as a probation condition and that the results as reported by the defendant-patient were highly satisfactory. The unknown quantity lies in the absence of an actual follow-up of the patient group. No studies were made of their behavior outside purview of authority and there is no record of any medical observation re their conditions. There is no information with respect to how many left the jurisdiction, died (several were in their seventies at time of operation), and other necessary material for conclusions. Dr. Rosanoff of Rosemead, California in cooperation with the Los Angeles County Probation Office engaged in a study of these cases but his untimely death interrupted the project and none of his findings (if any) have been reported.

The subcommittee has been unable to find any actual medical studies supporting this method.

3. Medication

a. *Hormonal therapy*

A hormone is a specific chemical substance formed by one organ, which, on passing into the circulatory fluid, evokes functional changes in other organs. The process is usually accomplished by tissue transplantation or administration of hormonal concentrates.

The theory has been advanced that an excess of female hormones will produce effeminate characteristics including homosexual propensities in males. The biologists experimented with hormone therapy many years ago in the animal field. They came to rather definite conclusions which may aid the present medical inquiry. They contend that the direction of a sex drive cannot be modified by changing the hormonal content or balance. An experiment conducted during the last war included three hundred patients with homosexual histories. Each patient was given injections of male hormones. The results were extremely discouraging,

the incidence of homosexuality and intensity of the drives markedly increased.

Some agreement is reported that hormone treatment of the pre or early adolescent will materially alter all physiologic development including genitalia. The effect reduces intensity of sex drive, frequency of arousal, and general activity. These effects cannot be isolated however from the other physiologic results. This factor dissuades usage. If hormone medication is to be instituted, therefore, it may only be done when the particular circumstances equate to medical necessity. A considerable degree of medical diagnosis is required before application of treatment. There is a large group of physicians who have evaluated the entire hormone medical approach and suggest that additional attention and experience are necessary before conclusions may be drawn.

b. The use of drugs—the intravenous barbiturates

This practice is usually limited to sodium amato, pentathol, and the so-called truth serum, scopolamine (used with morphine to produce anesthesia). It is ordinarily applied merely to reduce patient's consciousness so that the physician may benefit from remarks, information, etc., drawn out at that time.

There is no contention before this committee that drugs will directly alter sexually offensive behavior.

c. Shock treatment

In this technique either an electrical shock is given patient (causing convulsion) or insulin is administered (lowering blood sugar). The result is that brain activity is quieted and the patient is temporarily relieved.

The theory is somewhat similar to lobotomy in that disassociation is desired. Application of this method is ordinarily reserved for the psychotic patient (dementia-praecox, depressed, etc.) and is less often used on milder forms of mental disturbances.

Neuro-psychiatry has had considerable experience with shock treatment, especially in government hospitals. There are no well substantiated claims that it has any application to the cases of behavior disorders of which the sex offender is characteristic.

d. Use of electroencephalogram

This is an instrument which records the electrical impulses emanating from designated areas of the brain. It is a diagnostic tool ordinarily applied in cases of suspected brain tumors, epilepsy, etc.

While it is possible that such equipment may prove useful in diagnosing behavior disorder patterns at some future time, there is nothing to support its use in that reference at the present state of information.

C. PLACES PROVIDING TREATMENT

1. Public Institutions

Public institutions house the majority of those sexual offenders who are under custody and/or care. Although treatment facilities are unequal to the needs of the institutional population, every effort is apparently made to provide best treatment possible.

Examples of the program offered are found at:

Mendocino, a California state hospital where the psychotic sex offender is committed. The patient is given psychiatric, psychological, neurological, laboratory, and general physical examination. The results are interpreted by a clinical staff and treatment instituted at the staff's direction. A minimum of one year's treatment is required before patient's case may be presented to the staff conference in connection with release or parole request. If the staff and the director approve the parole, such recommendation is forwarded to proper authority.

Dr. David B. Williams, director, stated (January 12, 1950) that "we don't feel that we are curing anybody, but we do feel that we are giving insight to these cases so that they will not become involved in anti-social behavior."

San Quentin. Dr. David G. Schmidt, supervising psychiatrist, at this penitentiary believes this prison points up the fact that jails are not suitable places for treating the sex offender. He states that prison population is irritable and is intolerant of the homosexual who cannot be segregated due to overcrowded conditions, and that lack of personnel makes treatment nearly impossible. He approximates one and one-half hours of individual and ten hours of group therapy a year is average. The psychiatric unit utilizes tests, encephalographs, hormone, shock, and other treatment efforts. The unit consists of five psychiatrists, two sociologists, two psychologists, and several physicians rotating through San Quentin from Langley Porter Clinic, San Francisco. Of the 4,800 inmates in San Quentin in 1948, 3,600 were recommended for psychiatric treatment, but the staff has been unable to adequately reach even the 1,200 selectees who were most seriously in need of attention.

Dr. Schmidt is convinced that hospitals will supplant prisons in the future more enlightened era.

Sing Sing Penitentiary in New York State is a scene of research at this time under Dr. David Abrahamsen. A fifty thousand dollar appropriation permits a staff including psychiatrists, psychologists and sociologists. A two-year study of 100 cases will be reported by Dr. Abrahamsen in 1950.

St. Elizabeth Hospital in Washington, D. C., serves both the District and Federal Government. A mentally ill population of over 9,000 includes but 20 persons brought there under a sex psychopath petition. The group and individual therapists (Drs. Cruvant, Meltzer, Bevers and others) are actively engaged in their respective therapies but make no particular claims regarding programs of the patients under them. Dr. Overholer, Superintendent and Medical Director, reports that facilities for treatment of mentally ill persons are available, but individual cases present particular problems of appreciation and method.

St. Peter State Hospital, Minnesota—the psychopathic admissions are entered to a close custody admission ward, usually for several months. Some shock treatment is used and other methods within somewhat limited facilities. A certain number of out-patient relationships are conducted and some "off-grounds" permits granted. A reluctance to release sex psychopaths characterizes the state hospital, perhaps due to requirement that release recommendation requires strong supporting statement from the director.

2. Clinics

Private and public clinics are serving the sex offender.

Langley Porter in San Francisco is operated in connection with the University of California School of Medicine and serves public as well as government agencies referring to it. The clinic is utilized by courts and enforcement groups throughout the area.

New York courts (special and general sessions) have psychiatric clinics in connection with the court. The purpose is diagnostic and the findings are offered to assist court in its case dispositions.

The tremendous number of cases submitted to these clinics, however, results in rather assembly line methods (15 minutes to one hour interviews). Most psychiatrists do not believe that valuable diagnosis is available under such circumstances.

Private clinics also assist in these matters. In New York the Quaker Clinic counselled with some 600 cases in the past 20 months. One half of these were referred to the clinic by the Magistrates Court (handling minor offenses) and the balance were volunteer patients. The voluntary group is increasing according to the clinic and it is within this group that best results are obtained.

Statistics re number of persons under private treatment are not available. It is believed that the number is increasing. If true, it is a hopeful sign.

CHAPTER VIII

RESEARCH IN SEX CRIME PROBLEMS

The extent of the sex crime problem has interested many persons. The solution of the problem, if any, has engaged relatively few scientific studies.

There are three broad areas in the sex crime problem where research is being undertaken and where more is needed. There are (1) the administration of criminal justice with respect to sex statutes, (2) the techniques and objective standards for diagnosing potential future sex offenders, and (3) the treatment of sex offenders whose behavior is caused by a curable mental illness.

A. THE ADMINISTRATION OF CRIMINAL JUSTICE

Research in the administration of criminal justice should embrace all phases of law enforcement; (1) the reaction of the offended person or victim, (2) the behavior of the officials faced with the crime, and (3) the effect of the legal processes upon the offender.

California has taken some steps in this direction with research in the statistics of a few sex offenses, some study of recidivism, and an appraisal of the convicted sex offender as a probation or parole risk. These studies emanate from different bureaus, however, and lack integration with the over-all problem.

The New York City Mayor's Committee for the Study of Sex Offenses made a preliminary survey of this phase but no specific research project resulted.

The Crime Prevention Bureau in Chicago, Illinois is studying the present methods of crime prevention and this study will include an examination of the processes of law as they are applied to the sex offender.

In their review of the "sexual psychopath" statutes, the New Jersey Commission on the Habitual Sex Offender points up some of the problems involved but no additional research was instituted.

B. DIAGNOSIS TECHNIQUES

The second area of research relates to the development of reliable objective standards for diagnosis of potential future sex offenders. The many tests offered, the techniques employed, and present methods used in diagnosis should be exhaustively studied and evaluated.

California has made some effort in this direction. Some of the institutions so occupied are San Quentin, where Dr. Schmidt is actively engaged in research (as reported in the Appendix) At Mendocino State Hospital for the criminally insane, Dr. David Williams and staff are researching constantly with particular emphasis upon the diagnostic tests employed. (See Appendix for Dr. Williams' report) The Langley Porter Clinic in San Francisco, a part of the University of California, is also devoting attention to the diagnostic methods in an effort to judge their worth.

Dr. Alfred C. Kinsey's research at San Quentin Prison, California, may provide information in this field in addition to the other points of his inquiry.

New York State has a project under way at Sing Sing Penitentiary. One hundred prisoners have been selected for study and treatment. The director of the project, Dr. David Abrahamsen is preparing a report for publication early in 1950 which will reveal the product of this two-year effort.

The project is financed by the state (\$35,000 for the first year and \$45,000 for the second year), and was approved by Governor Dewey because New York believed that research should precede legislation on this matter.

Michigan has entered the effort through its Wayne University Medical School which has established a clinic for research on psycho-sexual deviation. (See "Terror in Our Cities," Collier's January 21, 1950, p. 64.) There is also a plan to create a neuropsychiatric institute for the training of the professions engaged in the fight against sex aberrants. This institute will be formed in Detroit, Michigan.

In Chicago the Michael Riss Hospital is reportedly instituting special research on the reliability of known diagnostic methods.

The Gary Methodist Hospital of Gary, Indiana, is adding a wing for the treatment of mentally ill persons and Superintendent John M. Anderson has studied the diagnostic needs as well as the problem of architecture designed for this patient group.

Minnesota, recognized as a leader in sex legislation, has recently renewed its interest in the problem by a research of present methods. The research is being conducted at the State Hospital at St. Peter, Minnesota.

Berlin, Germany is the site of a research which many medical men believe will produce much of interest. Dr. Magnus Hirschfeld heads a group researching the pathology of the sex pattern. The patients involved have been introduced to the purpose of the study and their responses are entirely voluntary. It is believed that such responses are more accurate reflections of the actual practices and patterns of sexual behavior than are the responses of patients who are institutionalized.

Dr. Kurt Fantle (Los Angeles City Health Department) points out that much of the value possible from research is lost if the researcher must rely on "criminal statistics" to guide his appraisal of behavior

C. TREATMENT OF MENTALLY ILL SEX OFFENDERS

The third area of research in which there is some activity and for which there is urgent need is in treatment methods. Serious thinkers urge that no lasting formula advanced as a solution of the sex crime problem will be superior to the treatment element of the formula. It is apparent that a tremendous effort would be necessary to establish a treatment program; but, before it should be undertaken, the directors of the program should be supplied with reliable information on what constitutes treatment.

Within the United States, there are several active researches directed toward the treatment segment. In each instance the men engaged in the work deplore the limits imposed by lack of personnel, funds, and

facilities. They continue however, and we may hopefully look forward to their results.

At St. Elizabeth's Hospital in Washington, D. C., Medical Director Dr. Overholser has programs of group therapy, individual therapy, medication, psychoanalysis, and all the recognized medical approaches laboring with the patients. Here Dr. Cruvant is watching the effects of various therapies as administered by Dr. Meltzer, Dr. Bevers and others. Any signs of results will be reported by this medical unit.

The Quaker Emergency Service Clinic in New York City has applied various therapies to nearly six hundred patients. The clinic intends to publish a progress report this year (1950).

In New York City, Bellevue's psychiatric staff handles its hundreds of patients with the researcher's eye. Their constant attention may be rewarded by the identification of treatment methods.

The hundred men selected by Dr. Abrahamsen for his study at Sing Sing Prison in New York have received and will continue to receive treatment in the hope that something definite will emerge.

California institutions are making every effort to utilize known treatment methods and to devise new techniques. The reports of Dr. David Schmidt (San Quentin) and Dr. David Williams (Mendocino) present their efforts and problems. (See Appendix.)

It should be noted that there are methods of treatment which are not medical. These include such things as the effect of social disapproval and the deterrent effect of law and punishment. There has been some research in these types of "treatment" and there is much more needed.

Researches in England have indicated that the severity of the penalty is not the prime factor in the deterrent effect of punishment. These results agree with the researches of Sheldon and Glueck in this Country. They found that the two most important factors were quickness of apprehension and certainty of some punishment.

CHAPTER IX

COMMUNITY PROBLEM: ROLE OF OTHER GROUPS**A. THE COMMUNITY AS A GROUP**

The sex crime problem is a community problem. It was made evident to the subcommittee that many other groups in society beside law enforcement and medicine have an important responsibility in this connection.

Testimony was received as to the nature of the responsibility of these other groups in the community. Furthermore, certain representatives of these groups told of their activity in meeting the responsibility.

The difference in theory and practice was illustrated. In some instances, group organizations were not supplying the leadership. In other instances, the leadership of the organization was active, but the individual citizens attached to the groups were passive to the problem.

There were, of course, instances where the community and its organizations as a cooperative whole were doing something. It was here that the sex problem was minimized.

B. THE HOME**1. Parents**

Testimony indicated that the heavy responsibility borne by people who are parents was not being carried out in many instances. It was not the group which was blamed, but certain individuals. These instances of negligence by parents very greatly hinder the work of crime prevention and crime prosecution.

An area of negligence at home is in the proper training of children—training in self-control, training in avoiding danger, training in constructive habits. An example was cited from one California community. A check of the child molestation cases reported to the police during the past year indicated that the great majority of molestation cases could have been avoided if the child had “known better.” It was recommended that parents enforce their “own curfew law” and know the associates of their children.

Another area of negligence and noncooperation is in parents’ relations with law enforcement agencies. (1) Offenses are not reported. There were instances where investigation of a report of child molestation would reveal that as many as three to six prior acts of child molestation by the same offender were known to the respective parents of the children involved. These prior offenses had not been reported. (2) Parents who reported refused to prosecute. In these situations, prosecuting officers were forced to drop the case.

Certain organizations among parents are particularly active. The Parent-Teachers Associations have been carrying on programs of education and prevention in many instances. (See the remarks of Mrs. Ralph Lewis in the Appendix.) Certain neighborhood organizations have played a great part in combatting the problem. In Mullanphy, Missouri, “block mothers” set up an organization to protect their children going to and from school. (See “The City That Does Something About Sex Crime,” Collier’s, January 21, 1950, page 64.)

2. Family and Friends

Testimony indicated that individuals who are members of the family or friends of a person involved in a sex crime, as offender or as victim, have a large responsibility. Many such individuals are not meeting the responsibility they owe to their community.

C. SCHOOLS

The responsibilities of the schools were outlined by Dr. Alexander J. Stoddard, Superintendent of Schools of Los Angeles. He stated two general responsibilities. The first was to "provide a clean wholesome environment for growing boys and girls." The second was to teach from kindergarten to college appropriate social and personal standards. This should be done through providing a continuing curriculum program in both physical and health education.

Dr. Stoddard listed certain specific responsibilities of the schools. (1) "There should be a most careful screening of all employees." (2) "On the positive side, only those school employees should be selected, and continued in service, who have excellent educational, cultural, and social backgrounds." (3) "Every possible precaution should be taken to provide a program for the early recognition by school personnel of any signs of mental, emotional, or endocrine abnormalities and especially deviant sexual behavior." (4) "Corrective measures should be provided through school medical, counseling, and psychiatric services, including the operation of guidance, welfare and adjustment rooms and child guidance centers." (5) "Every precaution should be taken to safeguard children from potential or actual sex criminals." (6) "We try to take every precaution to see to it that children do not become morbidly conscious of this subject, so that they act in a prudish way towards people." (See remarks of Dr. Alexander J. Stoddard in Appendix.)

School personnel are attempting to meet their responsibilities. Their success varies, of course, in individual instances. Most success appeared in areas where the members of the community most actively supported their representatives in the schools.

D. RELIGIOUS ORGANIZATIONS

Both the clerics and the laity in religious organizations have a sense of responsibility in the problem of sex crimes. The subcommittee was informed that this group recognize duties in this problem as in other problems of the community.

The Reverend F. C. Farnham, Executive Secretary of the Church Federation of Los Angeles and the Southern California Council of Protestant Churches testified as follows. "As a responsible element in our social structure, we humbly accept our share of guilt for any sins of omission which may have contributed to this unhappy situation, and we stand ready to undertake our share of the remedy.

"Our churches do not claim to be specialized agencies for dealing with sex crimes. But our churches do deal with persons of all types, and with the underlying problems and motives, as well as conduct of people. Throughout its existence, the church has been concerned with persons, with social relationships, and with moral, social, and religious foundations of conduct. The churches work constantly against the background or upon the foundation of personal and social ethics, having the long

range, and permanent good of individuals and society constantly in view. Ever present is the concern that individuals achieve moral stature, social acceptability, and full spiritual selfhood." (See remarks of Rev. F. C. Farnham in Appendix.)

E. YOUTH ORGANIZATIONS

Various organizations for youth have programs which attempt to prevent sex crimes.

The first and primary approach is the screening of personnel. This includes removal of persons with dangerous behavior habits from positions where they have continuing contact with youths.

A second aspect is to develop normal attitudes toward sex in the youthful mind. Healthy group activities like discussions, movies, lectures, dances, and parties are utilized as much as possible.

Thirdly, youth organizations often provide facilities for young people where authoritative literature on sex education is available.

Fourthly, they often provide counseling services for young persons with difficult "problems."

A fifth aspect of youth organizations is the creation of committees and groups of young people to consider the problems of the community. It has been found that young people will work out their own "problems" in activities where they are helping others.

F. MENTAL HYGIENE SOCIETIES

Mental hygiene societies have been formed by people who wish to promote the mental health of persons in the community. They accent first the prevention of mental and emotional breakdowns in children and adults. Secondly, they stress the treatment of mentally ill individuals. The societies educate fellow citizens to the necessity for constructive action to promote mental health. Further, the societies take an active part in obtaining the mental hygiene facilities that each community needs.

Representatives of two coordinating agencies active with societies interested in mental hygiene testified before the subcommittee. (See the remarks of Dr. Dressler of the Southern California Society for Mental Hygiene and of Mr. Sidney Zagri, Executive Secretary of the California Citizens' Committee for Mental Hygiene, Inc., in the Appendix.)

G. THE PRESS

The role of the press in the sex crime problem was stressed in testimony before the subcommittee.

1. Actual Practices of Newspapers in California

Mr. John B. Long, General Manager of the California Newspaper Publishers' Association, testified on December 8, 1949, as to the policies of California newspapers. His statements declare the following general policies:

Murder and Kidnaping cases. In general, if the story is run, there is no policy against printing the names and addresses of the victims, minors or not, and of relatives such as parents. In other words, these facts usually appear.

"Major cases," those involving prominent people. Here again, complete stories are generally written. There is no policy against printing names and addresses. This is true whether the prominent person is

involved as offender or as victim. If the offender is prominent, there is no policy against printing the name and address of a minor victim. Complete information on crimes in these cases is published on the theory that "names make news." The point was illustrated by the cases of Thomas Johns, tennis champion, and Charlie Chaplin, movie star.

Rape cases. Mr. Long testified that the average newspaper had a policy against printing the average rape case. All but a few do not even use the word "rape." When a rape case is reported and it involves a minor, the policy is not to print the name of the victim or parents, or the address.

When a rape case involves an adult, and it is reported, the policy in these cases is to print the name and address of the adult victim.

Lewd and lascivious conduct with children under 14. The policy in these cases is not to print the name of the victim, the parents, or the address.

There was testimony by others before the subcommittee that names and addresses of victims and their parents were very often printed in California papers. The particular types of cases were not specified.

2. Effect of Newspaper Publicity Practices

Arguments and facts were presented to the subcommittee both pro and con on the publicity policy of California newspapers concerning sex crimes.

CON:

Hindering the administration of justice. There was much testimony to the effect that newspaper articles which presented the names and addresses of the victims and relatives had an ill effect. It was argued that publicity in the newspapers caused citizens to refuse to cooperate with law enforcement agencies. Citizens refuse to report large numbers of sex crimes (it was estimated only 20 percent of rapes are reported to police). They refuse to prosecute many cases that are reported. These effects hinder the administration of justice by law enforcement officials.

Causing criminal behavior by juveniles and immature adults. It was suggested that articles giving publicity to crimes, especially the gory and gruesome details, had an adverse effect on immature minds. It was argued that the effect was to inflame imaginations and to contribute to the incidence of crimes of violence.

PRO:

Publishing news, reporting life as it is, is educating. It was contended that the proper function of the newspapers is to publish the news and necessarily to "publish the facts of life as it is, not as it ought to be." The effect of this is to educate the public. Without newspaper articles, most citizens would be unaware of the existence of the sex crime problem.

Awakening citizens to action It was argued that after newspaper accounts of sex crimes made the public aware, citizens were aroused to great indignation. Committees for action were created. News of these activities led to cooperative action by others. The free citizens of a democracy demanded action by their elected representatives in city,

county, and state government. The results were affirmative steps to solve the problem of sex crimes.

Furthering the ends of justice. It was pointed out to the subcommittee that newspaper articles which had printed the names and photographs of victims and offenders had led to the capture of the offenders and the recovery of kidnaped victims. These were cited as some of the instances where newspaper publicity has cooperated with law enforcement officials and has furthered the ends of justice.

CHAPTER X

RECOMMENDATIONS MADE TO THE SUBCOMMITTEE BY OTHERS

Many recommendations were made to the subcommittee during its hearings in Los Angeles, Sacramento, and San Francisco, and also many have been received since the time of the hearing. The following chapter is a report of those recommendations made to the subcommittee, not necessarily by the subcommittee.

The recommendations are grouped according to subject matter. In many cases both the pros and the cons of certain matters were expressed to the committee.

A. RECOMMENDATIONS RE RESEARCH

There were overwhelming recommendations that more knowledge was needed concerning the sex crime problem. To obtain this knowledge, various types of research programs were suggested.

Recommendations as to the administration of the programs varied. It was suggested that a commission be established to administer the research program, and that it should include representatives of the Department of Corrections, Department of Mental Hygiene and the Department of Justice and representative lay-groups. There was opinion that the State should authorize universities to conduct the research. For example, it was suggested that the University of California conduct a research program and carry it on at its Langley Porter Clinic and at nearby San Quentin Prison among the sex offenders incarcerated there. It was also suggested that the Department of Corrections would be the proper administrative head. It was suggested that the Department of Mental Hygiene conduct a research program through the facilities of the state mental hospitals. It was suggested that research be administered by a behavior clinic established under some county probation department. It was recommended that research should be conducted under the administration of some privately endowed agency or under the United States Public Health Service.

Recommendations as to the amount of money the State of California should appropriate varied from \$25,000 to \$500,000. The variation depended to a great extent upon practical matters such as opinion concerning available personnel who are trained to conduct research profitably.

The first step was suggested to be the gathering of the results of reliable research which has been conducted previously.

Research in Administration of Criminal Justice

It was recommended that one aspect of the research should be conducted in the administration of criminal justice. It was stated that the behavior of law enforcement officials when confronted with the problem of sex crimes should be studied as well as the behavior of the offenders. For example, it was proposed that research should be conducted into the four stages of law enforcement described in Chapter V.

Also it was suggested a study be made of sentences which are actually fixed under the Indeterminate Sentence Law.

It was recommended that research be made into the effect upon sex offenders of the present enforcement of the criminal laws. For example, it was recommended that further research be made into the deterrent effect of different punishments. This was recommended to be done to guide judges and supervisory authorities in carrying out present law and to guide the Legislature in enacting any laws which would increase or lessen maximum punishments.

Research in Methods of Diagnosis

It was recommended that research be conducted to establish reliable objective standards for identifying who are *potentially dangerous future sex offenders*. It was recommended that this research be conducted in order to make "Sexual Psychopathic" Acts effective.

A specific suggestion was that the research for this purpose be conducted among the group of convicted sex offenders who are sentenced to San Quentin and also those who are freed on parole. It was stated that a test group of 1,200 men should be studied by a special research staff of four psychiatrists and their necessary clinical and clerical help.

Research in Methods of Cure or Treatment

It was recommended that research be conducted into the methods of cure or treatment of sex offenders suffering from mental illness. It was felt this was one of the most constructive approaches to the prevention of sex crimes.

It was recommended that research be conducted to determine which sex offenders are curable.

It was recommended that research into treatment methods be conducted or perhaps continued at penal institutions, state and private mental hospitals, and at mental clinics.

B. EDUCATION

Numerous recommendations were made that the ultimate solution of the sex crime problem lay in proper education of the public. One aspect of these recommendations was that a new attitude toward sexual matters should be developed in the American public. Another aspect of the general recommendations was that the public should be educated to cooperate with law enforcement officials in reporting and prosecuting sex crimes.

Special Groups

The recommendations concerning education were often directed toward special education of particular groups.

1. Children.

A three-point educational program for education of children was put forth. It included education in a proper manner concerning sexual matters, training in self-control, and cautioning to avoid dangerous situations.

There were recommendations for this personal and family life education of children to be conducted both in the home, and church.

It was recommended that special consideration be given to the curriculum and to the personnel to handle such an education program in

the school. The dangers of over-stressing sex and frightening children were mentioned.

2. Maladjusted Children.

It was recommended that counseling services and child guidance clinics be made available for maladjusted children.

3. Parents.

It was recommended that parents be educated concerning the sex crime problem and the methods for its control on a family level.

4. Teachers.

It was recommended that teachers be educated as to the scope of the sex crime problem and the methods for its control and solution on a school level. It was suggested they be given training in diagnosing the child suffering from personality disorders leading to deviated behavior.

5. Medical Profession.

It was recommended that physicians be presented with special material to acquaint them with the sex crime problem and methods for its control on their level.

6. Judges.

It was recommended that helpful material be made available to judges. It was suggested, for example, that the report of the subcommittee be presented to all judges.

7. Police Officers.

It was recommended that special training for both rural and urban police officers be given. It was suggested the education might be in the form of special training schools in investigative techniques. It was also suggested that a pamphlet be prepared for study and use by police officers.

C. CHANGES IN THE STATUTORY LAW OF SEX CRIMES

1. It was recommended that not much change be made in statutory laws because laws are generally adequate.

2. It was recommended that present sex crime laws be clarified, simplified, or unified where needed.

For example, it was recommended that a uniform age for a "child" be established for Penal Code Sections 288, 644 and 647a. The first section deals with "child under 14," the second with a "child under 12," and the third with a "child" and "school children."

Punishments

1. There were general recommendations both pro and con as to an increase in maximum punishments.

2. There were specific recommendations to increase penalties, e.g.

(a) To increase maximum penalties under California Penal Code Sections 288 (lewd and lascivious conduct with children under 14) and 286 (sodomy and bestiality).

(b) To increase maximum penalty under Welfare and Institutions Code Section 702 (Contributing to delinquency of a minor) to a term of two years in county jail and thus legislatively overrule the case of *in re Chiapetto*.

(c) To increase all misdemeanor maximum penalties for sex offenses to a term of one year in the county jail.

(d) To amend California Penal Code Section 209 (kidnaping punishment) which provides for death or life imprisonment where the person kidnaped suffers bodily harm, to include kidnaping for sex purposes.

(e) To amend California Penal Code Section 645 to provide authority for the judge to order sterilization of offenders convicted of violating Section 288 (lewd and lascivious conduct with child under 14).

(f) There were numerous recommendations against castration as a penalty.

Probation

It was recommended that California Penal Code Section 288.1 be amended to provide that the court could not grant probation to a person convicted of an offense under Section 288 (lewd and lascivious conduct with a child under 14) where the court psychiatrist recommended against it.

Second Offenses

It was recommended that conviction for a second offense of California Penal Code Section 647.5 (vagrant-idle, lewd, or dissolute person or associate of known thieves), or Welfare and Institutions Code Section 702 (Contributing to delinquency of a minor) be classed as a felony.

New Crimes

1. It was recommended that California Penal Code Section 288 (lewd and lascivious conduct with a child under 14) be amended to raise the age of the child from "under 14." It was suggested that it be set at "under 16 years of age."

2. It was recommended that California Penal Code Section 1111 be amended so that in sex offenses all children would be regarded as victims rather than as accomplices, until they reached the age of 18.

3. It was recommended that congregation of "sex deviates" be prohibited.

Evidence Matters

1. Prior Sex Convictions: There were recommendations both pro and con concerning evidentiary rules of exclusion which generally preclude the admission of evidence of a defendant's prior convictions for sex offenses.

2. Corroboration Requirements: At present corroboration is required of testimony by an accomplice before a conviction can be had, and the corroborating evidence must tend to connect the defendant with the commission of the offense. Recommendations were received both pro and con regarding the amending of this provision of California Penal Code Section 1111.

3. Cautionary Instruction: At present, under California law, in certain sex crimes such as rape and sodomy, the judge must make an instruction to the jury to the effect that the charge is easily made and difficult to disprove and that therefore the testimony of the prosecuting witness should be viewed with caution. It is especially effective where a child is the prosecuting witness. There were pro and con opinions concerning the recommendation for legislation to remove this right from the defendant.

D. LAW ENFORCEMENT AND ADMINISTRATIVE METHODS

Cooperation

It was recommended that there be full cooperation between district attorney, juvenile court and police departments in metropolitan areas.

Systems to Keep Track of Sex Deviates

It was recommended that some system be devised to keep track of known sex deviates. Specific suggestions concerned the Registration Act, California Penal Code Section 290, and fingerprinting practices.

Registration

1. It was recommended that Section 290 (registration of persons convicted of certain sex crimes) be amended to include convictions under Penal Code Sections 220 and 647.5 and Welfare and Institutions Code Section 702. These amendments were enacted at the December, 1949 Special Session.

2. It was also recommended that Section 290 be amended to include convictions for crimes motivated by sex (such as certain cases of arson, theft, burglary, etc.).

3. It was recommended that Section 290 be amended to require the convicted offender to report every three months to the sheriff of his county until he produced a bill of health by a psychiatrist that he was no longer a menace to the health and safety of others.

4. It was recommended that Section 290 be amended to require registration immediately upon conviction.

Fingerprinting

1. It was recommended that fingerprinting of all persons arrested for misdemeanor sex offenses be required of police departments, and that the records be made available for all enforcement agencies. Legislation for this purpose was enacted at December, 1949 Special Session.

2. It was recommended that fingerprinting and the checking of fingerprints be made part of the employment practice in many fields where there are frequent contacts with children.

E. SYSTEMS FOR DETECTING DANGEROUS SEX DEVIATES

Psychiatric Clinics for Screening

It was recommended that clinics be established to detect dangerous sex deviates. Some recommendations were that they be handled by psychiatrists. The group of people to be studied varied in different recommendations. Some recommended that all persons arrested of felony or misdemeanor sex offenses be screened. Others recommended the procedure only for second or repeated offenders. Others limited the group to offenders against certain sex laws.

The use of screening methods was recommended for children at school age to detect the "deviated" child.

Many recommended against wholesale use of psychiatric examinations because of dubious value and tremendous costs.

Training of Police

Several recommendations were made that police officers receive special training in investigative techniques for handling sex offense cases. Recommendations covered both rural officers and special details in metropolitan areas.

A method of obtaining instruction was suggested to be the setting up of FBI schools for the purpose.

Police Equipment

It was recommended that crime laboratories for scientific investigations be made available to areas that do not have them. One suggestion was that this be accomplished by setting up districts for supporting the crime labs just as water districts are now created. Another suggestion was that the labs be created under the administration of the State Bureau of Identification and Investigation.

Increased Personnel

It was recommended that personnel in police departments be increased and that more policemen be stationed at areas where children frequently attend.

Prosecution

1. It was recommended that there be more forceful prosecution of sex offense cases. A specific suggestion was that a special body such as the grand jury, handle the prosecution of sex offenses against children.

2. On the other hand, it was recommended that district attorneys value a sure conviction even for a misdemeanor as more important than gambling for a higher sentence.

Court Procedures

1. It was recommended that court procedures be adopted to handle cases where children are witnesses. Small courtrooms or courtrooms closed to the public and press were recommended. In addition, it was recommended that a procedure for limiting examination of the child be devised, and that judges use discretion in this regard wherever possible.

2. It was recommended that all officials exercise discretion wherever possible to bring sex offense cases to quick trial.

Outside Advice for Judges

It was recommended that sources of information concerning defendants be made available for judges following conviction. It was recommended that the FBI report on the defendant be made available to the judge and that probation department reports include some psychiatric opinion. It was also recommended that a panel of experts, to include at least a psychiatrist, psychologist, sociologist and criminologist be set up to advise judges.

Selection of Jurors—Information

It was recommended that the person with responsibility for selecting prospective jurors, have an affidavit signed by each prospective juror giving pertinent facts as to family connections, experience, etc. This information should be available to prosecution and defense attorneys.

Jury Vote Required for Conviction

It was recommended that the conviction requirements for jury trials be lowered in misdemeanor cases from a unanimous decision to a vote of guilt by nine out of twelve jurors, and in noncapital felonies to 10 or 11 out of 12 jurors.

Probation Standards

It was recommended that uniform standards be set up for all California probation departments.

F. BEHAVIOR CLINICS

It was recommended that behavior clinics be established immediately for the assistance of all courts. The clinics would be staffed by psychiatrists, psychologists, criminologists and psychiatric social workers.

One function of such clinics would be to furnish information concerning convicted defendants to courts faced with the problem of passing sentence. This would be a study and diagnosis function.

It was recommended that such clinics could perform a second function, that of research into the problem of the sex offender.

The third function suggested was one of treatment, both for the defendants and volunteer patients.

It was recommended that behavior clinics be established for municipal courts as well as superior courts in metropolitan areas.

Recommendations as to administration of the clinics were that they should be attached to the county probation departments or to the State Department of Mental Hygiene.

G. SEX PSYCHOPATHIC ACT

1. Who should be committed Numerous recommendations were made that a definition of a "sexual psychopath" be revised and reworded in Section 5500 of the California Welfare and Institutions Code. Although there was some recommendation that the definition be made broader to include "all sex deviates," most recommendations were that the definition be made clearer.

It was recommended that the definition of a sex psychopath be made to include all second offenders of sex crimes listed in California Penal Code Section 290 (the Registration Act).

Others agreed that a second conviction of certain sex crimes should be established as a criterion of a "sex psychopath." But they recommended that the definition be limited to this criterion and that the sex crimes be limited to serious crimes such as sex crimes involving force and sex crimes against children.

Some recommended no change at present in the law considering the following factors: The limited facilities and personnel for control, absence of proven treatment techniques for cure.

The superintendent of one hospital recommended that safeguards be set up to keep "sane" people out of mental hospitals—people who had been committed under a sexual psychopath statute.

2. Many people recommended that the present law would be used more if a provision were made for immunity from civil liability for filing a petition.

Mentally Abnormal Sex Offenders

It was recommended that the provisions under Section 5600 et seq., Welfare and Institutions Code, for voluntary commitment of "mentally abnormal sex offenders" be unified with the provisions in Section 5500 et seq. concerning "sexual psychopaths."

Recommendations concerning the need for adequate definition of "mentally abnormal sex offenders" were made.

It was recommended that the district attorney be allowed to institute proceedings under this law.

H. CONTROL OF SEX OFFENDERS

1 It was recommended that noninstitutional methods of supervision and control be used wherever practicable. It was suggested that probation and parole be granted convicted sex offenders more freely. It was suggested that outpatient or extramural treatment facilities be established for service to these sex offenders outside of institutions.

2. It was recommended that all "dangerous sex offenders" be incarcerated in institutions for the protection of the public, either under a theory of punishment for crimes or a theory of quarantine because of dangerous mental illness.

To handle the increased institutionalization it was recommended that staffing of state hospitals and state prisons be increased to make them adequate.

It was recommended that trained religious counselors be employed in custodial and rehabilitative institutions.

3. It was recommended that "all sex offenders" be segregated and placed in the same institution. No breakdown as to particular types of sex offenders was made in many recommendations.

To the contrary, many authorities recommended that sex offenders who were in mental hospitals for mental treatment could be cured more readily if not segregated from other patients.

Some recommendations as to segregation of sex offenders were limited to segregation of the effeminate homosexual group who cause disciplinary problems.

CHAPTER XI

CONCLUSIONS

The subcommittee has been in session since December, 1949, when it held its first public hearings on December 7, 8 and 9. It has been conducting its study since that time and now presents a preliminary report. Herewith are the preliminary conclusions the subcommittee has reached at this time. There are additional facets to the sex crime problem not covered in the conclusions which the subcommittee would like to pursue in the future and will report to the 1951 Session as required by the resolution creating this study.

A. VASTNESS OF THE PROBLEM

Violations of the laws of society in relation to sex crimes is not a new problem. It has existed from time immemorial, even to the extent that reference is made to it in Biblical law. It is one of the most aggravating types of offense. It is often brutal and usually insidious. Its victims are young and old, male and female. There is no group in society that is not affected upon occasion.

The substantial incidence of sex offenses makes the problem a serious one. It has been reported to the subcommittee that a high percentage of citizens could be prosecuted for violation of one or more of the sex laws if all incidents were reported that are now enumerated as sex crimes.

California has not been engulfed by a wave of sex crimes. There has been no great increase in the number of sex crimes, and the percentage perhaps has dropped in proportion to the rise in population. The "wave" of sex crimes is no more than the chance occurrence of one or two heinous crimes which received wholesale newspaper publicity.

The difficulty of the problem is increased by the fact that the sex offender does not fall within any one classification. Sex offenders come from all strata of society. They run the gamut of sociological and psychological characteristics. They seem to have little in common except their behavior. There is no specific evidence that the behavior is an hereditary trait. It is practically impossible therefore to predict, on the basis of any known criteria, what individuals will be implicated in serious sex crimes.

B. PRESENT LAWS

The present sex crime statutes in California are extremely comprehensive. They provide a prohibition against any conceivable sex deviation. There is nothing that can be added in the way of prohibitions.

The present penalties are severe. In fact, they are as severe as those of any state in the United States. There are modern studies indicating that additional severity is not a solution. In the light of this, there should be no wholesale increase in penalties pending results of studies as to the deterrent effects of increased punishments.

There may be exceptions to this rule. It may be advisable to change the law relating to punishment of certain types of offenses by adding the so-called "Little Lindbergh Act." This would provide a greater penalty for certain violations where the victim has suffered great bodily harm.

The jury would be allowed to recommend to the court that the death penalty or life imprisonment be imposed upon the defendant.

C. CRIMINAL LAW—ENFORCEMENT PICTURE

Although the laws are adequate, they are not being enforced. There are a number of factors which interfere with successful law enforcement.

1. The Public Fails to Support Prosecution

The public, especially the victims and the victim's family or neighbors, often do not support law enforcement. Victims fail to preserve the necessary physical evidence. They may unwittingly destroy clothes or stains, or prints. Their delays in reporting may result in contamination of the evidence and its later disqualification for court use. Victims are unable to supply information. They may be distracted by hysteria, or incapacitated by their youth. Victims are unwilling to supply information. They are often reluctant to repeat details of attacks and are embarrassed by and afraid of the attendant publicity. They are hesitant to report a friend or neighbor for fear of reprisal. And the families wish to avoid publicity or to protect the victims from the psychological impact of proceeding with the prosecution. Thus even where a report is made, the victim and the victim's family are often unwilling to testify.

2. Investigative Technique

Proper investigations of sex crimes are not made. Many law enforcement agencies do not have adequately trained personnel to investigate appropriately an alleged violation. The investigation of a sex offense requires particular training. Police personnel must be very tactful in dealing with people, both victim and witnesses, and must satisfy the victim that the matter will be handled in a discreet manner. It requires a special type of personnel. They must be quick thinking and energetic in acting to preserve physical evidence. They must be scientifically expert in utilizing laboratory equipment.

Large jurisdictions are reasonably well equipped to handle this problem but smaller communities cannot reasonably support individual crime laboratories or training programs. Therefore the State and/or the Federal Bureau of Investigation should offer training help and laboratory facilities to assist in the solution of the problem.

3. Low Rate of Convictions

It is evident that a low rate of convictions is being obtained when the convictions are compared with the offenses reported. There are several reasons for this low conviction-ratio.

(1) It is often determined that no violation took place. Sometimes an alleged child victim has merely imagined the facts, heard them from some other source, or invented them to protect a boy friend. (2) Sometimes the victim fails to identify the suspect. (3) The suspect arrested has been charged by the officers with having committed a felony when in fact the evidence only justifies a misdemeanor charge. This may be due to the fact that the officer did not see the act committed and does not desire to take time to get a complaint. He therefore arrests the suspect for a felony for his own (the officer's) protection. (4) Often no violation occurred and the arrests were so-called "rousts" on the part of law

enforcement. (5) There is often insufficient evidence to result in a conviction either because the investigating officers have been neglectful or careless in preserving evidence and conducting the investigation, or because the victims have unwittingly destroyed part of the physical evidence, or because the physical evidence has been contaminated and thus disqualified for court use. (6) Prosecuting officials are desirous of obtaining as high a conviction rate as possible and thus reduce the charge in order to get some type of conviction. (7) There is difficulty in establishing corroboration for the testimony of a victim in a case where it is needed because he is old enough to be an accomplice. (8) The available testimony does not hold up in court. (9) The jury will not convict when the penalty seems inordinate to the offense. (10) Many times the good reputation of the defendant in the community is such that a conviction is not obtained. (11) Some courts and juries are not desirous of sending a first offender or someone of good character to a penal institution. Also some authorities do not desire to send homosexuals to a penal institution. (12) Other factors are the inadequacy of investigative and prosecuting personnel, the lack of preparation of prosecuting officials, a lack of a consistent judicial attitude, and the questionable practices of some attorneys.

4. Rules of Evidence

The subcommittee concludes that there is a very definite conflict of opinion among authorities as to the good or bad effects of the following rules connected with evidence before the court.

1. A rule requiring more evidence, the corroboration rule. Under this rule a corroboration of the testimony of the complaining witness is required if he is of sufficient age to be an "accomplice" rather than a "victim." This is the requirement under Penal Code Section 1111.

2. A rule restricting the admission of certain evidence, the prior sex crimes convictions rule. The issue here is whether or when evidence of the defendant's conviction of previous sex crimes is admissible.

3. A rule requiring a cautionary instruction to the jury regarding the weight to be given certain evidence, the cautionary instruction rule. The court is now required in certain cases, by California case law, to give a cautionary instruction to the jury to the effect that the testimony of a child under a certain age should be viewed with caution.

We do not believe any change should be made at present until we can complete this study.

5. "Floaters"

A factor which contributes to the lack of successful law enforcement is the practice in some courts, particularly in the smaller communities, of giving a "floater" in the lesser type of sex violations. The attitude evidently is that this will rid their particular community of that individual. This vicious practice only increases the over-all state problem because that individual may then become a charge upon another community. In addition, he will go to a community where officers will not be on guard against his propensities.

Your subcommittee believes that this practice should be discontinued at once, and all law enforcement agencies so advised.

6. Systems of Keeping Track of Sex Offenders

The subcommittee concludes that a system is needed for keeping track of sex offenders.

The Registration Act, California Penal Code Section 290, was enacted for this purpose. It is not being adequately used by law enforcement officials. If utilized it might assist in the problem of keeping track. Until it has been used and tested, it cannot be fully evaluated. Certain changes were made at the Special Session during December, 1949, which were designed to make the act more effective and universally used throughout the State.

Fingerprinting. In the past, the procedure of fingerprinting persons arrested for sex offenses was not adequately utilized by law enforcement agencies. Testimony at the hearings before the subcommittee in December, 1949, indicated this. Accordingly changes in the law during the Special Session in December were made. A statute was enacted with a mandatory provision that law enforcement agencies fingerprint all individuals arrested for any and all sex violations, and procedures were set up whereby all law enforcement agencies can receive value therefrom. The Bureau of Criminal Identification and Investigation should be informed by local courts of all convictions of sex offenders.

The subcommittee believes that fingerprinting would be of assistance in the screening of all doubtful personnel engaged in activities having constant contact with children.

7. Instruction to Children

Another factor contributing to the failure of law enforcement is that children are not in all instances instructed in the home and in the schools as to precautionary measures to safeguard them against sex offenses. At the Special Session in December, 1949, a resolution was passed whereby the Superintendent of Public Instruction should take all necessary measures to disseminate certain specific instructions to all school personnel, pupils, P.-T. A.'s and other cooperating groups.

8. The Press

The subcommittee concludes that an important factor in the successful prosecution of the sex laws is the effect of newspapers. Although freedom of the press is a constitutional right with which this subcommittee is in full accord, the subcommittee concludes that better cooperation on the part of the press would be desirable. Facts can be duly reported in the papers without the necessity of disclosing the name and address of the victim, and of going into minute and gory detail as to the manner in which the offense is committed. Many young children may be influenced by reading such statements. Furthermore, the subcommittee concludes that many offenses are not reported and many persons do not testify because they hesitate to evoke the harmful publicity which entails.

Withholding the victim's name and address is in line with the present exemplary policy of leading newspapers.

D. MENTAL ILLNESS—TREATMENT APPROACH

1. Sexual Psychopath Act

The subcommittee concludes that the Sexual Psychopath Act, Section 5500 et seq. of the Welfare and Institutions Code, is not being utilized to its fullest extent. The Sexual Psychopath Act is handicapped

in its administration by the problem of a concrete definition and the diagnosis of a "sexual psychopath." There is very little in the way of successful treatment available for persons who are committed as "sexual psychopaths."

The subcommittee concludes, however, that greater use of the Sexual Psychopath Act would assist in the elimination of persons who are a serious menace to society. Second offenders should automatically be checked to see if within the Sexual Psychopath Act.

2. Treatment Methods

The subcommittee finds that there is a great deal of valuable work proceeding in the area of treatment techniques. The results so far, however, are very limited. Psychotherapy has produced some positive claims of results but its techniques suffer from the fact that they are time-consuming and therefore costly. Surgery methods such as sterilization, prefrontal lobotomy, and castration have not developed any conclusive answers. In fact there are great dangers in the use of lobotomy and castration.

The subcommittee was unable to find any actual medical studies which supported the use of castration as a treatment method. Medication methods such as hormonal therapy, use of drugs, and shock treatment have so far produced inconclusive results.

3. Treatment Facilities

The subcommittee concludes that there are not sufficient facilities nor trained personnel to handle the "treatment" of all sex offenders, or perhaps even of all "dangerous sex offenders." The subcommittee concludes, however, that much research is needed as to what constitutes treatment before large facilities or excess personnel could be used profitably. Psychiatrists in state institutions are underpaid and have too great a caseload.

E. SEGREGATION

Considerable testimony was offered indicating that there is very definitely a problem as to where sex violators should be incarcerated. The testimony reflected that incarcerating these individuals does not solve the problem, and in all probability makes a greater existing problem in the management of the penal institution itself.

Testimony was further offered that incarceration of certain types of sex offenders did not offer a cure and merely served to quarantine the individual during the time of the incarceration. (As set forth in this report, some states are following the procedure of setting up a plan of probation and treatment in an effort to solve the over-all problem.) Testimony was also received indicating that these individuals are not mentally unbalanced to the extent that they should be confined in an institution for the insane. When they have been sent to a mental hospital, they add to the problem of the operation of that institution.

Testimony was also offered indicating that segregating them all in one institution would be justifiable, although presenting a vast problem in itself.

F. RESEARCH

The subcommittee concludes that above all, what is needed is research in three major areas of the sex crime problem.

1. Administration of Justice

Research into the administration of criminal justice should embrace all aspects of law enforcement.

a. *The Offended.* Answers are needed to the following questions. What is the reaction of the person offended, the victim? What damage does the victim suffer? What causes the damage? In what localities are victims generally attacked or molested, i e., what are the danger spots in the community? What types of persons are generally victims of sex crimes?

b. *The Official.* The following questions need answering. What is the behavior of the enforcement officials when faced with a sex crime? How do the police conduct investigations? Why do they carry on certain arrest practices? How do prosecutors function? Why are their arrest-conviction ratios low? How do juries react to the problem? What are the judicial practices? How do probation officers respond to the defendant? What types of sentences are actually given under the Indeterminate Sentence Law? What are parole practices? What methods of the various officials are producing positive results? What types of personnel function best?

c. *The Offender.* The following questions are very pertinent. What is the effect upon the offender of the various processes of the law—arrest, arraignment, trial, prison, probation, fine, etc.? What acts as an effective deterrent?

2. Nature of the Sex Offenders, Diagnosis

There is much research needed into the nature of the sex offender. What are his sociological characteristics? What is his psychological makeup? What types of mental illness, if any, does he have? How can you determine in an objective manner that a person is a menace to society or that he has a propensity for certain conduct?

3. Treatment

Some methods should be devised for the cure or treatment of sexual offenders who are suffering from a mental illness and may be considered curable. This treatment may be medical in nature or it may be social. But more knowledge is needed concerning the motivation of human conduct, and the straightening out of the criminal.

We are not agreed on what agency should handle the research, but feel that the State should appropriate sufficient funds to make this study by representatives of penal institutions, mental hospitals, psychiatrists, enforcement officials, and lay experts.

G. COOPERATION OF THE COMMUNITY

It is the conclusion of this committee that the problem of sex crimes in California cannot be solved by legislation alone. It can only be solved by thorough and complete cooperation on the part of every citizen. This

means cooperation by the citizens in reporting and in testifying ; cooperation of law enforcement in investigating ; cooperation of all civic organizations and those dealing with children, such as schools, Y. M. C. A., Y. W. C. A., churches, Boy Scouts, Girl Scouts, etc. ; cooperation of parents in the home in instruction ; cooperation in the medical profession in research and in offering treatment ; and cooperation of the offenders themselves in seeking and accepting treatment.

The final report of the subcommittee will be submitted in January, 1951.

APPENDIX

EXCERPTS FROM TESTIMONY**EXCERPT FROM TESTIMONY OF DR. NATHAN K. RICKLES**

DR. RICKLES: I am Dr. Nathan K. Rickles, private psychiatrist in Beverly Hills, California, formerly director of the Behavior Clinic in Kings County, Seattle, Washington, and at present chairman of the Professional and Scientific Committee of the Psychiatric Foundation of the American Psychiatric Association.

BECK: What is your address in Beverly Hills, Dr. Rickles?

DR. RICKLES: 9730 Wilshire Boulevard.

BECK: Thank you.

DR. RICKLES: I was here this morning and listened to some of the statements made, and I'd like to, if possible, at this time take a couple of exceptions because I think there is danger in too optimistic and too generalized statements to go on record, because psychiatrists are far from God and even God has made enough mistakes in this world already, and I don't think it should be incumbent upon psychiatrists to have to make too forceful statements in a field where there is still need for continued study and research.

BECK: Just for the record, Doctor, when you said God has made mistakes, you mean from your own human viewpoint—

DR. RICKLES: From my observations.

BECK: Yes. All right.

DR. RICKLES: I don't think it is fair to state that even with an extensive psychiatric approach to our present sex problems that there will not be continued sex murders and problems such as we have to face today; because that is a problem in human emotions that has to deal with our mores of society, and there is no telling, no matter how careful and deliberate and how wonderful our work can be, that people still won't react in an abnormal manner and still commit so-called sex murders. I do feel, however, that if we can, in an intelligent, thoughtful, understanding way, change our attitudes toward sex in general and towards abnormal sex behavior, we can in time eradicate a great deal of the misunderstanding and the unfortunate stigmatization to so-called sexual psychopaths, so that their difficulties will be more available and accessible to proper psychiatric evaluation and care.

I should like to state that, in my opinion, it is extremely urgent at this time that a calm, level-headed approach be taken to the problem of sex criminals. An hysterical, vindictive attitude will gain us nothing. Actually, there is no such thing as waves of sex crime, but what usually happens instead is that undue publicity and excitement serves suddenly to bring these occurrences to the attention of the public in a more forceful way than usual.

It is important to realize that so-called sex crime has been prevalent from time immemorial, as proved by the various and numerous injunctions, taboos and restrictions set up in all societies throughout the ages, as well as by the stern laws and punitive measures adopted by all religions and nations in an effort to curb such acts. It is equally obvious that all such measures have been ineffective. It is time now that we make an effort, instead of forbidding, to understand what motivates abnormal sexual behavior. We should become aware that what is called abnormal sexual behavior is nothing more nor less than an exaggerated form of

what is considered normal sex behavior. Due to certain inherent or environmental factors, some individuals are unable to adjust to the mores and demands of our society and so they manifest antisocial behavior in many different ways, of which sex is only one facet of a complex pattern.

It is my belief that sex offenders should not be treated any differently than any other type of lawbreaker. I feel that once an antisocial act has been committed, the offender, if adjudged sane and legally responsible, should be put on trial as are all other offenders and if found guilty, should be sentenced in the same way. Sex murders should be approached on the same basis as murders for any other motive. The particular facts in the present case or cases of sex crime in California should not be influencing factors when considering ways and means of dealing with sex offenders in general, nor should they have any bearing on present or proposed legislation to deal with this problem. We must recognize that if we automatically establish the death penalty for sex crimes, as has been proposed in the newspapers, we will be going backwards in our culture to the times when kings and despots could arbitrarily decide the fate of any individual. In a free country and society, this should never be permitted.

To speak intelligently on this subject, there should be some scientific study to use as a comparative basis and understanding of what constitutes abnormal sex behavior and what are the characteristics of the so-called sex perverts or offenders. The most extensive and complete study of sex cases is New York City's Report of the Mayor's Committee for the Study of Sex Offenses, which deals with nine specific types of sex crimes which came to the attention of the police, the district attorneys and the courts throughout the City of New York during the ten-year period, 1930 to 1939. The offenses selected for study were forceful rape, statutory rape, carnal abuse, sodomy, incest, abduction, seduction, impairing the morals of a minor, and indecent exposure.

Conceding that statistically portrait characteristics are merely surface indications of personality, the report nevertheless presents a factual picture of the sex offender based on statistical findings. The foremost fact is that sex offenders form no set type physically or mentally. They are usually of average intelligence; far from appearing brutish, many seem timid and self-conscious, shrinking from all contact in a shamefaced, evasive way and refusing to face the facts of their behavior.

Youthful sex offenders, men between the ages of 16 and 30, accounted for 59 percent of the total convicted, though men over 31 were chiefly responsible for indecent exposure. Single men predominated, accounting for 60 percent of the offenders. Eighty percent were white, thus refuting a popular belief that colored people are responsible for a large percentage of sex crimes. Another theory, that transients and the migratory play a large role in sex crime, was proved to be a misconception by figures that showed that 76 percent had been residents of the City of New York for at least 11 years; only 2 percent had been there less than a year. Nor were the majority homeless floaters; ninety-seven percent either had their own homes or were living with relatives.

The report shows that the distribution of sex crime tends to follow the distribution of population more closely than other types of crime, that it is more of a neighborhood or community problem; thus Kings County, the most populous of New York City, led in such crimes as rape

and indecent exposure. In the latter years of the study, there was marked increase in the number of arrests for indecent exposure. First offenders were the majority, dispelling any suspicion that the recidivist is most to blame for sex crimes.

About 6 out of 10 had no criminal record, and even the remaining four had usually been previously arrested for other than sex offenses. The fact that two-thirds of the offenders convicted in 1930 failed to reappear in police lineups after the lapse of a decade is further proof that sex crime is not habitual behavior with the majority of offenders. Of the repeaters, indecent exposure accounted for several convictions. The most significant sentences involved four men convicted of indecent exposure who were later adjudged insane and committed. None appears to have undergone medical or psychiatric examination upon his first conviction. The report emphasizes, and my own experience confirms this, that true exhibitionists seldom, if ever, go beyond the simple act of exposure. They make no attempt to attack or molest and, as a result, they are not actually dangerous to society. They certainly do not fit the public's mental picture of a sex maniac.

The report concludes that the sex offender differs little from other kinds of offenders. Often he is a social, economic, as well as a personality problem. Any attempt to study him, therefore, must embrace the whole person, not merely the sexual side of his makeup.

The success of any treatment program depends largely on the attitude of society. The courts, the prosecuting attorneys, the police, and all others involved should be brought to take a new and more enlightened view of the problem. It is obvious that old attitudes and approaches are wrong. With the recognition of the sexual psychopath as a sick person in the majority of cases, it becomes possible to interpret his actions and so be in a position to help him. Punishment has failed in the past. What is needed now is a psychotherapeutic approach in which all the authorities concerned will cooperate. This does not mean that the sexual psychopath is to be pampered or coddled, but simply that the situation will be better, more speedily and more economically handled, if the agencies designated by society to deal with its problem adopt a mature and scientific attitude.

The sexual psychopath laws take due cognizance of these facts. However, it is one thing to establish and admit something in theory—that these offenders are sick people who need medical care—but another thing to put it in practice. The thought must be implemented by action and means must be provided so that such action can be taken. The present grievous lack of both means and action was recently demonstrated by an episode which took place in the Superior Court of Los Angeles, one of the many similar episodes which occur daily in courts all over the Nation. The *Los Angeles Times* reported the case of a sex offender who, originally sent to a state hospital for treatment, was returned to court jurisdiction when the hospital stated after about ten months—and this is June 18, 1949—that it could do nothing further for him. Appearing before an apparently enlightened and well-meaning judge, the man testified that his only treatment at the hospital had consisted of working 14 hours a day and that he had been allowed sufficient freedom to repeat the very offense for which he had been convicted, the judge remarking, “It seems that the State has money for every purpose but to reclaim a human being.” He put the man on probation for 10 years on condition that he submit to

medical treatment under court supervision. This was certainly a step in the right direction and was highly to be commended. The question remained, however, as to how and where this man was to obtain medical treatment when no provision was made for it by the State.

I cannot stress too strongly my conviction that with every first offender, every sexual psychopath and every case of homicide, it should be mandatory that the individual receive a complete psychiatric, psychological and social study, and that this should be done either through public facilities expressly designed for the purpose or through private facilities at public expense. In this way, we would at least be setting the curative machinery in motion as soon as possible, and we would also be working toward a better understanding of curative procedures through the constant accumulation of scientific data as to the cause and effect of criminal behavior. Society at large must take its share of responsibility. It cannot run away from the problem, but must cooperate in its solution. This may be furthered by an enlightened mental hygiene program in schools, churches and homes, where sex can be openly discussed and properly evaluated, where personality defects and problems can be recognized early and given the benefit of psychiatric attention.

The foremost and best present organization to cope with sexual psychopaths are the Behavior Clinics. For those who are not familiar with the few and widely scattered Behavior Clinics now existing in this city, it may be well to explain exactly what their purpose is. A Behavior Clinic is an organization whose main function is the study, diagnosis and treatment of all criminal cases sent to it by the courts, the prosecuting attorneys, the defense attorneys and social agencies. Its personnel usually consists of one or more of the following: A psychiatrist, psychologist, psychiatric social worker and psychiatric nurse. It usually operates as part of the criminal court and makes all its reports to the presiding judge. Ideally, however, it should function independently of all law enforcement agencies in order that the offender should not suspect it of being a part of the legal machinery and therefore be prejudiced against it. If it were generally known that the clinic's decisions could not possibly be influenced except by actual facts, there would be more open acceptance and a greater desire to cooperate on the part of the offender.

These observations are based on my own personal experience as founder and director of the Behavior Clinic of King County, State of Washington. It was originally established as part of the prosecuting attorney's office and thus incurred a great deal of rightful censure. During the clinic's first year of operation, its findings were received with great doubt and questioning and were sometimes rejected entirely. However, when the defense attorneys and the judges recognized the objective nature of its reports, they made a complete about-face and wished to utilize its services in every criminal case. This was opposed by members of the prosecuting attorney's office who were intent on limiting the functions of the clinic for their own personal gain. I found it necessary to engage in almost open conflict with them in order to defend the clinic's right to discharge its primary duty—the impartial investigation of the factors that motivate abnormal behavior, and, through psychiatric treatment, the restoration of offenders to society as normal, useful individuals. I also stated at that time that intimidation and threats of incarceration interfered with the work of rehabilitation, and I condemned the very

term "prosecuting attorney" as being by implication directly contrary to the function of protecting the public which that office was supposed to serve.

There are at the present time only seven behavior clinics operating in six cities of the United States. There are two in Chicago, and one each in New York, Baltimore, Pittsburgh, Cleveland and Detroit. These clinics have been in existence over a period of many years and have proved themselves to be a great value to the courts. Unfortunately, however, their use has in many cases been limited to establishing whether an individual is mentally sick or not. A broadening of the function of these clinics by using them to determine the individual's mental status would greatly increase their value and would provide the judge with a comprehensive survey of the individual's total personality, together with specific recommendations for his or her medical care. This might be opposed by the courts on the ground that medicine would be encroaching on jurisprudence, but such resistance to progressive constructive change is likely to be overcome if met with convincing facts and explanations of the value of psychiatric help in determining the final disposition of many puzzling criminal cases. Diagnosis of the offenders as sick people changes the entire picture so far as sentencing is concerned. The judge cannot be expected to assume this responsibility. He is not a doctor and cannot make a medical decision. Instead, he should welcome assistance from qualified medical sources so that justice may truly prevail and offenders be given an opportunity for rehabilitation. With such teamwork, society would be saved much of the time and money that is now wasted on lengthy trials and ineffective terms of institutional care.

The seven clinics now in operation saw 11,425 individuals in 1948, at a combined total expenditure—I think this will be interesting—of only \$323,745. In other words, all seven clinics actually spent three hundred twenty-three thousand dollars during the entire year.

There is practically no community of 100,000 or more that could not afford a clinic set-up to take care of its needs and those of smaller communities nearby. The expenditure is so minor when compared with other outlays, and the promise of return in principal and dividend is so great, that this should be the first item on any civic or state agenda. Where it is difficult to obtain the full-time services of a psychiatrist, a man in private practice could be utilized on a part-time basis. Simultaneously, established agencies should give impetus to the program by training young psychiatrists for this specific field. The American Board of Psychiatry and Neurology should add its encouragement by giving at least one year residency training recognition to such men. In this way, well trained psychiatrists would soon be available and ready to accept their responsible role in community service. The various states which have passed laws for the care of sexual offenders should implement the laws and make them truly effective by providing funds for the establishment of Behavior Clinics in their larger cities. The old cry that there are not enough psychiatrists to staff such clinics is not based on fact. In every city there are skilled and experienced men who will be happy to be a part of such a progressive program. It is essential that all thoughtful, forward-looking physicians, lawyers, jurists, law enforcement officials and social workers marshal their forces for a concerted appeal to the

public for the establishment of these clinics. If the public were made aware of the vital role they would play in returning to normal life hundreds of so-called sexual psychopaths each year—who may be relatives of theirs or friends—of the ease with which they could be established and of the saving in money and human misery which they could effect, the demand for them would be immediate and imperative.

The alternative is an increase in our already desperate social situation, with increased taxes to pay for increasingly crowded courtrooms, prisons and state hospitals. Since all intelligent people concerned with this problem admit freely that our past methods of dealing with it have not been successful, let us now proceed forward with new but proven weapons, in order that justice may truly be tempered with mercy.

EXCERPT FROM TESTIMONY OF DR. DAVID DRESSLER

DR. DRESSLER: I'm David Dressler, appearing for the Southern California Society for Mental Hygiene.

After listening yesterday and today to those who have already made statements, I doubt if I can add anything new, maybe the reiteration of certain points will give the matter referable emphasis. So speaking then for the Southern California Society for Mental Hygiene, which is grateful for the opportunity to appear before this Committee, I'll address myself to the three main points we were asked to discuss.

What do we see as our responsibility with regard to the problem of the sex offender? We're a private nonprofit organization of lay and professional people for the promotion of mental health. We're a coordinating agency, furthering so far as possible a constructive action toward getting for each community the places it needs to protect children and adults from mental and emotional breakdowns. The subject of sex crimes concerns us, because the sex offender is made, not born. No one comes to life with a gene in his chromosome, predestiny in his sex offense, or any other offense. The virus of abnormal sex life is implicit in how we raise our children, our teaching methods, the wholesome or unwholesome nature of family life, our cultural concepts, taboos regarding sex. Our emphasis, therefore, is on treatment and even more on prevention. But we're in complete accord with those who emphasize that public protection must be a first consideration. The already existing dangerous sex offender must be removed to safe custody for society's good. We propose only that the State go a step further and interest itself in preventing sex crimes. Many, many sex offenders are going to be born tomorrow, next week, next year. Thousands of today's children will be tomorrow's psychological cripples, unless something is done for them now. If we can prevent the birth of a career in sex crime, we have performed a service to society and to the individual concerned. This is a most satisfactory answer to the problem, because it locks the stable doors before the horse is stolen. To punish the offender after his act, may satisfy our sense of justice, but it doesn't do much to have swayed the anguish of the parents of a murdered child.

You asked us to comment on our experience with the problem of the sex offender. Our experience leads us to say that writing a law itself is not the answer. You can't pass a law making it illegal to want abnormal sex life, only acts can be legislative, not emotions. You can force me to stop beating my wife, but you can't force me to stop wanting to beat her. The all important question is, how can we help people grow up so that they don't want to commit sex offenses?

As to suggestions, first of all, we urge that in seeking remedies, we refrain from dashing off madly in all directions suffocating our purpose. We've lived through a series of cycles of public alarms, focused around a given spectacular sex crime, and there is a discouraging sameness about the pattern of each cycle. The crime is committed, you're outraged, we demand: Fire the police chief, reorganize the police department, get rid of the parole board, set up a vigilante committee, asexualize offenders, make the penalty for sex offenses death, above all we cry pass a law. Then the agitation declines, nothing fundamental has been done, we're just about where we were before and we remain in status quo until a new

cycle begins. I'm speaking here not alone for California, but over the Country at large, in states at least where I have worked.

The Southern California Society for Mental Hygiene has no panacea to offer as to control treatment on prevention of sex crime. We suggest instead, that no panacea is immediately available. We urge that all of us pause, take a deep breath, and study the situation and try to get those answers to our needs that will give us a unified overall long range attack on the problem. With this in mind, we advocate one specific step at this time, that some official body be appointed to study the problem, make recommendations, suggest programs. Such a group, we hope, would be truly representative, composed of lay and professional people and scientific in approach. It would try to discover what makes the sexual psychopath tick, until we understand that, we can neither help changing nor protect society affected. First, we dare to hope that such a body would seek and find answers to the following questions among many others.

First of all, who is the dangerous sex offender? The very term sex offender needs clarification. There are those who are technically sex offenders and others who are not only offenders under the statutes, but sexual psychopaths. The boy who, for instance, commits nonforceable statutory rape is quite distinct in makeup from the compulsive unstable person impelled to his crimes by motions beyond his control. The latter is our dangerous man, the sexual psychopath. He is the man we must fear most. It has been said here that no man is able to control his emotions if he really wants to, that he only claims this upon arrest. Well, Hierens of Chicago was a sexual psychopath who recognized his inability to control himself and said so before arrest. After murdering a woman in a hotel room, he scrawled on the mirror, "For God sake catch me before I kill again, I cannot control myself."

Beyond knowing who is the dangerous sex offender, we must ask what is the extent of sex crime? Is it on the increase in California? Are we in for a sex crime wave? In Los Angeles the indication is that there is no increase in sex crime. On a per capita basis, there were 75 sex crimes reported per hundred thousand population in 1940, and only 65 in 1948. The per capita rate has declined. Other counties reporting to you have found that at least the rate has not increased. Of course, this is only a moderate solace, as long as one sex offender walks the streets we have the problem but at least let us know what we're confronted with state-wide.

Another question that must be answered is, how can we get early identification and treatment of children, and adults, who are just beginning to show symptoms of sexual maladjustment? That is, how can we get better prevention and treatment? Contrary to some opinion the evidence is, that some sex offenders can be successfully treated. Better still, some individuals who would otherwise become serious sex offenders can be prevented from forming such a pattern, if identified and treated early enough. Time and again when cases appear in court, a study of the background of the defendant leads us to say, what might we not have done about this man if we had been aware of his problems earlier? As to the possibilities of successful treatment, which apparently is a very controversial question here, perhaps the more discouraged defenders are thinking of those cases that come to our attention after they are long habituated to sex deviation. Here the prognosis is indeed dismal. But those who study the research that's been done on the subject, know, that if caught early

enough many potential offenders can be successfully treated. In fact, the majority of those identified and treated as children are, in the first place, far from being dangerous and do work out their abnormal drive and become stable, wholesome personalities. Many have even cured themselves by maturation. Dr. Lewis Doshé, for instance, in his study of boy sex offenders, in his later career, found that young sex offenders identified early are just as satisfactorily in about 97 percent of the cases where no other criminal or delinquent pattern was present. By adjustment here, I'm not speaking from the standpoint of a psychiatric interpretation, but in terms of whether there was a repetition of a sexual offense. Helen Brauner reported 4 percent failures among youthful offenders studied and treated by them. I don't think we could always find conditions leading to hopeful results, but at least these findings point to the importance of preventive treatment. At least let's lay the ghost of the assumption, that no sex offender ever changes. But to achieve results, we need adequate clinical facilities. The Mental Hygiene Society has long sought to enrich child guidance facilities in this area. We've urged that psychiatric consultants be available to all schools, for conference with teachers, for diagnosis and treatment of children. The school is the most important focal point of all, for early identification and treatment for maladjusted children. All youngsters go to school, and all are constantly under observation. School and community clinics are an absolute essential, if we intend to prevent the development of sex offenders. One million children in public schools today will spend some part of their lives in mental hospitals. Not all these patients will be sex deviates, but many will be. We could save many of these children from breakdown, if we had sufficient out-patient clinical facilities. Metropolitan Los Angeles has six clinics, most of them part-time, to service its 700,000 children. Less than 1 percent of these children received some mental hygiene service in 1946, when this problem was surveyed. Estimated needs stood at 10 percent. A child today must wait as long as eight months before beginning needed treatment. If we do not meet this need, we're inviting disaster to hundreds of children yearly. We're making an underfinanced moral gesture. We're permitting the horse to be stolen because we won't pay the price of a lock. As a specific challenge, the State Department of Mental Hygiene is proposing a clinic for Riverside. Will we get it? For adults we have eight clinics, patients wait up to eight months for treatment.

A very important feature of the problem of the sex offender is this, the great majority of defendants never get to the superior court or state prisons. They're discharged in lower courts or they receive brief misdemeanor sentences to city and county jails. They go in and out, in and out, because the seriousness of their condition isn't sufficiently recognized. They're treated mostly as nasty old men. This represents a revolving door penology in which the person who goes in on a Monday, comes out a week from next Tuesday, without the slightest change in his personality makeup. If I may interpolate something within my own experience in another state, a notorious sex offender, Albert Fish, was in and out of the courts for something like 30 years, never getting a sentence of over 60 days because he wasn't recognized as anything except a nasty old man, until it was discovered that he had murdered about 20 children by sticking needles in them. He was a sadist. There are also

thousands of cases of what may be termed hidden psychopaths, who go through our courts unrecognized, for the sexual psychopath looks and in most cases acts quite normal. He is not readily recognized, unless specifically arrested for a sex offense. But often his arrest is technically for something else, even though the defense has a sexual component. For example, some burglars are really fetishists who break in not to steal, but perhaps to snip off a lock of a sleeping woman's hair. Hierens was a fetishist; he'd been arrested for burglary, but it wasn't recognized, that he really sought sexual gratification from stealing women's garments. In these lower courts, we get the bulk of our sex offenders. We, therefore, hope that some official body considers this question; should and can there be statutory provision to the effect that at the point of arrest, or shortly thereafter, perhaps after arraignment, every person accused of any offense in which sex deviation played a part, be examined psychiatrically, the findings to be made available to the court, so that appropriate adjudication may be made? In this manner we would turn up many otherwise hidden psychopaths. And can we get some psychiatric treatment inside city and county jails? Now, I realize, not much in the way of cures can be expected in 30 or 60 days, but treatment begun inside can be continued outside, once the inmate has begun to feel the need for it and want to benefit from it, as many would.

Another question; are so-called midway institutions needed? The problem is this, the sexual psychopath is the forgotten man in hospital facilities. He's not insane, hence not committable, he certainly isn't completely sane either. But we have no provision for this hybrid. Some penologists, therefore, are advocating midway institutions as an answer to this dilemma. These would have certain advantages over either a prison or a civil hospital. They would receive offenders for a truly indefinite term. The institution, part hospital, part prison, would furnish absolutely safe custody. The patient couldn't sign himself out, and the institution would concentrate on treatment. The inmate would be released and returned to the court only if and when the superintendent could certify that he was cured of his dangerous sex drives. If such a time never came, neither would release. Recent legislation in this State goes in the direction outlined, but not all the way. Revised sexual psychopath laws permit voluntary, and in some instances nonvoluntary, commitment for internment terms, the hospital under the jurisdiction of the Department of Mental Hygiene. This, however, is not quite the same as a midway institution as the penologists conceived it.

Coming now to the question in the realm of public interpretation. How can we better educate parents to the fact that there is nothing shameful in admitting a mental emotional problem exists in a given child? Unless parents realize this, they will not seek mental hygiene help early enough. Mental illness is an illness, why be secretive about it.

Finally, can the State of California afford not to engage in a program of basic research in the causes and treatment of sexual psychopathy. The sex offender is an "X" factor in large measure, we don't know him, we haven't studied him. If we recognize that sexual psychopathy is a disease, like getting neurosis, like alcoholism, or cancer, then the offender requires scientific study. Yet for every dollar we spend on psychiatric research, \$2,500 is spent on industrial research, and human beings are infinitely more precious than things can give us.

In summation we should like to reiterate that we recognize public protection must be the primary aim. But our position regarding prevention, diagnosis, and treatment is socially utilitarian, not at all sentimental. Somewhere between the tear gas and the tear duct school of thought lies a realistic approach, objectively and scientifically focused, one that will pay off. That's what we advocate. Police controls are essential. The prevention would make those controls less necessary and extensive. By our emphasis on treatment, let me make clear, we mean treatment of the treatable, who might be returned to society so that they will not offend again. For the untreatable, we advocate safe custody as the only remedy in the public interest.

EXCERPT FROM TESTIMONY OF DR. FRANK F. TALLMAN

BROWN: Members of the Committee, this is Dr. Frank F. Tallman, Director of the Department of Mental Hygiene. You may proceed, doctor.

TALLMAN: I would like to make—I'll try and not duplicate material you have had presented to you but I would like to reinforce one or two points that no doubt Mr. McGee and Dr. Fuller have mentioned and that is point number one: I believe that one of the important factors in dealing with a sex offender is diagnosis. I think there is a tendency in all our minds to think of a sex offender as though he or she belonged to one particular medically isolatable group. As a matter of fact, there are several physical and psychological conditions that a symptom of which is a sexual offense. Without going deeply into that with you I would like to mention, for example, two or three of them. Very often in the older group of sex offenders the cause of the offense is a deterioration of the brain due to lack of blood supply which in turn is caused by hardening of the arteries. Now that lack of blood supply and deterioration of the brain cells removes from the individual their normal control of their natural and powerful instincts. That doesn't mean that anyone who has hardening of the arteries of the brain, everyone who has hardening of the arteries of the brain may commit a sex offense, it simply means that in that particular condition certain individuals may do so. Then there is the question of brain infection with a disease such as syphilis, then there is also an inflammation of the brain called encephalitis a portion of which individuals may commit such offenses. Then there is the group that we are particularly interested in because we know so little about it and that is what is commonly called the sex-psychopath, or the psychopathic personality whose abnormality of behavior is of a sexual nature. It should be kept in mind, I think, that the psychopathic personality may show his psychopathic behavior in alcoholism, in drug addiction, in stealing, in violent and sudden assault, or in a sex offense. Which means that when an individual is apprehended for an offense, I believe that in order to deal with it to the benefit of the individual and particularly to the safety of the people, the diagnosis is a very important thing. I think it helps the courts and the police agency to know how to deal with these people and I think if arrangements could be made for a satisfactory diagnosis for them wherever possible less mistakes would be made in releasing these individuals to the community without very much regard to their potential dangerous characteristics. Therefore, in this Special Session of the Legislature, the Department of Mental Hygiene felt there were two steps that might be valuable in dealing with the end result of the personality—the abnormal personalities. We felt that individuals who had difficulties of this type and were potentially serious criminals might be apprehended long before they commit a serious crime if we could offer some diagnostic help in the lower courts where it is rarely available, partly because it is not available in many communities and partly because of lack of organization. So we introduced a piece of legislation which required the lower courts upon the second offense against a child, sex offense against child under 14, the lower court was required to certify the case to the superior court who if they found that the person was guilty as charged and there was any reason to believe that the individual was a

sex psychopath that they would be sent for a period of not to exceed 90 days to one of our hospitals for an opinion.

I think that I will not take the time of the Committee except upon questions because it is a matter of record in statement and much more distinctly put; but, I do want to impress upon the Committee my feeling on those two ideas. I believe they are valuable in not only controlling but in also treating individuals who have this problem.

I would like to go quickly now to a few words about research. I think it has to be admitted by the most cautious psychiatrist that we don't know all there is to know about human behavior and I think we must admit that in this particular type of behavior we know perhaps less than we do in many other factors. I would strongly support a research program. I think it should be under the leadership of the Department of Corrections, but I want it clearly understood that the Department of Mental Hygiene and its facilities both physical facilities and personnel will be at the cooperative disposal of any particular agency that is given the responsibility of research. I hope very much that the Legislature will see their way clear to make a beginning in solving a difficult problem.

I have been impressed in going to meetings, and I was rather thoughtfully impressed at a meeting that was held in Sacramento where certain kinds of treatment were mentioned and always it was, the reply was that some people think it works and others think it doesn't work and then the question is: Well, what is the fact of the matter? The facts are very much as Dr. Fuller indicated a minute ago—we don't know enough to say this we know without doubt works, and this we know without doubt doesn't work. Any good research program arrives at the truth in two ways; by finding new facts, and by proving old suppositions wrong. There is a negative part to research as well as a positive, both being valuable.

Then I would like to go from there to what I think is an important thing for consideration. That is the organization of adequate counseling service in our schools. That seems, I think a far cry from the crux of what we are talking about. But, I want to make this point clear. You remember that I said that abnormal sex behavior can be a personality characteristic so to speak, which you see in the sex psychopath and can be the result of the loss of control of instincts through disease process. Now, if my belief from my experience, and here again it is a belief that hasn't been proven, it is a matter for research, but I do not mind stating it, it is my belief that an individual who commits such a crime as we are talking about in adulthood has had a long picture of maladjustment before he ever commits such a crime. Even though his crime is committed because he has lost control of himself due to disease, I believe in those individuals you will still find a maladjusted child in the background. I think that it is much more important for us to plan to prevent the very serious things that we are talking about rather than to spend our money wholly in either custody or apprehension or supervision after an individual has gone out and committed a crime. And that ties into what I said about providing examination facilities in courts. There is a tendency, which we all know, to deal with these so-called minor sex offenses by reprimand, by a short sentence or by suggestion that they move perhaps to another town or county and very often those are the very people who need treatment now and who if they don't get it cause serious crime. So, I keep advising the educators to look into their school systems with a view of setting up guidance clinics

which would have the responsibility of dealing with unhappy children who need help of all types but which would be really your first place of attack on this problem because as I said before, they have had problems of a sexual nature, perhaps not great problems, but that they have been worried and puzzled and confused about those things as young people and I think that, I hope that teacher-training institutions and departments of education will more and more include in their studies human behavior and how to deal with it effectively when it is beginning to show stress.

I think that pretty much covers what I wanted to say, that we hope we will get legislation, we hope that we will get research and we hope that we will be in a position in California to use those preventative techniques that we now have. Finally, I did omit to say that our Department is building an institution at Atascadero, where we will have a large section devoted to dealing with people of this type which in itself will provide a laboratory for research. My best guess is that we will have that institution ready in about $3\frac{1}{2}$ years. Builders like to tell me that we will have it in two years but I have been through that business before.

SMITH: Just one question, doctor. Of all the different types of treatments, there does not seem to be sufficient information to know if they will cure or not. Am I correct in that?

TALLMAN: Yes. I think you are completely correct and I think one of the problems that we will have to face in this research is this, and I hope Mr. McGee gets the money and solves the problem, which gets back to the word that I used before, Mr. Smith, diagnosis. Because there isn't unanimity of opinion among psychiatrists as to what constitutes a psychopath you see. Now, I might say that these five men are psychopaths, they might have committed some sort of offense that we are talking about and I might treat them by castration and they might come out all right. But, you might come in and see them and say, well doctor these fellows aren't what I would call psychopaths and as far as I'm concerned your treatment didn't do any good because I don't think they are psychopaths. You see, there has to be a greater clarification than science now has as to what constitutes a psychopath. You gentlemen would involve yourself in a great amount of discussion if you had 50 psychiatrists here; you probably would have in detailed analysis 10 clearly defined different opinions. Therefore, I think that I might say the first phase of this research ought to be in the sense, there ought to, it seems to me we have to approach this now to some extent on a target research basis. I think what we need is a conference of scientists to say this area, this area, and this area are the main roads that we want to follow and this is what we want to do. These people will pick up the bits of information that are already here, and you finally arrive at a lot more interest than we have now. We should use the facilities of all the universities that we have here and if we need to create special laboratories they will have to be created. It must be a planned attack. That's why I'm in accord with Doctor Fuller when he says the first phase must be organization.

SMITH: Then you anticipate that if we do have that research we can look forward to a hope of some results?

TALLMAN: Very definitely.

EXCERPT FROM TESTIMONY OF DR. DAVID B. WILLIAMS

BROWN: Dr. Williams is present, is he not? This is Doctor David B. Williams, Superintendent and Medical Director of the Mendocino State Hospital. How long have you been at the Mendocino Hospital, doctor?

WILLIAMS: I have been there two and one-half years, Mr. Brown. I have been with the State of California in the Department of Mental Hygiene for the past 20 years.

BROWN: You may proceed, doctor

WILLIAMS: I thought I would like to tell the committee something about what we are doing at Mendocino for the deviated sex offender, psychiatrically deviated sex offender. This morning at the Mendocino State Hospital we have 74 sexual psychopaths who have been committed by the superior court. We have 48 who are on probation through the court on a five-year probation as required by law. Of that 48, everyone is getting along well, has avoided any antisocial conduct with the exception of one who got into trouble about two weeks ago in Sacramento. We have had two return from probation to the hospital during the year 1949, one came back voluntarily because he felt he might be leading into some trouble. He felt that he was predisposed and he came back voluntarily and of course we took him in.

At the Mendocino State Hospital when a patient is brought in by the deputy sheriffs, we place the man in a maximum security unit. The Mendocino State Hospital, as you know, has the maximum security hospitalization for the Department of Mental Hygiene. In this maximum security unit he is completely examined. A complete psychiatric, neurological and physical examination is made, together with the psychological testing as we feel that the psychometric examination is part of a complete examination of this particular patient. Routine X-rays, of course, are taken of the chest and any other part of the body where it might be indicated.

When the case has been completely worked up and all pertinent information incorporated, the case is presented to the clinical staff conference by the doctors who completed the examination. The clinical staff conference consists of all the doctors on the hospital staff plus the psychologists and the psychiatric social workers. Following discussion of the case by all the doctors a diagnosis is made and recommendations for treatment are added to the record. We find that in a great many of these cases that the sexual offense is a surface symptom of something deeper. A great many of these cases we find are mentally ill. Now, I don't mean that they are necessarily insane but they are mentally ill. They have associated conditions which require treatment and that we start treating right away. We find neurotic individuals, alcoholism and many of these organic conditions that Dr. Tallman spoke of. The patient is given an orientation course. The entire situation is explained to him so that he knows what to expect. He knows that he is not going to get out of the hospital in two weeks and is told just exactly what to expect in the way of treatment, how long he is going to stay, so it makes his stay there very much easier. Then, after about three months, depending upon the individual case, he is transferred to a less secure ward. However, it is a ward in which the doors are still locked, and he is given a job. He is given other activities to keep him busy. When the associated conditions have been

sufficiently treated then we start bearing down on his sexual deviation. These patients are pretty well hand picked and we pick those that we think are good bets to place back into society eventually and we put them into a group for psychotherapy class. This is a group of younger individuals that we feel will benefit from treatment, intelligent enough to understand and in this group therapy class, which convenes three times a week for two-hour sessions, we have assigned one doctor. He supervises this session, guides them along, he furnishes and procures reading material. He conducts the discussions and in a very short time after these classes are convened these men lose their embarrassment about discussing their problems and they gain pretty good insight into their sexual deviation. They go hand-over-hand back over their life and they are soon able to evaluate their entire personality themselves and we tell them that we are not going to cure them; I don't think medicine has the answer to this problem yet. I don't think we have cured any of them, but we do give them insight enough so that they can become useful citizens and can leave the hospital and avoid running afoul of the law and they will learn how to live with other people and to not engage in any antisocial conduct. That is all that we hope to accomplish. We feel that none of these men, regardless of how good their prospects might be, should be released from the hospital under one year. In fact, we don't even try to get them out until they have been hospitalized for at least a year. It takes, we have found from experience, at least a year before they can get enough insight into their condition to get along.

After the individual has completed 60 hours of this group psychotherapy, he writes a complete history himself, starting right back as far as he can remember in childhood and he explains the development of this sexual deviation himself, and it is quite surprising how they can arrive at the correct answer themselves after 60 hours of psychotherapy. This individual is again screened by the entire medical staff very carefully, his entire personality development is evaluated and then we try to arrive at a conclusion if he is a good possible prospect to recommend to the court for probation.

The way the law is at the present time, we have to recommend one of three ways: Either that he is cured and will not be a menace to the health and safety of others; or secondly, he has been sufficiently treated and will not be a menace; or third, that he is still a menace. In the law, this wording of menace has been somewhat of a stumbling-block to us because I don't know what a menace means and I don't know who is going to be a menace tomorrow. I might be a menace to somebody tomorrow or anybody in this room. How can you tell who is going to be a menace? But, we must state to the court whether we feel the man is going to be a menace or not.

Another thing that I would like to tell the committee that has struck me in talking to so many of these psychiatrically deviated sex offenders, is the number of times they have been arrested and incarcerated before. A large percentage, I would say, have been in jail repeatedly 30 days; they have been in the workhouse or rock piles for sex offenses. It seems to me as I understand the law now, that the man at the present time has to be charged with a felony before anybody can take sexual psychopathic papers and have him committed. I would like to see some way in the law that this thing could be nipped in the bud. I would like to see even a

justice of the peace who might be suspicious or a doubt rise in his mind either as to the mental condition of the man before him or perhaps there might be a doubt in the justice's mind or the judge that the man might be a sexual psychopath as defined under Section 5500 of the Welfare and Institutions Code. If such a doubt arises in the judge's mind I think he should have the legal power to order immediately a psychiatric examination. It might be that this sexual offense, as I remarked before, is a surface symptom of something deeper. It might be that this individual is predisposed to the commission of sexual acts and it might prevent murder of children as we see happening around the State. It would be one way of nipping the thing in the bud.

I have found in dealing with the courts most of the judges prefer, if they put these men on probation, they like to put them under probation to the psychiatric social worker in the Department of Mental Hygiene in that particular community. They feel that a probation officer, who is not an officer of the court, holds too much of a club over their head. He is going to supervise this individual by means of a baseball bat. So the judges, are well acquainted enough with the medical problem to prefer to place the individual on probation and under the supervision of the psychiatric social worker of the Department of Mental Hygiene. The social worker sees this individual frequently, makes reports, and is able from time to time to guide them along and give them good advice and counseling. As I say, we have 48 on leave from Mendocino all getting along well. One, two weeks ago, ran afoul with the law and is back in San Quentin.

I feel that the psychiatric sex offender should be confined either in an institution to themselves or in a segregated part of some existing institution, so they will be by themselves. They don't mix well with the mental patients. They take too much time of the medical staff. At Mendocino we have only eight doctors in the whole place to look after 8,000 people plus all the admissions that you must see. It works a hardship on the treatment of the mentally ill when we have so many of these. I think the Department of Corrections is the proper department to exercise this program with the full cooperation of the Department of Mental Hygiene, the University of California facilities. The Department of Corrections has so many of these cases and I believe the committee is to be commended for working out on this problem because it is ever increasing. In the year 1948, there were 28 sexual psychopaths committed to the Mendocino Hospital. In 1949, there were 58. It did double.

The extra-mural treatment, I believe is quite important. The Department of Mental Hygiene has mental hygiene clinics in the larger cities. We refer all of our patients who are placed on probation for a period of five years, we refer them to these mental hygiene clinics. We feel they should go there, let the psychiatrist in charge use his judgment as to how often they should come in, they should be seen, guided and counseled. They are doing that. The clinics are doing a fine job and I think that is one reason that we have 48 out on leave that are getting along all right. They aren't in any antisocial behavior. I would like to see more of the clinics established, not only for the state wards who are on parole, probation, leave of absence, but for the community in general to prevent a great many patients being committed to the state hospital. They could nip this thing in the bud.

I think I have nothing further Mr. Brown, other than I do want to emphasize the committing of a sexual psychopath. I would like to see something done for the crimes committed. I would like to see it like the mental illness law. Whenever a doubt arises in the judge's mind, either as to the mental condition of this man before him or perhaps there might be some suspicion or doubt in his mind that the man might be a sexual deviate, maybe by his mannerisms or his dress, something to attract the attention, I think he should immediately call for a psychiatric examination by two well-qualified psychiatrists who would report to the court.

EXCERPT FROM TESTIMONY OF DR. D. G. SCHMIDT

FLEURY: We have had some testimony here that when a person has reached say, any age over 21 and he is a sexual psychopath there is nothing that can be done to cure him. In other words, he is going to have that tendency for the rest of his life.

DR. D. G. SCHMIDT: It may be true that he may have the tendency but then every human being has tendencies to do wrong or to do the wrong thing and yet the average individual will develop sufficient control and sufficient understanding and insight into his relationships with other people that he doesn't do wrong. While the sex psychopath may realize that he is doing wrong he may not be able to control himself. He may be so emotionally or mentally unbalanced that he can't control his desires, his feelings and his actions. Those people need help and it may be on a basis of organizing their personality better on that basis. The psychopathic basis, for example is one of the most difficult to treat because they are content and happy with their life. They don't want any help. They reject you completely. They for instance take an effeminate homosexual, that has a large effeminate component, mind you they don't constitute but about 10 percent of this whole problem, but this psychopath won't want to be changed. He's satisfied with that life and that is one of the group that we have very little help for because he wants no help.

FLEURY: We have a bill, or the Legislature had one, that will—what is that bill—emasculatation—I don't know what number it was—do you have any ideas on that?

SCHMIDT: Emasculation is a very difficult problem. We don't know sufficiently the cause of this type of psychopath we talk about now and very few would consent to such a procedure. There are some that have consented and have seemingly done well and there are some studies under way now in this field but in the past our experience has been that those that have been emasculated against their will were worse after the emasculation than before. We have actually had three or four that I have known personally in prison that were—that had this operation performed elsewhere and instead of just being problems once in awhile, they became problems continuously and became professional prostitutes, male prostitutes.

TOMLINSON: I think that, myself and probably one or more of the other members of this committee would like to have you explain, or put in simple language your interpretation of this treatment thing as between the prison and the hospital. Now we hear about the treatment, we have heard about treatment in the hospital under our Sexual Psychopath Law now, at the same time we hear about the attempt to treat in prison. Do we have a duplication, an overlapping from a staff standpoint from your psychiatric set-up standpoint?

SCHMIDT: You mean that you are specifically referring now to the treatment of sex offenders under this Sexual Psychopath Act?

TOMLINSON: That's right.

SCHMIDT: Actually we have had a confused picture there in that the people that were sent to the hospital would be sent to a hospital that was already overloaded and overcrowded and consequently probably

very understaffed to treat this type of problem by not having an adequate staff. Secondly, very few of the psychiatrists have had any experience in treating in this particular area. This is really a specialized field and a specialized area of treatment that requires a good deal of experience in order to understand——

TOMLINSON: I think that is quite obvious, but the point is, are we duplicating and overlapping our efforts here in sending one group to a hospital and those that don't make the grade under the Sexual Psychopath Act to go to the prison and there take up the treatment that you advocate?

SCHMIDT: If we had sufficient staff to treat them adequately in prison with psychiatric and medical personnel, it would be much easier to answer your question. If it had an adequate staff to treat them in the state hospitals situation, staff that had experience and had sufficient staff, it would be easier to answer your question. Actually we are doing so little treatment in both areas that it is almost pathetic.

TOMLINSON: Well, then, let's bring in a third element, research.

SCHMIDT: There you have hit the nail on the head.

TOMLINSON: Then we better start with that then.

SCHMIDT: There you have hit the nail on the head because we have so little staff now that we can hardly keep our head above water treating even a partial case-load, a third of what we have had recommended to us for treatment, that we have practically no time to research in this area which just needs research worse than probably any area that I know of.

TOMLINSON: Then with the research after a period of time we possibly could come up with some intelligent opinions as to what kind of a program we could set up, finance, appropriate for, and go forward for.

SCHMIDT: We have a gold mine here right in our prison in San Quentin of sex problems. We have about 700 of them that just are there—have been placed there by society, not only for treatment but for effective treatment, to find out what will work most effectively with these people and as I have illustrated we have about two hours per man per year to give him for treatment. Well, how much research can you do with that sort of situation?

TOMLINSON: Well, the whole thing is absurd. Utterly absurd, until we do get enough money to plan a research program that will bear some fruit.

SCHMIDT: I wouldn't say there was overlapping between the prison and the Mental Hygiene Department because I don't think either of them are doing enough work to overlap. They haven't the staff to do it.

HUTCHESON: Dr. Schmidt, following up Mr. Tomlinson's questions. How big a staff would it take for proper research at San Quentin, we'll say taking a limited group, not all 4,800, maybe limiting it to the 1,200 that you selected for the purpose of treatment and therefore you thought might be worthy of just doing research on.

SCHMIDT: We have a staff of five now. If we could double our staff of five psychiatrists, with two more sociologists or psychiatric social

workers they are really the same type of individual, a couple of psychologists, we could do some real research. We could do some real treatment. I have a very strong feeling it would be one of the most scientifically productive steps that this State has taken in a long time.

HUTCHESON: And the product from that would be just a report, or what do you think they could produce, doing research investigating those cases and concentrating on that limited number of cases there at San Quentin?

SCHMIDT: Now mind you, this doubling of our staff, I'm thinking in terms of our limited selected group of cases. Doubling our staff alone wouldn't solve the picture—wouldn't be a total solution to the problem by a considerable degree. What we need more than just doubling our staff locally at San Quentin is a medical psychiatric facility, a hospital situation where we can put about 1,200 or 1,400 of these people and treat them in a hospital situation sufficiently staffed. We still will need doubling of the staff locally at San Quentin because there are so many psychiatric problems. But, in order to battle this problem and bring forth some productive research, you really need a hospital and its facilities that we have been contemplating in California now for ever since I have been with the State. We have had several appropriations, you probably may recall in 1939, we had an appropriation, in 1944 there was some moneys set aside and 1947 again we had quite an amount of money to develop Vacaville but it hasn't been implemented, it hasn't been into fruition.

HUTCHESON: Now, those figures that we have been talking about now are just for research and your thought shifts to the thought that just for research on 1,200 persons it would take about twice the personnel that you now have and should be done at a hospital facility.

SCHMIDT: For research alone you would need a staff of at least double the staff we already have.

EXCERPT FROM TESTIMONY OF DR. KARL BOWMAN

HUTCHESON: Doctor, the Langley Porter Clinic, what is it's relationship to the University of California and to this area?

BOWMAN: The Langley Porter Clinic is set up as a hospital in the State Department of Mental Hygiene and its budget comes from the State Department of Mental Hygiene. The Legislature in setting it up stipulated that the University of California should have exclusive use of the Langley Porter Clinic for teaching and research purposes and exercise clinical supervision over patients for that purpose. The Langley Porter Clinic is therefore set on land adjacent to the campus at the Medical School and the stamp of the Langley Porter Clinic is the Division of Psychiatry in the Medical School, they are really one and the same thing although there are some other doctors from outside part and non-salaried who come in as part of the staff. But, the general budget of the Langley Porter Clinic comes from the State Department of Mental Hygiene and administratively is under the State Department of Mental Hygiene. The University of California uses it as a teaching place for medical students, for doctors who want to become specialists in psychiatry, for nurses who want to get psychiatric experience and become specialized nurses in psychiatric nursing, or in training of clinical psychologists, and training of psychiatric social workers or occupational therapists to get field training and probably one or two others that I can't think of at the moment.

HUTCHESON: It is used by the courts in this area?

BOWMAN: Very little. We have accepted a number of cases for treatment that have been sent to us by the courts and that is not simply this area because we are a state institution and we are supposed to serve the whole State and get cases from all over the State. With only 100 beds it is a drop in the bucket, of course; but, we have, both from the Youth Authority and the Adult Authority, taken a number of cases on for treatment, cases that have been convicted and sentenced and under the authority of the Youth Authority or the Adult Authority, particularly of the Youth Authority and with Mr. Holton we have had them refer a number of cases that we have carried on, even some of them for a period of several years.

TESTIMONY OF DR. A. C. KINSEY

MR. BECK: Would you give your first name?

DR. KINSEY: Dr. Alfred C. Kinsey. For the last 11 years we have had a research project, as you know, under way at the university on human sexual behavior. It has been concerned with a great diversity of aspects of sexual behavior and has the advantage of having a background of the picture typical in the population as a whole as well as a special study of the persons who have been involved with the law as sex offenders. The research is supported by Indiana University, by the medical division of the Rockefeller Foundation, and by the medical division of the National Research Council at Washington.

Our study of sex offenders began 10 years ago early in the research, and we have given some very especial attention to that end of the problem. We have worked in penal institutions in a dozen of the states in the Union. We have had the advantage of working rather closely with courts in a number of areas, including some small town, larger courts, and with courts in a city as large as New York we have had constant contact over a long period of years. We have specifically the histories of about 2,000 persons who have been convicted as sex offenders and committed as such to penal institutions in various parts of the country, including both males and females, and in institutions of quite diverse types. We have had some contact with the federal penal commissions and we have had contact with Army and Navy, and contact with a number of state legislative groups. So much for background.

Thinking over the things that I thought you might be interested in, I think the first thing I'd like to emphasize is the fact that the problem of the sex offender is one that has been studied quite intensively and one on which there has been a good deal of legislation and experimentation in various states in the Union over a period of years, and I think that the groups that have studied most intensively, the states that have experimented most extensively, are still quite convinced that the problem is one that is not going to be easily answered and one which needs a great deal of actual investigation, scientific research and considerable experiment in administrative control. What I am saying right now is, that there is no group—psychiatric or medical or social or any other group—that is in any position to give the answer, and consequently any lasting solution of the sort of problem that you have had in this State is going to have to be coupled with a very definite research program.

There are 12 of the states in the Union which have passed so-called sexual psychopathic laws within the last five years. Those laws vary rather considerably. The Illinois and the Minnesota laws were the original models, but there are very material differences in the set-up of the law in different states. Those laws have been in effect long enough in a number of states so that it has been possible to do some surveying and get some evaluation of their effectiveness or ineffectiveness.

There are individual cities like New York that have been experimenting for five or six years with a totally new sort of policy in handling sex offenders. Since the City of New York contains—well, greater New York has about 9,000,000 in it, and in consequence, their experimentations have involved tremendous numbers of cases, and they have made very definite progress, I think, in the judgment of everybody. Both the courts, with all

the other people connected with social services and probation services, and so on, connected with courts, and the general public are quite impressed in New York City with the fact that they have made considerable advance in the handling of those cases.

The New Jersey State Legislature, in a great hurry last year passed a new law, but fortunately directed that the commission which was to administer the new law should also make a study of the situation and bring in further recommendations for a revision of the law to the legislature. I have sat with that commission within the last three or four weeks and know in detail something of the problems that they have faced.

There has been a group of the top psychiatric organizations in the United States, a Group for the Advancement of Psychiatry, a group of elective members who represent in the opinion of psychiatrists the Country over, the top group. That group—"gap" as we ordinarily call it—has been making a special study of the problem of sex offenders for a goodly number of years, and within the last year has arrived at specific recommendations on the handling of sex offenders. Those recommendations are in print—I happen to have one copy with me.

The British Psychiatric Organization has similarly had a group studying sex offenders. The British Bar Association had a similar group, which has been cooperating very closely with the British group.

You will be interested to know that, as a result of some extensive study, recommendations were made to the Swedish Parliament five years ago which led to a complete revision of their sex laws, and now with five years' experience it has been possible to make a study of the outcome of their revised legislation. I can tell you about their recommendations and the problems that these special groups have faced. There are still other groups that have studied these things, but between the 12 states that have revised their laws and these several groups who have studied them, there now is a rather considerable body of experience which could guide a legislature or any other group that was interested in sex law. The revision of any law, without taking into account the experience of these many other groups, is something which at least you should be conscious of.

I think it fair to say that there have been three trends which have developed in legislation in these other areas, and in the opinions of these groups of specialists that have studied. Of course, since 1890 there has been no capital punishment for sex offenses anywhere in this country, unless they were complicated by murder or some other crime committed in connection with the sex offense. The trend throughout the years has been toward a lessening of the penalties. The trend has been very definitely toward the elimination of sex laws. The New Jersey State Legislature complicated and added to their sex law a year ago, and their commission which was set up to study the thing and make recommendations for revision have within a year immediately reconsidered the thing and are ready to recommend a very considerable lessening of the sex law.

You who have legal background will realize that no man is technically a criminal until he is convicted, and consequently the number of offenders that you have in any area depends upon the existence of a law and in the second place, apprehension and conviction. There was a time when a vast portion of the population were violators of the speed laws, until the country got tired of its old speed laws and relaxed them very considerably. Most of the Middle West threw its speed laws out of the

window completely, and thereby instantly and automatically reduced the number of offenders. And we had a very spectacular instance of that same thing in connection with prohibition, where the number of persons who both technically by conviction and in actuality by practice who were violators of the liquor laws rose to tremendous heights, until we threw them out of the window.

Now the third trend in this legislation and the studies of these groups—the third trend has been an attempt to recognize which of the sex offenders are in actuality psychiatric cases, and to treat those cases under much the same procedures as cases of insanity are treated under the laws of the particular state in which they occur. I have a few comments to make on that last point. There has been a great temptation for legislators the country over, when they have considered that the sex offender represented a problem that should be handled in some other way than the other criminal activities are handled, to prescribe that the individual be committed to some clinic or institution or what-not for psychiatric treatment. There is no state in the Union that I know that has psychiatric facilities for such treatment.

The New Jersey state law provides that the sex offender shall be kept in a psychiatric institution until cured of his psychiatric disturbance. At the Trenton meeting three weeks ago, the heads of each of the institutions were asked in front of the entire group at the meeting what facilities they had, and they all had to answer that there were no facilities. Now, it is the judgment of all of the scientific groups that I have named and some others that I haven't named that have studied sex offenders that it is only a small proportion that do in actuality represent psychiatric cases. There has been a tendency, fostered somewhat by textbook psychiatry, to believe that anybody who engages in sexual behavior which is contrary to the law must therefore, ipso facto, be a psychopath.

As some of you know from the data we have obtained in our study as a whole, we find that 95 percent of the population has in actuality engaged in sexual activities which are contrary to the law. Ninety-five percent of the males of any population could be committed to state penal institutions if their behavior were known and they were apprehended and sent to the institutions. Specifically, look what you have! There is at least 85 percent of the male population, and in some segments of the population a still larger proportion of the males, who have premarital intercourse, which, in most states under one law or another, is illegal. There is a good 50 percent of the males who have premarital intercourse with girls under 18 years of age. If you pass a law which is going to make such a crime one for which they can be committed for life, if the law is effectively enforced, you can put 50 percent of the males of your population into penal institutions.

If you and if I don't like it, it doesn't alter the problem. There is 50 percent of the male population that has extra-marital intercourse, which in most states is illegal. There is very near the whole of the population that is involved in exhibition or peeping at some time or another in its life. There is between 35 and 40 percent of the male population that has some homosexual activity after adolescence. There is 25 percent of the male population that has a considerable amount of homosexual activity. There is anywhere from 15 to 60 percent of the farm boys in different parts of the country which has animal intercourse. Now, that

means that the persons who are apprehended for these things are involved in behavior which may or may not be different from that of the rest of the population.

It is our finding, so far, that it is not more than 5 to 10 percent of the persons who are apprehended and convicted as sex offenders who are involved in behavior which is fundamentally different from that of a high proportion of the rest of the population. That same figure was arrived at independently at Bellevue Hospital, where they are required by law to review every case of every sex offender before he is released from an institution there. That is the figure which the "gap," the group for the advancement of psychiatry, have used.

I repeat that it is our judgment that there isn't more than 5 or 10 percent of the persons who are convicted under the law who are involved in behavior which is fundamentally different from behavior which is widespread in the population. Now, that means that the problem of the sex offender in most of these other jurisdictions which I have described is being narrowed down to those specific cases which are psychiatric problems and those cases which are dangerous to society. The group for advancement of psychiatry has recommended that there be no special handling—no special psychiatric attention given to sex offender cases except those which involve behavior that involves force, and I think everywhere there is universal opinion that society has the right and the obligation to protect itself and its individual members from forced relations.

Secondly, society demands protection of its younger children from sexual activity forced on it by adults. And there is a third type of sexual activity which becomes a considerable nuisance and sometimes more specifically dangerous to society because it is compulsive and/or repetitive. The technical psychiatric term "compulsive and/or repetitive" refers to the type of case which persists in doing something which offends society. The simplest instance of this sort is the exhibitionist. Now, again, there are very few males in the population who haven't deliberately exhibited for some erotic satisfaction some time or other somewhere along the line. The exhibitionist who makes a public nuisance of himself and repeatedly makes a nuisance of himself may or may not represent a psychiatric problem, and where there is a real psychosis involved, such an individual may graduate from that type of behavior into behavior which is socially dangerous.

The public, in general, thinks that all sex offenders are as dangerous as those sex offenders who murder or who force relations on younger children. Under the laws of the several states of the Union, there are 20 to 25 different types of sexual behavior which are criminal, and I daresay that there would be about that many in your own California laws.

The Swedish government has abolished all sex laws which do not cover the three items which I have just named.

In New York City there has been no change in either city or state law, but in the last five years there has been a radical change in the administration of the law, and it boils down to essentially that.

To take a single type of case, the public in general thinks of homosexuality as a perversion, and all persons who have homosexual activity are ipso facto psychopaths. Now, with that I can vigorously and specifically disagree, even with any psychiatric opinion that you bring. There

are persons with homosexual histories who are psychopaths and who, because of their mental disturbance, may become dangerous to society. There are many other persons whose homosexual histories are carried on in a fashion which does not threaten person nor property, even though it may threaten the concepts of morality which some other persons have.

Now, in New York City they were making about 20,000 arrests per year of homosexual cases before they started their new procedures in the courts. They were sending about 2,000 of them per year to penal institutions before they started their new procedures. Since they have set up their new development in New York City, they are not sending through more than three or four hundred cases per year from the city courts. The experience of the municipal courts on that score—the precise record of how cases are handled, and so on—is to be found in the chief magistrate's reports, which I don't happen to have with me, but which are the sort of thing which any group you set to study could, you see, have access to. They have had difficulty in setting up their program there, chiefly because of difficulty in working out a clinical program that was practical. It has not served to have a psychiatric clinic which makes diagnoses and has no practical procedure to recommend to the police department, to the prison administration, nor to any other group. They are now operating with a clinic which is accomplishing more than has been accomplished through their five years of experience, and the clinic is designed to weed out those cases. It is a pre-sentence investigation that this clinic undertakes. It is not mandatory, but the court persuades most of the persons who come before it to resort to the clinic.

The clinic is designed to identify those cases that will cause trouble, or those cases which cannot be readily helped by clinical redirection. The clinic, in consequence, recommends a minimum of cases of commitments, and the courts, in actuality, have reduced their commitments to 20 percent of what they were prior to this program. The program has been in effect for enough years so that the people of the city are quite conscious of it. It has been written up in magazines; it has been rather widely advertised over the city, and people of the city are very well pleased with it.

I should say this, that there are a great many of the sex offenders whose patterns of behavior are not going to be materially modified by any known psychiatric service, and it is a snare and a delusion for the law to provide that these persons shall be treated—shall be kept until cured of their psychopathy.

At the New Jersey state meeting the commission had called in a group of experienced persons from widely over the country. The psychiatrist in charge at St. Elizabeth, the government institution, was there, the psychiatrist who was in charge of all the Army cases of sex offenders in the European theatre during the war, the psychiatrist who was head of the committee of "gap" which made this special report on sex offenders, and what I am telling you would be substantiated by each and every one of the specialists that the New Jersey group had called in. What I am saying is that for a person who is completely homosexual and who has had a long-time homosexual history, for instance, there is not going to be any modification of the degree of their homosexuality by any known psychiatric treatment. We ourselves have never seen such a case.

On the other hand, the New York State attempt, the present New Jersey attempt is to help these people make a social readjustment which does not go on the gratuitous assumption that they are going to drop their homosexuality, but does see to it that their activity is carried on, and help them to work out a pattern of behavior which may be carried on without affronting society.

There are some types of sexual behavior, I repeat, which are of real concern and against which society must protect itself. There is a very high proportion of the persons who are apprehended under sex laws who have merely offended custom and not persons or property, which is the point of all of the criminal law, and whose offense involves a readjustment of their pattern of behavior without attempting to cure them of a pattern of a particular type of sexuality.

I should be very glad to have you ask questions. I think it would be well to limit my preliminary remarks at this point.

MR. SMITH: On this last subject you were talking about the kind of treatment that is going to help the homosexual. Now, what others do you classify as being able to be helped by a psychiatrist? I don't know that they claim they can't help anybody; they don't like to admit they don't have a cure, that's it.

DR. KINSEY: There are psychiatrists of many different qualities, and there is honest divergence of opinion among psychiatrists. If you should call in for consultation some of the country's top psychiatrists, you would find agreement, for instance, on this point, that a person with a primarily or an exclusively homosexual history is not going to be modified. I will give you another instance. Our own studies indicate that the general pattern of behavior is laid down for most males early in their teens. By 16 years of age, 95 percent of the males have laid down their pattern. We have not seen, out of the many thousands of histories that we have looked into, any material change in pattern of behavior after 16 years of age. I don't mean that they don't modify some of the details of the way in which their activity is carried on. Let me give you a specific instance. There are 85 percent of the males—there are 85 to 95 percent of the males from that segment of the population that never goes beyond 10th grade in school, who have intercourse before they are 16 years of age. It is only 30 percent of the males from that segment of the population that ultimately goes to college. Conversely, the male who is ultimately going to college depends primarily upon masturbation for his pre-marital outlet. The man who comes from the lower educational level may have a bit of masturbation in his early history, but very quickly drops it in favor of the coitus.

Now, the problem of dealing with the individual from that segment of the population where pre-marital intercourse is accepted is not really an individual problem. It's a problem that involves a pattern of the whole community from which he comes. His segment of the community doesn't in actuality disapprove. His segment of the community in actuality expects. His segment of the community would be shocked at the idea of a boy who got along into his late teens without having intercourse. In consequence, when you are dealing with a person who has started a heterosexual adjustment with intercourse at that early age, you are not going to persuade him to quit intercourse for any period of years. He may go to prison for it; he may pick up venereal disease; he may get into all

sorts of social difficulties, but we have never seen such a pattern changed. Now, that doesn't mean that he has to have intercourse under situations which damage, which publicly affront.

I think the problem would concern Legislators most when it comes to the question of the age group in which these persons have intercourse, and there is one of the most difficult problems that I know, this attempting to change the pattern of a person who has learned to have intercourse at a very young age, and it is for that reason that all of these groups have agreed that such a person should be given special attention and needs all of the psychiatric help and commitment until there can be something done about it.

MR. SMITH: Including homosexual?

DR. KINSEY: With very young persons, irrespective of whether the behavior is heterosexual or homosexual.

MR. SMITH: Do you think that incarceration of homosexuals 30 days to 6 months helps the situation from an over-all standpoint, or do they merely have a field day in jail and then go out and immediately perpetrate the same acts again?

DR. KINSEY: I come back to it that we have never seen a homosexual history modified by any imprisonment, whether it be 30 days or 30 years, but we have seen these persons adjusted by the sort of social clinics which New York has set up, to learn how to conduct themselves without affronting by forcing relations and making public nuisances of themselves by carrying on with young persons.

Let me draw your attention to this, since you have mentioned the homosexual. You have at one end of the population, males who are exclusively heterosexual throughout their lives. Males who are exclusively heterosexual throughout their lives constitute about half of the population, and not more than half. Males who are exclusively homosexual constitute about 4 percent of the population. That means that you have about 46 percent of the population which has some combination of heterosexuality and homosexuality in their histories. Some of them have more of one; some of them have more of the other. Some of them may be primarily heterosexual in these years, primarily homosexual in some other years, or vice versa. Now the males that are exclusively homosexual, or nearly so, are the ones to whom I refer when I say I have never seen a pattern changed if there have been some years of experience. Now the persons who lie in that other 46 percent, you see, are persons who might be modified. Their behavior might be thrown one way or the other.

The surest way to make such persons exclusively homosexual is to send them to a penal institution. I can't conceive of any sort of therapy that is more likely to make them exclusively homosexual than to send them to a penal institution. It doesn't matter whether it's California or New York or any place else—male or female institution. It is a place where there is no opportunity for any other sort of thinking, irrespective of how much overt contact there is, no opportunity for any other sort of thinking. If, on top of that the institution rules out pictures of women and limits the number of contacts with women, and so on and so forth, any long stay in an institution will do a good deal to throw one of these males who is in the intermediate point, you see. It doesn't do very much to take the male who is exclusively heterosexual when he goes in, but it can throw these individuals who are midway. Now, sooner or later these

individuals who are midway can be guided by a clinician. It need not be a psychiatrist necessarily—a social worker, a psychologist, a friend, a clergyman—they can be thrown, you see, to some degree. It's the exclusive cases at the two ends that aren't going to modify their patterns.

MR. BECK: What percentage are wholly homosexual?

DR. KINSEY: Four percent wholly homosexual.

MR. SMITH: Does it make it worse if they put all of them—segregate them—place them together—does that increase the problem or modify it in any way?

DR. KINSEY: Thanks to your state administration, we have had an opportunity to begin a study of that situation at San Quentin, where there has been some attempt to segregate a homosexual group. We have spent a good many thousands of hours so far on the thing. It will take many more thousands of hours before we have any answer. That is the sort of problem which you should have some agency for studying, you see. In this particular case we are doing that, naturally, very definitely.

MR. SMITH: Does the same situation apply so far as lobotomy is concerned, shock treatment, hormone, castration, all those on which we are still in the research stage?

DR. KINSEY: On most of those we are not in the dark. The answer is perfectly clear-cut on nearly all of those.

MR. SMITH: What seems to be the answer, pretty much, on those?

DR. KINSEY: Guesses and thinking—recommendations for procedures in regard to those things which do not take into account the known scientific data are, of course, negative. Lobotomy is an operation upon the front areas of the brain—the frontal lobes, so-called. It varies from the removing of a small piece to the removing of a major portion of the lobotomy. There is no known effect—it doesn't change the pattern of behavior; it doesn't increase or decrease the sex drive. Now, I can bring you the most authoritative information on that subject, because we are the persons who were chosen by the New York State Psychiatric Institute to do the sex part of the study for the biggest lobotomy experiment that has ever been conducted in the country. Most of the reports on the efficacy of lobotomies have come from physicians who have performed a single one or two, a half dozen at the most, here or there.

The New York State Psychiatric Institute has performed over 250 operations. It has called in a staff of 40 or more people—psychiatrists, neurologists, physiologists, psychologists, social workers—to make every conceivable study on these patients before the lobotomy was performed, and every conceivable study after. We will follow these same patients for many years to come, and in consequence our present remark is tentative, but at this stage we have been in these experiments for nearly four years, and at this stage the answer is that we have not yet been able to detect any modification of sexual behavior as a result of the lobotomies.

MR. ROSENTHAL: Have you been studying it from the viewpoint of a sex problem, or as a mental problem?

DR. KINSEY: Both. We have studied the effect upon the intensity of the sex drive, the frequency, the direction of the drive. A big volume reporting what is known so far as the result of these lobotomy experiments has been published within the last three weeks, and is now available, and that is the sort of thing, you see, which a research group would

have access to, and would take into account to advise you on such a matter.

MR. BECK: Could you give us the name of the text, or the report, for the record?

DR. KINSEY: The book is edited by Dr. Mettler, Fred Mettler, Neurological Institute, West 168th Street, New York City. I can't name the publisher for you, off-hand, but if you wrote Dr. Mettler, he would refer the request to the publisher.

MR. SMITH: Is it the same on shock and hormone and castration?

DR. KINSEY: On hormones, the biologists have had the answer for 20 or 30 years, and the small-town clinicians claim that the thing since then is not scientifically grounded. The answer there is that hormones have very different effect upon the young individual than upon the adult. If the pre-adolescent boy or girl is deprived of hormones before they turn adolescent or have acquired their full growth, there will be a very marked effect upon the growth of the total body, upon growth of the genitalia, upon the intensity of any physiologic activity, including the intensity of the sex drive. That means whether these hormones are controlled by a specific injection or by castration, the effect upon a pre-adolescent would be to materially reduce the sex drive, the frequency with which he is aroused sexually, and the frequency with which he has sexual activity.

I may remark, on the other hand, that castration of a younger individual has such a terrific effect upon them socially that you have all sorts of other complications coming up. A great many of them have no choice but to become homosexuals as the result of such castration. That is not the physiologic outcome of the castration, but the social outcome. A great many of them become so peopless and worthless that they become wards of society for the rest of their lives, if castrated at that point.

Now, castration on an adult, or injection or deprivation of hormones, modifies the intensity of the sex drive. It does not modify the direction of the drive. By which I mean that by all criteria the frequency with which an individual is aroused, the frequency with which a male comes to erection, the frequency with which they engage in complete sexual activity may be reduced by castration or by modification of the hormone level in any other way, or the frequency will be increased by the injection of hormones—of male hormones. There are many other hormones, of course, but in this connection we are always thinking of male hormones. Male hormones will increase the frequency of reaction. Consequently, the clinician who injects male hormones with the idea that he is going to reduce the sex drive is working diametrically opposite to all of the known biological experiments and all the known clinical experiments on any large scale. The direction of the activity, whether it be toward another male or whether it be toward a female, whether it be heterosexual or homosexual, is not in any case modified. There has been an abundance of animal experiment on this score, starting way back in the 90's, culminating in the 20's—as early as the 20's—so that the answer was perfectly clear-cut to the biologists, and consequently we are quite amazed to see medical experimentation with the thing at a later date.

During the war there was rather extensive experimentation on this thing by one Army group, where they took a group of 300 men with homosexual histories and injected them with hormones. They had the worst homosexual problem on their hands that they had ever had, because they increased the intensity of the drive of these men, you see. It did not modify the direction of their behavior at all.

MR. BECK: Have you found that you can deprive a male of hormones and thereby decrease the sex drive?

DR. KINSEY: You can deprive them of male hormones in various ways, but of course chiefly by castration. The decrease in sex drive in that case, I should remark, varies considerably with individuals. We ourselves have histories of persons who have been castrated as long as 30 years ago whose sex drive would still surpass that of the vast majority of the population.

MR. BECK: Are they still capable of sexual intercourse?

DR. KINSEY: If it is simple castration, there is no interference with erection, and there is no interference with ejaculation. The semen does not come from the testes, as is popularly believed. It comes from the prostate gland and the seminal vesicles at the base of the penis. Consequently, if the castration is performed in any fashion which would be medically approved, it has no modification upon the individual's ability to perform sexually, with the exception of some slight lessening of frequency of activity for a portion of the adult population.

MR. BECK: We have received testimony that in one superior court in Los Angeles County they have had 50 of these castrations for sex offenses, and the testimony indicated that none of these individuals have ever again been charged with a sex offense.

DR. KINSEY: I think it would be important to point out to you that recidivism among sex offenders is lower than it is in any other criminal group, taking the country as a whole. I am not quite clear what your experience may be in California, but in the country as a whole the sex offender is the one who returns least often to court. There are loose statements made to the contrary, but every specific study that has been made bears that out.

MR. BECK: That wouldn't be true of the exhibitionist, would it, or the homosexual?

DR. KINSEY: It would not be true of any of the persons who are compulsive in their behavior. A compulsive is a person who carries on without regard to the penalty. A moth flying repeatedly into a candle flame until it burns itself to death is compulsive in its behavior. A moth that had sense enough to singe its wings once and then never again fuss with a candle flame, you see, would not be compulsive. So you have exhibitionists who might be involved once, but not compulsives, and what you need in the way of clinical help is some agency which will identify which of these exhibitionists are compulsive, because those are the ones against which you do need protection.

MR. BECK: How can that be determined?

DR. KINSEY: That could be determined by a qualified clinical staff in a high proportion of the cases, I think.

MR. MCGEE: I might support what Dr. Kinsey said about the California experience on that. The next to first-degree murder parolees, the violators of 288, are the best risks on parole. We have about 12 percent

of violations, and of those, very few of them are violators by reason of having committed another sex offense

MR. BECK: They were guilty of something else at this time?

MR. McGEE: Well, they are brought back for technical reasons.

DR. KINSEY: You see, for that reason your statement from Los Angeles that few of these people return isn't necessarily cause and effect.

MR. ROSENTHAL: Let me ask you a question. In view of that statement, Doctor, it seems to me that the arrest of a particular offender and incarceration has had a good effect insofar as the courts are concerned. In effect, what you are saying is that the arrest and incarceration of a homosexual is one of the ways of keeping him from doing it again. Now, he may do it again, but not be arrested for it.

DR. KINSEY: I would follow you in the first half of your remark, but not the second—the arrest and perhaps the court trial and the conviction has this effect, but look at New York City experience, where they arrest and convict and put 75 percent to 80 percent of their cases on parole immediately, and they similarly do not get them back in court. Now, the incarceration is a different story. There is no doubt that incarceration contributes materially to keeping some people from returning to such activity on the homosexual case. I repeat that I can't conceive of anything more cockeyed than the notion of sending one out who has been convicted of homosexuality to that segment of the population where there is more homosexual activity than any place else. This is not a problem of your California institutions. This is not a problem that is the burden of any particular warden; this is a thing which no warden anywhere in any institution in the United States, with one exception of which I know, has ever been able to hold down to the point that the activity occurs in the rest of the population.

MR. ROSENTHAL: For that 4 percent of the population that are homosexuals, incurably so, that are at least that way forever and anon, isn't that the only place for them? If we consider that since the crime can not be cured; they will inevitably remain homosexual.

DR. KINSEY: What is the population of your State?

MR. ROSENTHAL: Ten million.

DR. KINSEY: Ten million population will mean that there are 4,000,000 males in that population who are of an age that is active sexually—about 40 percent. That is on the basis of the national census. If you have 4,000,000 in the population who are active sexually, 4 percent of those will give you 160,000. All right, you have 160,000 males in this State whom you would have to consider incarcerating for the rest of their lives. Now, you have 8 percent of the population who is nearly homosexual or completely so; that means 320,000 of them.

MR. ROSENTHAL: You have 4 percent, you said?

DR. KINSEY: Four percent is completely so; another 4 percent is nearly so. That gives you a total of 8 percent. You have 18 percent of the population who have as much homosexual activity in their history as they have heterosexual, or more. That means that you are thinking in terms, if your law is to be efficiently enforced and justly administered—you are thinking in terms of tens and hundreds of thousands of individuals.

MR. FLEURY: Are all the homosexuals possible people that would commit crimes against children as far as sex is concerned?

DR. KINSEY: That is the point I have been trying to make, that it is not more than 5 percent to 10 percent of those persons with homosexual history, or with any other sort of apparent sexual history who would be dangerous in contacting children or in forcing relationship.

MR. ROSENTHAL: One question following that. Is it true as we have heard that a homosexual invariably resorts to a younger person for his practices?

DR. KINSEY: No, that is not true. We have the specific data on the age groups with which contacts are made on all of the persons who give us histories, both heterosexual and homosexual. It would be a very small portion of the population, whether heterosexual or homosexual, that would be having contact with persons very materially removed from themselves in age either younger or older. I can't give you the precise figure, but I should think again that it might be a matter of 5 percent or 10 percent at the most who would have contact with persons very much different in age.

MR. ROSENTHAL: What type of person or group of persons were you considering or thinking about when you said they neither affect person nor property?

DR. KINSEY: Persons who do physical damage in forcing sexual relations upon another person are among those whom we immediately think of as a person against whom society needs protection. Persons who use undue coercion—in the common law principle—that is in itself also assault. Persons who considerably warp another person's own pattern of behavior, and I suspect that that is the thing that leads society to object most to an adult starting a younger child on any sort of sexual activity. It exerts undue influence on their later pattern, even though force has not been used. Our sex laws protect property only at one very peculiar point, and that is in its protection of the husband's rights to his wife, which arises out of an old property right in ancient law.

MR. BECK: Are any of these tendencies inherited?

DR. KINSEY: There is always the possibility that there is some inheritance, but there is no specific evidence—there has been no study which has been able to show that there is inheritance. It is our own opinion that the thing that may most frequently be inherited is the intensity of the sex drive—the capacity of the individual to be quickly aroused, or the capacity of the individual not to be aroused. The direction of the behavior we have no reason for believing is inherited. Again, it is going to take long work to establish the thing; there are no positive data, you see. So far, there are nothing but negative data. There is a considerable study on the possible inheritance of the homosexual being conducted in the New York State Psychiatric Institute right now, and again our data is being utilized in the thing. It is again one of the areas in which any research group that we set up, you see, in your own state or anywhere else might properly concern itself with investigation.

MR. BECK: In your remarks here today, in forming some of your conclusions, how many interviews or units do you have as a base in order to form those conclusions?

DR. KINSEY: We have about 16½ thousand histories in our own survey. I would draw your attention that market surveys, public opinion surveys, and so on, usually use samples much less than that. If a sample is properly spread through the population, a sample the size of ours can

do a great deal; it represents the total population. Our remarks concerning sex offenders are based upon that 95 percent of the nearly 9,000 males in our histories and upon a smaller percentage of the females who have been involved in illicit sexual behavior. It is based specifically upon something more than 2,000 cases who have been apprehended, brought before the courts and convicted and sent to penal institutions as sex offenders.

MR. BECK: We have received a recommendation from one group that perhaps the best thing that we could do at this time was to appropriate approximately a half million dollars, or at least a large sum for research. What is your thinking as to whether that is too much, whether it is too little, or whether it would be helpful at all?

DR. KINSEY: Since we have had close contact with most of the research programs that have been conducted on sex behavior, I have had some opportunity to think that thing through. My present reaction is that it would be practically impossible to set up an agency, to find the personnel qualified to use \$500,000 intelligently in a year. Such money spread over a period of years would be a very important background. Our own research project is costing something more than a \$100,000 a year.

MR. ROSENTHAL: Is that nation-wide or just the state here you are operating in?

DR. KINSEY: No, our study is nation-wide. Actually we have limited personnel; there are 10 persons at present on our staff. We could have had access, through our sponsors, to much greater sums than that, and we have not been able to find qualified personnel to expand our staff more rapidly and beyond our present staff.

MR. BECK: Your thought is that \$500,000 may not be excessive but it certainly would be for a period of a year?

DR. KINSEY: I think so.

MR. BECK: Is it possible that if the State did appropriate money for this purpose, we could receive funds from research foundations either to match or in addition to our own funds?

DR. KINSEY: There are two groups of foundations which have been the chief support of large scale projects. The private foundations, I think have almost never gone into the support of a state-sponsored project. Our project at the Indiana University is more typical of the sort of support that the private foundations have given it. The Federal Public Health Service has a division of mental health which has been appropriating funds to states and to counties and other agencies for a great variety of studies in a variety of areas. A study of other possible sources might disclose something else, but those are the chief answers that come to my mind immediately.

MR. BECK: Mr. Brown has a question.

MR. BROWN: What type of an agency for the State, for example, would be the best? A school, a department of mental hygiene, or any other state agency, or should it be a separate one, or should it be tied in with any state groups?

DR. KINSEY: I have told you some things that are the result of many years of gathering this specific data. My answer to your immediate question would have to be off the cuff. I can see considerable advantage to hooking it up to one of your penal institutions which is actually

handling sex offenders or in connection with some other law enforcement agency. If you would like my opinion, I would suggest that I think one of your dangers would be to consider that your entire problem is psychiatric and that your problem should be handed over to a psychiatrist. I have told you that it is a limited number of cases that need psychiatric help, that the great majority of cases need social readjustment, and having seen clinicians at work for many years, I am quite sure that there are many people in social work, in psychology, and various other areas that have dealt with human animals that could give you as intelligent, or more intelligent help on certain aspects of the problem.

Again, I bring you the opinion of the psychiatrists who were called in by the New Jersey State Commission. At the end of their session with the New Jersey State Commission, the unanimous opinion of the group was that the administration of sex offenders, of their clinics for sex offenders, and the decisions as to whether or not sex offenders should or shouldn't be kept in an institution should not be left entirely to the hands of the psychiatrists. If you remember that this group is largely a psychiatric group that was called in, you should be impressed by the fact that they themselves recognize the importance of bringing in these other agencies.

MR. BECK: Following out Mr. Brown's thought, would you recommend that some state commission handle the research rather than tying up to a university or to a penal institution or to a mental hygiene institution—a new commission entirely?

DR. KINSEY: I will not give you an answer on that point. It is one that I think needs careful study. You have such agencies as your State Department of Corrections, your State Crime Commission, your Adult and Youth Authorities already in existence. The possibility of utilizing university help is something that might well be considered, the possibility of some sort of coordination between them. There may be other agencies; that is one of the things that should definitely be studied, I think, in setting it up. I don't know that anyone has the wisdom of this without further study as to what groups such things should be handed over to.

MR. SMITH: We have this very serious problem from the society standpoint now. We have had some rather extensive hearings—psychiatrists, doctors, and everybody—and we have listened to them for several days, and primarily we see no increase in sex offenses according to statistics given us now over 10 years ago. True, some increased in cities, but no more in population, but more has reached the public where the public is demanding that this be done and that be done. To us it looks like a vast over-all problem that can't be handled in two or three days, or a week or any such time. Now can you give us any specific things from your experience that we could do or recommend to start to cope with this problem and how we should start to handle it?

MR. ROSENTHAL: Have I the time to introduce a couple of questions?

MR. BECK: Sure.

MR. ROSENTHAL: Do you think that it is essential at this time or at any time, or beneficial, that the present penal laws be increased, as a way of retarding the apparent growth of sex offenders? Such as

increasing the penalty from 10 years to 20, or castration, or segregation, or life imprisonment, or the gas chamber? Do you think that would retard it?

DR. KINSEY: I should recommend that any——

MR. BECK (to Mr. Rosenthal): Have you got some more questions?

MR. ROSENTHAL: One more.

MR. BECK: Well, throw the question then, because it will be tied in with the same question that Mr. Smith just asked.

MR. ROSENTHAL: The second one is, have you any suggestions as to the manner in which we can apprehend the sex offender before the crime is committed?

MR. BECK: After all those questions, then, what are your recommendations and what should we do at the present time? We can see this whole problem very easily——

DR. KINSEY: On the next point there is grave doubt among all penologists as to the value of a more severe penalty as a deterrent rather than a less severe penalty. Some penalty deters, but there has been grave doubt for many years among penologists and those engaged in law enforcement whether an increased penalty ever deters to a greater degree than a smaller penalty would. I come back to the experience of the New York City courts that by lessening the penalty—still arresting, still convicting, but lessening the penalty—they have worked out a much more satisfactory solution than they have had before.

MR. BECK: You mean by granting parole?

DR. KINSEY: They grant parole immediately in 80 percent of their sex cases. There is no one that can give you accurate statistics on the occurrence of sex crimes. I think we are the only people who have ever had data available as to how often certain acts are performed. The statistics that are usually quoted as statistics of the incidence of crimes merely represent the degree of activity of the police and efficacy in securing conviction. The FBI figures are figures for arrest, not even figures for convictions. It depends upon the degree to which the public is stirred up as to how the police act. It depends upon the personnel of the police chief and the particular political party that is in control and so on.

We have made numerous studies, and we find that the figures of arrests and convictions fluctuate on the basis of public interest in these things. To give you one sample. The frequency of arrests for prostitutes in the State of Indiana—this goes back pretty nearly a 50-year period—the frequency of arrests for prostitutes ran along on much of a level until the onset of the first World War, when they rose considerably. They dropped after the war and went along on a level until the second World War, when they arose considerably and dropped again. Now, if you take those figures alone, you could conclude that there had been a very considerable increase in the amount of prostitution. Now if for the same area, Indiana, you take the frequency of arrests on fornication and on adultery charges, you will find that they went along on a level until the first World War, when they went down. That was the period during which the arrests for prostitution were going up, you see. They came back to a level after the war and ran along until the second World War, when they went down again. If you add together the arrests for prostitution and the arrests for assault and battery, you get a line that runs right straight through all those years. Meaning that when the public was interested in prostitution,

as they were stirred up to be interested during first and second World Wars, the judges called them prostitutions, sent them in on prostitution charges, or the police charged them with prostitution in the first place. After that flurry of public interest was over, they called it something else. It is exceedingly difficult to interpret any crime figures.

Now our figures for frequency of sexual activities of various types have been available from younger generations and from the oldest generation that is living today. We have made a comparison in Chapter IX of our book, and we can not find that there is significant difference in the frequency of such activity through about a 60-year period covered by these two populations, on such things as premarital intercourse, extra-marital intercourse, and homosexual activities. Interestingly enough there is one new phenomena that has arisen in the course of those years. The younger generation is doing what the college boy calls petting to a degree that his forefathers did not, but on your sex crimes we have no measure at all that there has been any material fluctuation.

MR. BECK: What are your recommendations, doctor, that you could give us that will be of help?

DR. KINSEY: I have one over-all recommendation and that is that a commission be established which will have sufficient time and access to sufficient expert advice—

MR. ROSENTHAL: How much time would be required in your opinion?

DR. KINSEY: A year.

MR. SMITH: What would the personnel be? I don't mean specifically, but I mean, would we want a psychiatrist, a psychologist—

DR. KINSEY: I should recommend that there be someone from the legal profession who has had experience with criminal law as an attorney, rather than as a law enforcement officer. I think there is grave danger in the recommendations made by psychiatrists and some other clinicians of transgressing human civil rights. You need someone on that commission who will see that you don't go astray there. You need some psychiatrist who will help you get in touch with the top psychiatric groups in the country who have made special study of this thing, not merely pass his own individual opinion on to you, with the idea that ultimately you might call in specialists in each of these areas from over the country. New Jersey State called in people from half way over the continent.

Your psychiatrist will give you help to become aware of the actual clinical experience in a variety of other areas. There are some of us, of course, like ourselves, who are making special studies of sex problems who have material to give you. I am very sure that there are experienced social workers who would give you valuable opportunity to take those things into account. A sociologist, Dr. Paul Tappen, of New York University, who has made a special study of delinquency, is the sociologist whom the New Jersey State Commission has called in for making a number of special studies, which would have been completely missed if your commission had been entirely a psychiatric group.

I should think that someone from any of your state agencies that have already had contact with these problems would be of use to you in adapting the thing to your particular situation. Your correctional commission, your two parole boards, adult and juvenile authorities, and

some other agencies which you probably know better than I might supply one or two or three of the persons for such commission.

MR. BECK: You would have law enforcement agencies, judges, district attorneys, sheriffs?

DR. KINSEY: I should think very definitely law enforcement should be represented. It has been, frankly, the unfortunate experience of some of these areas that such committees have sometimes been made up only of law enforcement people. I should think that you should very definitely have at least one, and possibly more, of your legislators on the thing, who understand the realities of the problems of handling legislation, persuading a legislative group, and interpreting public thinking on the matter.

MR. SMITH: A psychologist?

DR. KINSEY: I think a good clinical psychologist, a good clinical sociologist, a good clinical psychiatrist. I did not intend to leave out the psychologist.

MR. BECK: Would these individuals work full time or merely direct the study?

DR. KINSEY: The New York State legislature passed a bill in a hurry in the midst of an excitement like this a year and a half ago. Governor Dewey immediately vetoed it, and with special legislative funds set up a commission to make this sort of study. There is another agency which I haven't previously named for you, you see, which has in actuality been studying and working definitely toward recommendations to the state legislature. That commission was a full-time commission. It set itself the problem of studying the individual sex offender. Any sex study is a very long-time study. It will take several years. That is not the thing that I am suggesting here. I have already suggested that your commission, no matter what laws you pass right now—your legislature or your commission—should set up an investigating group; that's a different agency.

The New Jersey State Commission has at least one full-time man, the executive secretary, who is Dr. Tappen, who I have just mentioned. I am not clear that any of its other members are full-time, but I know they have spent a great deal of time in meetings.

MR. BECK: Which would you recommend—a full-time commission like the New York Commission?

DR. KINSEY: No, I should not recommend the New York Commission. The New York Commission has a double obligation of trying to work out recommendations for immediate legislation and trying to make a study of sex offenders, and those two things do not go together.

MR. ROSENTHAL: When were they created—do you know?

DR. KINSEY: That commission?

MR. ROSENTHAL: Yes.

DR. KINSEY: I know, because they came immediately to me. I think it would have been about a year ago in May.

MR. ROSENTHAL: Have they made a report yet—do you know?

DR. KINSEY: There has been a tentative report, yes, but no recommendation for legislation yet. It's about a year and a half that they have been in existence.

MR. SMITH: Do we want any type of a citizen on this—an educator, or somebody from the public standpoint—a high-class man to help us out, to calm the public over a period of time?

DR. KINSEY: I should think some of these other persons would satisfy that description, but if it did not, your commission would be wrongly constituted.

MR. BECK: What size would you say would be the maximum for such a commission?

DR. KINSEY: Something between six and a dozen. I should think it the primary function of such a commission, through each of the special interests represented on it, to help the commission obtain access to the work that has been previously done by other groups in this area, to pool the information that is thus brought to it, and on the basis of that, to make recommendations to your legislature.

MR. BECK: But they would not go into research itself.

DR. KINSEY: The research itself is a full-time job for many years for a large staff.

MR. BECK: Is there a possibility that any agency throughout the nation, other than yourself, will in the future conduct research on the sex offender problem?

DR. KINSEY: I don't know of any long-time agency so set up. I am quite sure that the agencies that are backing us have had it in mind to put all of their backing into our own activity, and our work on the sex offender has expanded and will expand very materially in the course of the next two or three years.

MR. BECK: So that it is possible that your own group might possibly carry on further in the research?

DR. KINSEY: Precisely. And you know that we have been making a study of the sex offenders in your own state over the last year.

MR. BECK: No, I didn't know that.

DR. KINSEY: Yes.

MR. BECK: Mr. Fleury, do you have some questions?

MR. FLEURY: No, I don't.

MR. BECK: Mr. Smith, any further questions?

MR. SMITH: No.

MR. BECK: The question is relative to senile males molesting young children. The question pertains to the problem as to whether or not they can be cured of that, and if they are incurable, should they be incarcerated for life?

DR. KINSEY: We have a good many histories of older males who have been brought before the court on charges of involvement with younger children. We have been surprised at the small number of sex offenders the country over who are wrongly charged. In prison parlance, there are fewer bum raps among sex offenders than we had ever anticipated, but among the older offenders there are more bum raps than there are among any other sex offenders. We are quite convinced that many of these older persons have never been involved in any activity which is actually a menace.

The child is not a good witness. The law decides at one point that the child under seven is incapable of a great many things, and then at the next point, it decides that the child is so capable of being a witness that you don't even need corroboration of its testimony, and there are

psychiatrists and psychologists, people in social work and in other fields who have found, as we find, that the testimony of the child is very often incorrect. The child insists "there was an attempt to handle me," when in actuality all it amounts to is that the child has been patted on the back or grasped in the old man's hands and hugged.

I have seen cases of children who have sent men to state penal institutions for life on the insistence that they had had intercourse.

They were sent through, in spite of the fact that the medical records showed that there had been no intercourse, but the jury and the community were so stirred up that they took the child's word that there had been actual intercourse. I have subsequently interviewed the child and worked with her for a period of days and become absolutely convinced that the child hadn't the least conception of what intercourse was. There are a great many of the younger children who don't know at all, and what had happened in that particular case was the case of an older man patting the child, kissing it, and that, to the child meant intercourse.

Now, there are other cases—other cases that are right now too patently apparent in the public's mind—where there has been complete forceful relationship, and so the problem of the older offender is a problem of many different sorts and situations. Where there is public hysteria on the thing there is more injustice worked there than there is at any other point in the administration of the sex laws

The other side of the question is one that has disturbed a good many of us who have been working with children. As part of our own study, we have done work with, so far, about 500 children under seven years of age very extensively, trying to determine the beginning of attitudes and of sexual patterns which ultimately determine the patterns of adults.

The leading child psychiatrist in the country is Dr. David Levy of New York City, and he and I have been in conference, and we have had conferences with various people who have worked with children, and we are all agreed that there is no greater damage that can be done to a child than to scare it concerning any situation, and we are also agreed that the parent's reaction to the child who says that a man "stopped me and kissed me" in more cases has done more damage than the man himself had ever done.

Right now you have in many of the cities of your own state, school teachers who are under orders to warn every child when it leaves school in the afternoon to go home directly and not allow any man to touch it, and I can see tens of thousands of maladjusted marriages coming out of that simple procedure. It is out of that sort of thing that you get the restrained woman, who never lets herself go freely. She hasn't, as a child; she started out with that sort of fear of males; she holds it through her teens; and she arrives as an adult at a marriage where she just doesn't let herself go, and I am sure that psychiatric advice will tell you that that early beginning of that sort of fear is the thing that does it.

Now, a man who does in actuality very much upset the child can do very great damage, whether he has done physical damage or not, but so also can the parent or the school teacher.

MR. BECK: To come back to my question as to the curability of the senile people who do molest children. Is that a behavior pattern that is not curable?

DR. KINSEY: I should say in a portion of cases, it is not curable, and those are the cases which your clinic should identify and advise to be segregated for as long as necessary from society. There is another portion of cases where I am not sure that you have any psychiatric problem.

MR. FLEURY: Where you do have, actually you would lock them up then?

DR. KINSEY: We don't know. I don't think there is any group in the country that has made an adequate study. We have studied a number of such cases and we aren't in any position to reach a conclusion. It's again one of the things that any research group would have to go into.

MR. ROSENTHAL: What about castration of an old man guilty of this crime?

DR. KINSEY: Fifty percent of those that we have interviewed who have been apprehended and sent through on such charges, 50 percent of the older men, are incapable of sexual performance anyway. They are already near castrates.

MR. BECK: I think that's the answer. Dr. Kinsey, I want to say that the committee certainly appreciates the information that you have given us, and the fact that you have come from the Bay area to give us this information I think will be very helpful in the conclusions which we will make as a result of our interviews. It is very much appreciated.

DR. KINSEY: It has been very nice to meet with you.

EXCERPT FROM TESTIMONY OF J. FRANK COAKLEY

District Attorney of Alameda County

FLEURY: Our next witness is Mr. J. Frank Coakley, District Attorney of Alameda County.

You know what our problem is here, that we are investigating sex crimes and their aspects. Perhaps you have an informal statement that you would like to make preparatory to our asking any questions of you.

COAKLEY: Yes, I received from you a letter which Mr. Hutcheson sent me with a list of topics which I have read and on which I have some ideas.

FLEURY: Why don't you just go ahead. We have a good half hour or 45 minutes that we can devote to you and if you would make a statement, then Mr. Hutcheson and perhaps some of the members of the committee would like to ask some questions.

COAKLEY: The first suggested topic is, weaknesses in California laws dealing with sex criminals. In the first place, I think consideration should be given to a better definition of what is meant by sex criminals and sex offenders and sexual psychopaths. I think there is room for improvement there. In the main, however, I believe that the laws of California are adequate to do the job and that the room for improvement lies mainly in the administration of the laws. Probably better equipment in the police departments with respect to scientific criminology work would help. Probably some of these police departments are understaffed and more personnel, better trained personnel, better paid personnel would get better results. In our county, Alameda County, there hasn't been any wave of sex crime, there hasn't even been any appreciable increase in sex crimes considering the increase in the population. The results over there have been, in my opinion, satisfactory as the statistics will show. With respect to this topic number one, whether or not there are any weaknesses in our laws in this State, while in the main I believe the laws are adequate, there are a few things that might improve the situation somewhat. For instance, while we haven't had anything or particular difficulties in getting satisfactory results, we haven't had any particular difficulties in getting convictions, still I think there are places where they may have had such difficulties, it might help some and I think some consideration might be given to the idea of admitting, providing by legislation, for the admissibility of similar offense evidence. There was a bill, as you know, in this last session of the Legislature to admit evidence of other offenses, violations of 647a and 261, and 285, 266, 267 and all of those offenses. I personally think that that bill went too far. The similar offense evidence has been well defined by the cases, by the case law of this State, and it means just what the word says—it's a similar offense, it's a method, the M O, the manner in which the offense was committed was similar. For instance, if you had a 288 where the manner in which the offense was committed was similar to the manner in which other offenses were committed, other 288 offenses were committed by the same defendant, I think that a law which would admit such similar offense evidence as distinguished from other offense evidence would be sound legally. You have similar offense evidence permissible in some types of

cases. You have it in murder cases; you have it in all kinds of fraud cases; grand theft where you have false pretenses or larceny by trick or embezzlement, check cases, and certain other types of cases where the evidence is pertinent and relevant with respect to the issue of intent or guilty knowledge. In a 288 case, of course, one of the essential elements of the offense is a lewd and lascivious intent, the prosecution has to prove that as an essential element. There are certain situations in a 288 case where the acts of the defendant may be equivocal, it's a close question as to whether he had a lewd and lascivious intent or not. Certainly, in those cases, I think it would be sound legally for the purpose of showing he had a lewd and lascivious intent to admit other similar violations, similar offenses which are a violation of 288 committed by that defendant. Of course, as you know, other similar offenses between the defendant and the particular child are now admissible. All the relations between the defendant and the child are admissible, but I am talking now about similar offenses with respect to other children. Now, that might help. I think it would and I think it would be, we would be on fairly sound legal ground if such a law were passed.

With respect to our California law, I think—well, this isn't absolutely necessary but I think it might help, as I said before if we get a better definition of a sexual psychopath and under the Sexual Psychopath Act, a better definition of sex offenders—there was a new law passed in the 1949 Session of the Legislature about commitment of sex offenders—the question is what do you mean by sex offender? Do you mean a person who commits an act of intercourse with a woman by force or statutory rape under 18, or an act of incest, or a violation of 266, 267, 268 of the Penal Code—what is meant by a sex offender. I think there is room for clarification. I think consideration ought to be given to the elimination of the disparity or difference in ages mentioned in Sections 288, 647a subdivisions 1 and 2, and 644 of the Penal Code. As you know under Section 288 the age of the child is under 14, and 647a the reference there is to just a child—every person who annoys or molests a child is a vagrant and so forth—now what is meant by a child, what is meant by the word annoy. There might be room for a better meaning of the essential elements of that offense. Then in subdivision 2 of that section, every person who loiters around any school or public place at or near which school children attend—what kind of a school is meant there, elementary, high school or college or what—what is meant by school children with respect to the age. Then in 644, the habitual criminal section provides that the person convicted of certain offenses, and listed among them is—carnal abuse of a child under the age of 12 who has previously been twice convicted of enumerated offenses shall be judged an habitual criminal and shall be punished by imprisonment in the state prison for life. Then, subdivision (b) of the same section refers to three prior convictions. Well, there, when you consider it together and compare them. Sections 288, 647a subdivisions 1 and 2, and 644 of the Penal Code, you have a difference in ages. You have 644, the habitual criminal section, carnal abuse of a child under the age of 12 years, 288 it's under 14, in 647a the only reference is to a child and school children without any definition of age. So, from the standpoint of legislation I think there is room for consideration of some clarification with respect to those ages.

Another thing, I think we might strengthen our law somewhat by adding to Section 644, the habitual criminal section, the violation of 288 in the Penal Code, it's not in there now. The only thing that comes close to it is carnal abuse of a child under the age of 12.

With respect to strengthening laws of the State, some thought might be given to making the penalties with respect to 288a, it's now been raised as I recall it by the special session from 10 to 15, and 286 possibly rape by force and violence, not necessarily the latter, making the top on the penalty the same as it is in 288, one to life. In 286 it's one to ten—it's now 20, it's raised to 20. So, by doing that you would give the Adult Authority, which now has a great deal of discretion in determining the length of time a prisoner serves in prison, it would give them a greater discretion there and where they put them out on parole, it would give the Adult Authority an opportunity to have a longer period of time over which to supervise the prisoner while he is on parole.

Another thing I think could be done to strengthen our law in respect to these cases would be set up or make provision for, on a district basis, good well equipped crime laboratories manned and operated by well trained criminologists. That takes money and the average county, even the ordinary city, just doesn't have the money to set up laboratories and to man them the way they should be manned. To do that you could, I think, pass a law to set it up on a district basis. You have recreation districts, hospital districts, and other districts which take in several counties sometimes, over county lines and the, it is financed by tax assessments within the boundary of the districts. If you didn't want to do it that way it could be done by the appropriation of State money, it might be better. You would get a uniform operation from a policy standpoint of such laboratories conveniently located on a district basis throughout the State so the smaller police departments and the smaller sheriff's offices would have available where they could get it quickly without too much trouble trained laboratory technicians, criminologists and will have the proper up-to-date equipment to do a scientific police job on cases. I think it would be particularly helpful in these sex cases. For instance, your ordinary 288 case where you have an adult committing a lewd and lascivious act upon a child of tender years, say four or five, six or seven years, a case like that always presents a difficulty from the standpoint first of qualifying a child and sometimes justice, in my opinion miscarries in spite of everything that the judge can do, in spite of everything that the police have done, in spite of everything the prosecutor does in preparation of his case and the presentation of it in court. As you know, where a child of tender years takes the witness stand, first the judge has to examine her and satisfy himself that that child is qualified and is a competent witness, that the child can accurately relate the facts which have occurred and has some sense of right and wrong and the obligation of an oath. It sometimes happens that those children are not able to qualify or if they do qualify the juries and the judges too, and I might add to that the prosecutor, have some misgivings as to how much is truth and how much is imagination or suggestion. Where you would make available by such district crime laboratories and personnel, where the law enforcement officer can quickly and shortly after the offense is committed be able to bring into play and to use the scientific type of investigation that larger police departments in larger cities now have, I think we would get probably more corroboration

than we now generally get in those cases where an adult commits a lewd and lascivious act upon a child of tender years, because when those acts are committed they are generally committed in private some place where nobody sees what is going on except the child who is the victim. We know that in scientific police work they are now able to match the fibers, hair, dust, blood and so forth, by scientific test. This is very satisfactory type of evidence when the work is done by men who are, who know their business and are properly trained. I have found in my experience, I have handled quite a few cases involved in that type of evidence in court, that it is very convincing and we get very good results with juries where that kind of work is done. There is a field in which the Legislature, in my opinion, might give serious consideration and make a real contribution to law enforcement generally, particularly to this problem, if it is a problem, of so-called sex criminals.

Now, another point I might make with respect to law, I think it is, some people might say it would strengthen the law a little bit as far as getting quicker trials in these cases—of course, quicker trials, prompt trial and prompt punishment is a good thing from law enforcement standpoint, prosecution standpoint in any case, but it is particularly true in these sex cases where you are dealing with children of tender years—the longer period of time between the offense and the trial, naturally the more the child is apt to forget. That is true of any witnesses, particularly true of a child and from the standpoint of the defendant, the longer time between the commission of the offense and the trial, the longer time there is in which the child may be influenced by suggestions from others and the child's own vivid imagination. So, I think anything that can be done from the legislative standpoint to speed up cases, trial of cases, getting them to trial as soon as possible after the offense and apprehension and getting the penalty imposed is a step in the right direction. I suppose one way of speeding up things is to have more personnel, maybe we need more judges, higher salaries, but the calendars are such, and I'm not being facetious about this, calendars are such that it isn't easy generally to get these cases to trial as quickly as we would like to. We have in Alameda County 12 superior judges, 10 of them are in civil cases and two in criminal. Well, I'm not criticizing the courts now, what I'm saying here is off the records as far as the press is concerned, but the fact is that the three additional judges which were appointed a couple of years ago have made somewhat of a dent but not any great dent in the pending civil and non-jury cases. It still takes you about nine months to get to trial after you have filed your memorandum to set. It's about nine months before you get it set. I'm saying that this is a problem here, when these things come up before the Legislature you want to consider the congestion there and if you can get cases to trial faster, I think you are going to get better results. The same is true in the police courts. We have in the police courts right now in the City of Oakland, 73 misdemeanor cases in which jury has been demanded. It is going to be quite a problem to get those cases disposed of. Some of those cases may involve misdemeanor sex offenses such as 311, 647a.

NORTON: Will your new municipal court speed that up any?

COAKLEY: I don't think that will help because the Legislature added one new judge to the municipal court. We were already using four judges in criminal cases because we were constantly borrowing a

judge from Albany or one of the outlying township justice courts. Practically all the time they were running with four criminal judges and they were running with three in civil work so when this new judge is appointed we won't be any——

FLEURY: Well, Mr. Coakley, I think we had better get back to our subject. Would you give us a little dissertation on your experiences under this Sexual Psychopath Act?

COAKLEY: To get back on the the track again, if I may say, finish what I had to say under this heading. I think consideration might be given from the standpoint of getting better results in sex cases to the difference in the number of jurors required to bring in a verdict in non-capital cases, or at least in misdemeanor cases. As you know, in either a misdemeanor case or a felony case you have to have 12 jurists who must concur in the verdict. Certainly, I think that misdemeanor cases, in view of the great number of jury trials we are getting now, nine to three in a misdemeanor case ought to be enough. Probably in felony cases which are noncapital cases or maybe nonlife, you might go for eleven to one or ten to two or even nine to three, that's a subject that has been considered a long time. It is certainly worthy of your consideration. I think some consideration ought to be given by law to a selection of jurists. Getting more information about the jurists. If you want to get information about jurists now, you have to make an investigation of the jurists or try and get somebody who does that kind of work. As a matter of policy in our office, we have never made any investigations of jurists because we have felt that if it was brought up in the trial it would prejudice the case so we just figured it would be better to take our chances and try to find out as much as we could. I think it would be a step in the right direction if the Legislature passed a law which would provide that the person who has the responsibility of selecting jurors would have a form of an affidavit to be filled out by each juror, each prospective juror, each person who has been summoned for jury duty, giving the pertinent facts as to that juror's family connections, experience and so forth and that that form would be on file and available to both prosecution and both plaintiff and defense attorneys or prosecution and defense attorneys and certainly it would save time in the selection of juries in court and I think that consideration might be given to something along those lines.

Now with respect to our experience under the Sexual Psychopath Act, that in our county has been used in every case where a petition was filed under the act and where the doctors recommended commitment. However, as you know, in the 1949 Session of the Legislature, they amended that Sexual Psychopath Act to provide that the commitment, that the hearing and the commitment should take place only after the adjudication of the guilt of the accused. As a matter of practice in Alameda County, that was the way it was done before 1949. As you know the judge had a discretion there. He could do it either before or after the adjudication of guilt and our judges insisted that the man either go to trial or plead guilty if he cared to do so and then they had the hearing if they wanted to file a petition after. Now, we had through 1947 to date—rather through 1946—1946, 1947, 1948, and 1949, we had 18 cases in which a petition was filed and there was a commitment under the Sexual Psychopath Act. It was in all cases after conviction or plea of guilty.

As far as our experience is concerned, it has worked out satisfactory. We have had one this year so far. Were there any questions under that heading three, the Sexual Psychopath Act?

FLEURY: Yes, I would like to ask you one while we are on it here. Do you have any opinion as to whether it would be possible or advantageous to screen these people who are charged with misdemeanors with regard to sex crimes to determine whether or not they are sexual psychopaths and put the wheels of sexual psychopath crime into beginning in the misdemeanor courts?

COAKLEY: I haven't thought too much about that question but, of course, the Legislature passed in 1949, set up a procedure, 5600 of the Welfare and Institutions Code, whereby any member of the family or relative, where he is not charged with a crime, can file a petition and he can be put away as a sexual psychopath, sexual offender. Do you mean something more than that?

FLEURY: Automatically when you are in the misdemeanor court charged with any sex crime is there a study to determine whether or not you are a sexual psychopath?

COAKLEY: Well, if we had enough psychologists with enough personnel and enough money to do it it might be a step in the right direction to set up some kind of a procedure whereby you could give them a psychiatric examination and screen them. The psychiatric examination based alone upon an interview with the accused is in my opinion not quite enough, he might lie about it and a setup like that would be rather expensive where you had to examine the life history and the medical history, a setup like that would be too expensive and if you did it by law you would have to have a psychiatrist available in the county or else by a district basis together with enough personnel to develop the facts in the screening process. It could be done if the funds and the personnel were sufficient, it might be a step in the right direction. This is a subject, this abnormal sex behavior, is a subject which is still in the, being studied and I think there is a lot of room for more scientific information. Maybe that information ought to be obtained before we go very much farther with this from a legislative standpoint. Are there any other questions?

FLEURY: Do you have some more that you would like to bring out here.

COAKLEY: As far as No. 4 is concerned, I have the statistics as to the number of sex cases in our county from 1945 to date. In the county in 1946, there were 56 felony cases, that is 288, 288a attempted rape and rape. In 1947 in the same category there were 62, that included 5 sodomy cases. In 1948 there were 59, that included 288 and 288a, attempted rape and rape and no other sex cases. In 1949, there were 68, that included 288 and 288a attempted rape, rape and incest, there was one incest case.

SMITH: Will you identify the statistics as arrests, prosecutions, convictions or——

COAKLEY: These are the statistics taken from my records, records from my office as to informations or indictment filed in the superior court. Of course, this certainly does not apply to reported offenses where there was no arrest or where there was no complaint filed. I might say in that respect, that is a real problem in the enforcement of the laws in regard to abnormal sex behavior. Because many of these cases are reported to the police and then the parents of the child do not want to go

ahead with the prosecution, just refuse to sign a complaint because of fear of publicity and all that sort of thing.

Now, as far as convictions are concerned, we have no complaint to find with either the courts or the juries in that respect. The percentage of convictions through the years there as indicated, I have those statistics here, I will give you a copy of them if you want.

FLEURY: We would like to have that.

COAKLEY: Conviction by court and by jury are relatively high. Now, as far as No. 5 is concerned, recommendations as to bail, punishment, treatment, and so on, that is—so just to generalize, the records from our superior court indicate certainly no wave of crimes as far as sex offenses are concerned and it doesn't even indicate any appreciable increase when you take into consideration the increase in the population of the county. I was talking to a judge yesterday afternoon and we were discussing this problem, who has been on the bench in Alameda County for probably 35 years, he spent close to 20 years in the police court, he has been now about 15 years on the superior bench, all of that time in criminal cases and of course, he had a tremendous experience. He said he hasn't, as far as his observation is concerned, there is no appreciable increase in sex crimes since his time as a judge. He said there is about a normal increase which just about keeps even with the population.

Now, as far as these other things are concerned, that is a pretty big order, that number five, and I don't think time would permit, and frankly I haven't had time to give enough thought to bail, punishment, treatment, parole, probation, and sentencing. On that score, I might say what I said in the beginning, as far as California laws are concerned, I think they are adequate, if they are properly administered. What differentiation should be made in handling different types of sex offenses, I think that is a big order too and I think that is a better subject to be discussed by the medical men.

Now, as far as seven, views as to legal concept of insanity. I have very pronounced views on that. I think that the right and wrong test is satisfactory. It has stood the test of centuries. I can say on the basis of 25 years experience in law enforcement work, in the district attorney's office and doing a lot of work with police departments, investigation work; there is also another experience in which I had a large volume of criminal work, I was in charge of the general court-martial work in the Navy for the 12th Naval District for something over 6,000 general court-martial cases that were serious criminal cases went through the mill there so I think that on the basis of many many thousands of criminal cases with which I have had more or less direct contact—I mention this only because I am stating a conclusion and a person's conclusion is no better than his experience, his training and his knowledge, and from the basis of my experience, I think the right and wrong test is the most satisfactory and no change should be made. I know they are getting around now to talking about the irresistible impulse test or something like that. I think if you get over into that category you are going to make it awful tough for law enforcement, for juries. I think the results we get now are satisfactory. Pre-sentence examination, I don't know exactly what is meant by that. We have a type of pre-sentence examination provided for by law now. If a man, if counsel thinks a man is insane, he can

either at the time of offense or the time of trial, the law provides for an examination on the not guilty by plea of insanity plea, the court as you know appoints a commission and the psychiatrist examines the defendant at the expense of the State and county, and reports to the court. Of course, if there is a contention that he is not able to understand his predicament there again at any time prior to trial, during trial or even before sentence, the court can stop the criminal proceedings and have a hearing either by the court or by the jury as to his present sanity. So, there is, I think, at the present time pre-sentence examination provided for.

FLEURY: Mr. Smith, you have some questions on that.

SMITH: Just on a couple of these bills that have been placed in here. A.B. 46 was placed in and it has to do with, in 285 or 288 need not instruct the jury that the testimony of the complaining witness must be viewed with caution. I assume you probably went over that and are familiar with it. What do you think about that, is it good or bad?

COAKLEY: Well, I don't know. I have given some thought to this thing. I don't know whether we ought to go all the way and pass a law like that. I think you could do this, however, you could pass a law and put the cautionary instruction of some kind right into the Penal Code which the courts could give in all cases where they have children of tender years, where they are sex cases. There may be some reason or justification for precautionary instruction say for a child under 10 or 12 years but maybe you may not need it for a child over that age. That's a subject that I would like to give more thought to.

SMITH: This bill is a little too broad, is that what you think?

COAKLEY: I think this ought to be studied a lot more.

SMITH: All right, just one other question. Do you have any comments on the bill that was A. B. 39? Briefly it was the "little Lindbergh" act where they can be, where the jury can give them death or life imprisonment at their discretion if the victim suffers bodily harm.

COAKLEY: That is one that I would like to think a lot more about. You know under that "little Lindbergh" act, if you hold a person, detain a person, for the purpose of rape, it's a violation of 209. Well, when you commit a rape, don't you hold a person? There is a question whether 289 contemplates a transportation for the purpose of rape, for the purpose of robbery. If you are going to add 288 to it I think—I'm not prepared to say whether I think you ought to add 288 to 289 or not.

EXCERPT FROM TESTIMONY OF JOHN D. HOLSTROM

Chief of Police, Berkeley

FLEURY: We now have Mr. Holstrom, the Chief of Police of Berkeley. Would you please step forward. Did you have time to prepare a written statement, Mr. Holstrom?

HOLSTROM: Yes, of sorts Mr Chairman, would you like to have me read this statement?

FLEURY: I think that would be a very good idea and if we could have our copies we could follow right along with you, Mr. Holstrom.

HOLSTROM: This is a prepared statement, which has been requested in connection with a personal appearance before the Assembly Committee to investigate sex crimes, at San Francisco, on January 13, 1950.

During recent months there has been a considerable notice in public press concerning sex crimes in the country generally and in California. Many people have made statements both officially and unofficially. Unfortunately, many of these statements have been made on the basis of misinformation and others have been made with a lack of information.

To see the problem in its proper perspective, it seems desirable to point out that on the basis of the best available information, there has been no "wave" of sex crimes in California, but there is an increasing number. On the other hand, available information is not complete as to the volume of sex crimes. No one knows, with accuracy, the full picture in the State last year or in preceding years for the purpose of comparison. It is noteworthy, too, that in many conversations concerning sex crimes there is a failure to define what crimes are included in this phrase, which gives rise to confusion. Consideration of the subject then, should include recognition of these two factors.

Despite these factors, it is clear that there is a very substantial number of sex crimes in California

There are a number of statutes enabling the police, the prosecution, the courts, and the agencies of government to process sex offenders. In the existing situation in California some of these statutes need amendment. Recommendations for certain amendments were made at the Governor's Conference on Sex Crimes, held in December, 1949, and some of those recommendations were acted upon at the Special Session of the Legislature in December. Others remain for consideration at a future session. However, if all 12 of the recommendations are enacted, the best result which can be hoped for is to improve the administration of criminal justice to some extent.

In many agencies of government which deal with sex offenders it is recognized that punitive treatment alone is inadequate. California is one of the states in which some special treatment has been provided.

Too often in a specific case the inclination is to hope for assistance from the medical profession, particularly from psychiatrists. And indeed in some cases, the physician has been and can be of assistance. However, on this point of psychiatric treatment, which people outside the medical field sometimes take for granted, it is evident that present knowledge concerning treatment of sex offenders is limited. Competent psychiatrists in California, both in and out of the state service, have said so publicly, but perhaps not loudly enough to be clearly heard.

In the American Journal of Psychiatry, the official organ of the American Psychiatric Association, in Volume 106 for November, 1949, on page 290, Henry A. Davidson, M.D., in Comment on Legislation Dealing With Sex Offenders, says this in part:

The difficulty is that we have no way of successfully treating the sexual psychopath. Cures, if any, are extremely rare. The demand, therefore, that these offenders be "treated" is still a sterile one. When we do discover an effective method of treating the aggressive sex offender, we should insist on his transfer from the prison to the hospital. Today, we have nothing to offer but custody—a field in which the penal authorities are far more efficient than we are. Perhaps it is time to confess this is an area in which we may have been overselling psychiatry. It is, of course, a good thing that popular and legal thinking is veering away from the purely punitive. But it is not yet at the point where the psychiatrist can appear before the public as the man who has the answer.

My purpose is to emphasize that our society does not know how to treat the sex offender. To put it simply, we do not know what the problem is, we do not know why it is, nor do we know what to do about it.

The answer lies in providing for and financing medical research in the problem of sex offenders. At the Governor's Conference, the Director of the State Department of Corrections suggested a means of providing medical facility for this purpose. The Director of the Department of Mental Hygiene strongly endorsed the need for research and the need for requesting its financing.

The most important single recommendation I can make to this committee is to consider the fundamental need for a penal research institution. Our only hope lies in adequate research if we are to solve the problem. That's the extent of the prepared statement.

EXCERPT FROM TESTIMONY OF JUDGE MILTON D. SAPIRO

BROWN: Our next witness is Judge Milton D. Sapiro. I might say for the record, Judge Milton D. Sapiro is judge of the Superior Court for the City and County of San Francisco. We have invited him to attend the meeting to discuss what information he may be able to give us relative to the so-called sex crime problem.

SAPIRO: Gentlemen—I have prepared a brief statement for you, having been informed of the fact that you were going to sit here and would like to hear from me.

Since April, 1949, I have served as judge of the juvenile court and have also presided over a criminal department wherein adults who have committed crimes against minors are tried. Practically all of these crimes are so-called sex crimes. This experience has given me the opportunity to observe both the offender and the victim of these offenses, and the statements which I now make are based on my observations over these several months.

I am aware that certain recent extremely atrocious sex crimes have aroused the fear of our communities and have caused us to re-examine our laws to determine whether they adequately protect our communities and provide for the proper handling of sex offenders.

In general I feel that the laws are adequate. Particularly is this true, since at the recent special session of the Legislature some of the features that may have been considered weak were reinforced.

Much of the present discussion concerning this problem seems to regard the persons who commit these crimes as sex maniacs and tends to indicate that we should deal with them as mental cases. It is true that anyone who commits a sex crime does an abnormal act as measured by our moral standards, but it does not necessarily follow that the person who has committed that act is suffering from a mental disorder that predisposes that person to the commission of such an offense. Few persons, who can be characterized as sexual psychopaths, based on a record of sexual offenses, appear before our courts. This may be due somewhat to the fact that some of these offenders have not previously been found out. However, in most of the cases that we try, the persons involved could not be regarded as suffering from mental disorder, except as they are disturbed at the time of the commission of the act. This is just what you find in practically all criminal situations. Our experience indicates that a person, who has a previously good moral record, but who has possibly indulged in some drinking and then comes in contact with a youngster, or at times even without drinking has suddenly been in close promixity to a small girl, suddenly finds himself released from the moral restraints that ordinarily control our sex impulses. It would have been impossible to have found out these persons before the offense was committed, and to have determined that they contemplated such an act so as to have prevented its occurrence. Our court files would illustrate cases involving men who have lived many years of respectability, raising families, and whom nobody would ever have thought of being capable of committing such an offense. Yet the facts show that they did. There is no measuring stick which science or experience has created by which we would know in advance that such persons were going to throw over civilized bonds and molest young children. Ordinarily the persons who commit sex crimes are to be no less considered violators of the law than

those who violate other laws which are set up to maintain the moral standards of a community. Some few are mental cases, but this group comprises but a small proportion of those who have come before our court. I feel that the law as it now reads as to sexual psychopaths, particularly since such finding is only to be made after a determination of the guilt of the charge, is sufficient to care for this group.

Our laws well cover the handling of sex offenders. Prompt and forceful law enforcement and education of our children will assist in preventing the occurrence of this type of acts that have aroused our indignation.

Prevention is in a great measure a matter of education. Insofar as the individual himself is concerned, such prevention will only come through complete conditioning of human beings so that they will have learned to maintain that self-control which is necessary to prevent them from letting down the bars that regulate us in our sex attitudes. This mental hygiene must start with youth.

Parents play a great part in prevention, first through the process of sex education of their children which may result in the kind of control of sex impulses that would prevent these offenses, and second in training so as to teach children not to place themselves in situations with strangers where these occurrences might happen. It is true that our court experience shows that sometimes even friends of the family are guilty of committing these offenses as well. However, children may be able to protect themselves somewhat from such situations if they have had some instructions from their parents as to what to avoid. Children must be taught to confide immediately in their parents when anything does occur to them, and parents must be willing to report such occurrences to the authorities and permit their children to testify in court proceedings. Cases should be quickly handled so that the memory of the incident will not rest long with the child. The law now requires such cases to be given priority.

Where it is necessary to send a sex offender to prison he ought to be confined until it is determined that he is no longer a menace to the safety of others. No person convicted of a sex crime should be released until certified to be so safe by the staff of one of our mental hospitals or by equivalent psychiatric authorities. This will permit some assurance of protection, although we never can have complete assurance. Likewise, no person should be permitted to be released on probation by the judge of a court unless so certified by such psychiatrists. These requirements should be definitely written into the law. I might say that the present law does require that before you admit on probation that he should be examined by a psychiatrist but the present examination seems to be merely to the effect that he is sane. They do not go as far as they do on the return, for instance, of sexual psychopaths.

FLEURY: You just suggest that he be examined.

SAPIRO: Yes, that's all. My experience is that the examination that is given them is a very casual examination and is not sufficient for any positive action on the part of the person who has to make the decision.

Under a recent decision of our appellate courts, in *re Chiapetto*, 93 A. C. A., 628, the term to which a person can be sentenced under Section 702 of the Welfare and Institutions Code has been limited to one year. This came about as the result of a conflict in code provisions. I

believe the penalty provisions of Section 702 should be amended so as to restore at least the original term of two years as provided by the Legislature. Many of the offenses that come under Section 702 are such as might ultimately lead to greater and more disastrous sex situations. Offenders should be made to realize the gravity of their offenses, and the court should be given a discretion to impose a more extended penalty than is provided through the one-year term, so as to work out some of these problems. The original intention of the Legislature vested the court with such discretion and it should be restored by reenactment of the penalty provision.

I have examined the bills sent to me through your committee. I noted that A. B. 41 provides for the establishment of a clinic and for the diagnosis and treatment of pupils under the Department of Education. Such a clinic might be very helpful, particularly as it would work in conjunction with the juvenile court. Often we have to deal with a juvenile who has participated in a sex practice where it is difficult to determine whether his act resulted from sex curiosity or from some possible weakness in the makeup of the individual. We do attempt to give such juvenile psychiatric treatment, but facilities are limited. If there was an operating clinic to which they could be referred, it certainly would be of valuable assistance in preventing subsequent offenses.

Likewise, A. B. 43 providing for the further study of the problem of sex offenses seems to me highly desirable legislation, for our knowledge of the subject is still slight. If we could develop, through research, any information that would give us the understanding that could prevent the happening of some of these situations, then the expenditure would be worth while. Certainly further effort must be made to find out why human beings deviate from normal standards, particularly where it causes such injury to others as our communities have experienced.

EXCERPT FROM TESTIMONY OF MR. FRED FINSLEY

MR. FINSLEY: Fred Finsley, Chief State Parole Officer, Bureau of Paroles.

Mr. Chairman, I don't have a written report as such. I have a couple of reports containing statistics released at the Governor's Conference yesterday by the Department of Justice and the Department of Corrections. There are just one or two things that I'd like to point out and then turn over the copies to you.

According to the Department of Justices' statistician, the reported arrests from all counties and agencies, except the Police Department of Berkeley and the Sheriff's Department at Los Angeles, show that for the crime of rape and lewd lascivious acts of children, beginning the first half of 1947 to date—by halves, $5\frac{1}{2}$ years—that there actually is no increase in the reported figures to the Bureau of CII. There's the reports on that.

Another interesting chart of statistics (while I'm sorting this, there are two more you can look at. I'll give you the one I have as soon as I'm through with it). That the convictions, over the last five-year period, broken down by years, shows for January 1, 1945, through November 30, 1949, in other words four years and eleven months, that the ratio, a relation of total sex offenses to the total number of convictions, was 8.8. And for the first 11 months of 1949, that same ratio is 8.5, which would actually be—make the current year of slightly less than the average of the five years—it is not the lowest year in the five-year period, but runs along about average as you can see there. This report also contains percent of the total convictions in the State for that given period. Figures for Los Angeles County are in this chart; you can look them over at your leisure. I don't know just what you would want me to say of these. I'll turn them over to the Committee. One or two things particularly concerning parole on some of these crimes, that these tables do show is that, for instance, the intelligence of the two major sex offenses, rape and your lewd and lascivious conduct with children, that the intelligence quotient is much higher in the L and L than the rape. If that has any significance or bearing, I'm not prepared to say.

MR. BECK: Do you show anywhere in your statistics the time they actually served?

MR. FINSLEY: Yes. The median for rape, the sentence fixed by the Adult Authority for the crime of rape is 10 years, and for that middle area, taking off the 10 percent top and bottom, leaving the middle percent segment, the range, rather, is five to twenty years. For L and L, lewd and lascivious with children, that is, the median sentence was 12 years and that range in the middle 80 percent is 7 to 20 years. Now the actual time served for those who have been released upon parole from various categories, rape was 36 and $\frac{3}{10}$ ths months, assault 37 months, L and L 44 and $\frac{4}{10}$ ths (almost four years), sodomy 30 $\frac{3}{10}$ ths, sex perversion 32.5, and incest 46.5.

MR. BECK: Are those statistics taken before the Indeterminate Sentence Law went into effect?

MR. FINSLEY: No.

MR. BECK: Well, I mean some of these where you have 20 years, the law hadn't been in effect then.

MR. FINSLEY: Well, that's the sentence affixed; it hasn't all been served, you see. Now, this chart is for the period January 1, 1945, through October 31, 1949. There are many other charts there, but I don't want to take the whole Committee's time; you can look those over at random. It's the latest report—I might add this, that—

MR. BECK: May I ask when the Indeterminate Sentence Law went into effect?

MR. FINSLEY: Back in 1917. The Bureau of Paroles, as such, does not keep statistics; we derive our statistics from the Department of Justice, which keeps statistics also for the CII and the Board of Corrections, of which we are a part. We don't have independently reported statistics and additional breakdowns are now being prepared for the current annual year, which we don't have yet from the statistical department. But they're always attainable from the Department of Justice or the Department of Corrections, either one.

MR. BECK: What control is exercised over these people while they are on parole?

MR. FINSLEY: We're pretty careful, or try to be, about this matter of sex crimes. As you know, they've always had a display in the press, and the Adult Authority has always been a little touchy on this matter, so when one is released we are only in touch with these men about 60 days before they're actually released. I mean these men, anyone from the penitentiary, including sex offenders. At that time we get a notification that the man is going out and is then in his preparole preparation period, and we try and locate a job for him. We have between 200 and 250 jobs a month to get for all classes of offenders and we're particularly careful with all the sex crimes in looking at the home and the whole situation, much more so than any other type of offense. For instance, if we have someone that's had a pattern of sex offenses and he has been determined releasable on parole and is coming out, we won't, knowingly, place him in a hotel with a room to himself where he might get others up there. We try to have him placed with relatives or in a home with someone that can be with him on supervision basis almost 24 hours a day, rather than the once or twice a month that our agent contacts him. Now, that isn't true of the general class of parolees, but we do try and be very particular and we turn down many types of offers of help to these men that do not meet our requirements and take them back to the Adult Authority. Sometimes the man has had his parole canceled where we could not work out a program that we felt was reasonably safe. Now, I might add, I'm not a member of the Adult Authority, but I work closely with them and under them, that at the time sex cases are heard, and they're all heard in San Quentin, the chief psychiatrist sits with the board at the sex hearing. There isn't sufficient psychiatric staff to sit with them at all their other meetings, but they do have a psychiatrist present and do have psychiatric reports, I believe, on all or certainly almost all of anyone who would have a sexual pattern in the background as given by the screening agency, up there.

MR. BECK: What percentage comes back to the institution during their parole period for a same or similar offense?

MR. FINSLEY: Well, I don't have the latest figures on the current year, 1949, on just sex offenders, that hasn't been released yet. But the sex offender generally has a much better record, as far as risks go, than

the average in the institution, not only in California, but in other states with which I'm familiar and in the Nation, according to national statistics. I think one of the reasons for that, not that they're necessarily better risks, don't let me give the wrong impression there, because some of them are extreme menaces truly, but there is a closer screening, undoubtedly on sex cases, I feel, everywhere than on the general run of cases. And you have the psychiatric service that advises against releases on cases where it's felt proper. Then also, sex offenses in general, include such categories as statutory rape, where you have a good many younger fellows who have gotten mixed up with a girl that was believed to be below the age which the law says that she can give consent, but emotionally in his makeup he's pretty near normal, which are not particularly bad risks. But our recidivism in this category is much less than in the total category, and that's also brought out in one of those charts where it shows that the sex offender coming to prison, some 52 percent have had no prior record as against only 25 percent or 26 percent of the total class. In other words, would it seem to indicate that there isn't quite as much recidivism there? Now—I started to say that, when we are screening them for a placement we attempt to be as careful as we can in getting these people that are released, that includes all kinds of sex offenders, statutory and everything else, well placed as it is possible and if we don't feel there is a likely placement, we refer it back with the statement that no placement can be found for further consideration by the Adult Authority. Then before he's let on release from the institutions, in this preparole period, coming to your registration of offenders, it's part of their preparole training that they shall register. They're advised of Section 290 of the Penal Code, they are told then and advised to register the first day upon getting out of the institution or where ever they go. Then when they come to the Bureau of Paroles at the initial interview, they are again instructed to go down and register immediately. Now that's been a rather routine thing with the Bureau, it's one of the laws of this State and we haven't had any particular drive on that. The first bulletin advising all parole officers to have all of these men, without exception, register under the law was issued October 9, 1947, there's copies of it which were—about the time the law itself became effective. From time to time bulletins have gone out reminding the officers to have these men so register, that's covered in our in-service training for new men, that this is one of the laws one of the duties of parole. And George Brareton, Chief of the Bureau of Criminal Identification at the Governor's hearing yesterday, and pointing out, out of some 4,500 to 5,000 sex offenders that only 719 up to November 16th, had been actually registered and made the further statement, or indicated, that if it were not for the compulsion of parole that that wouldn't have been anywhere near that large. That's been a routine matter with us, and I just recently, I have checked up on that some three weeks ago; again a bulletin went out to all district managers that if there was anyone not registered to get them registered and a spot check has indicated that we have only an occasional one here and there that have not been registered and my boys report back to me that in some instances, especially some of the smaller communities, the reports upon which they could register were not available and it wasn't possible for them to register. Most of those places, they have been asked to get

reports from the Attorney General's Office and get those men registered as quickly as possible. Virtually all of the parolees with just a very occasional exception, and for some reason like that, are and have been registered right along. In the Los Angeles area, I have some hastily gotten-up figures and these aren't too good and they're not complete. Mr. Nacklund, when first notified of this, had asked all of the men to get him some figures and some of the men had been out of the office and the date was changed and we got caught a little short, and one or two of the men, such as the man out in Riverside, hasn't gotten his report in, but as nearly as can be figured, and this will be within margin of error of one or two, that in the Los Angeles District Office there are 56 men who would be eligible to be registered under Section 290 of the Penal Code. Probably 50 of those, I say probably because we don't have the report of the man from Riverside, but the supervisor of this area informed me this morning that he's satisfied in his own mind that at least 50 of the 56 are registered and that probably the reason for the others is that they didn't have blanks, they didn't have out at Riverside, or some reason such as that. Now, we have also quite a category and we'll refer them to you here, 31 that we've combed our files to find who were convicted prior to July 1, 1944, and therefore do not have to register under this law, but we have strongly urged them and advised them and tried to get them to register nonetheless. That's been a standard policy with the bureau. In the Los Angeles area as of the first of November, our records showed a total of 1,227 men under supervision in this office and of that number 56 are men who would be required to be registered under this act.

MR. BECK: And they are registered? Fifty of this 56?

MR. FINSLEY: Yes, 50 of the 56.

MR. BECK: And that takes in all of, most of Southern California?

MR. FINSLEY: No, not all of Southern California. Our Los Angeles boundary goes to the coast, runs laterally east and west and as far south as Rosecrans and beyond that Watts and Compton area comes in the Long Beach District. But it takes in virtually all of the Los Angeles area and out and through Riverside. And that's the total figure for the total Los Angeles District. There's that figure with the possible one or two exceptions noted there. That's the best we could get for today, as I say, we don't have a statistical division and it isn't easy for us to get those things just ipso facto. But if there is any other figure or matter data that this Committee would want, I will do what I can to get it as quickly as it is available, from whatever source we'll have to ask for it.

EXCERPT FROM TESTIMONY OF MR. ED NICHOLS

BROWN: Gentlemen, this is Mr. Ed Nichols, the Administrative Advisor to the Department of Mental Hygiene.

NICHOLS: I have furnished you with material that gives you an explanation, in the first place, of these two measures that Dr. Tallman has spoken of and there is no need of repeating them. Then I have also furnished you with a reprint of the Sexual Psychopath Law as it exactly reads now with the 1949 amendments that you can have to study. Then, in the last or another piece of material you have is the explanation of what the 1949 amendments did to this Sexual Psychopath Law which many of you know but just by way of reference you can have it for convenience purposes. We also mention in this explanation the Voluntary Commitment Law that was passed at the same session of mentally abnormal sex offenders where they could voluntarily submit themselves for treatment in a state hospital.

Now gentlemen, I would like to touch upon several aspects of this which I think Mr. Tomlinson had reference to and which we should consider as far as our sexual psychopath laws are concerned. We do have a hybrid law on our statute books now. We have a law that started in 1939, when it was originally enacted and it was proposed at that time by Dr. Rosanoff who was Director of the Department of Mental Hygiene and as I understand it, Judge Ben Lindsey; it was primarily designed as a medical approach to the elderly offender for offenses against children because the law originally did have that in it as far as the definition of a sexual psychopath. In 1945 the law was amended to strike out the offenses against children to include all sexual psychopaths of whatever category medical science or others would call them. Then we have 1949, this further change which brings in the criminal aspect more forceably than ever before because up until this time we had the situation where the court could suspend the proceedings at any stage of the charge and not proceed to any conviction and proceed to have the person examined under the sexual psychopath without any action upon a criminal charge itself. As a result of the decision of ex-parte Stone in the fall of 1948, where the question came up about the inconvenience of the prosecution in obtaining witnesses for the pressing of the charge at some later time, a few years later, the—it appeared that it would be more practical to have the individual convicted of the charge before he should be examined as to whether he is a sex psychopath and sent to a state hospital. Now, as a result, we do have, as I say, a hodge-podge here of an attempt at a medical approach and then this criminal aspect and in my personal opinion I think it is an unsatisfactory situation. I think that if you are going to have a criminal approach to this problem, then put something into the Penal Code dealing with the sex offenders who are convicted of a sex offense, send them to the Department of Corrections and then give the Department of Corrections the authority to transfer them to a mental hospital or to mental facilities for treatment after they have classified them. Then, if you want to, handle it that way after you have a conviction. I personally think there was a mistake in adopting that amendment in 1949 even though our own department sponsored it through pressure, as a result of this court decision. That is why we were

so much interested in this other measure which was that voluntary commitment procedure. We thought there should be some means for affording medical treatment available to these individuals on the basis of no stigma, no criminal convictions, and on a civil basis completely. That other bill, A. B. No. 2219, was strongly pressed by our department so as to offset the criminal aspects of the situation as compared to the civil and medical approach. That is one point.

Another point that I think is very important is not to overlook the fact that in one of these measures that Dr. Tallman mentioned and which we speak of, of the misdemeanor courts, that there should be an encouragement of the local communities to adopt or establish their own clinics, their own clinics to assist the courts in screening these individuals. I think that is a partial solution to the point made by Mr. Tallman who says that we would be swamped. I think that in the larger communities, San Francisco, Los Angeles, Oakland, they can very well afford to establish these psychiatric clinics either as a part of probation departments of their own courts, to do this very screening, and in this measure that we introduced we indicated that the individual could be sent for that 90-day observation either to a county facility or to a state hospital because we feel that that should be encouraged insofar as the communities are concerned. I am satisfied that an examination and investigation by your committee of the experience of eastern cities, of the clinics that are in existence in larger areas that are working with the courts and that due to screening, you will find ample basis for coming to California with the benefits of that experience whereby and again speaking legally, it seems to me that law should be amended to enable a different kind of a set-up in larger communities in the counties of a population over a certain amount, that they should be authorized to establish some such procedure within their confines and give the court authority to place these individuals in these clinics for that medical screening process. I think that would be a very helpful procedure to solving this problem at the local community level because it is too big a problem for the limited state facilities to undertake. I call your attention, gentlemen, to the very few figures, or I should say the incomplete report that was issued by the State Division of Criminal Identification, taking the year 1948 as a complete year, is concerned where there were in excess of 6,000 arrests during the year of sex offenses and in which there were, I mention this on the second page of my report and I would like to mention one phase of it and tie it in with what Mr. McGee spoke of in his report as to the number of cases that landed in prison. To me it is very significant that taking that one solid year 1948, there was 960 felony convictions of sex offenders and 3,155 misdemeanor convictions, in excess of 4,000, and we have a record, according to Mr. McGee's figures of 204 sex offenders landing in state prisons in 1948 out of 4,000 convictions I am speaking of now, 204 came into the state prisons. What happened to the other 3,800 individuals who had been convicted?

FLEURY: Seventy-five percent were misdemeanors. You can't send them to prison.

NICHOLS: All right. Most of those were misdemeanors, misdemeanants who were convicted however of sex offenses. The point I wish to make is again in the communities nothing was done outside of

six months in jail perhaps to screen those individuals as to what their potentialities were and there is an example of what the load could be that was asked before. Some 4,000 cases in that one year. Now, certainly that would be a great strain upon our department or any state department. It should be made a responsibility of the local communities in their law enforcement activities and particularly in the larger communities. Now, in the smaller communities they certainly should be entitled to use the state facilities that would be available.

FLEURY: Would that be your estimate, Mr. Nichols, 4,000 approximately a year would have to be screened if these two bills I introduced for you were passed?

NICHOLS: No, because not all of them were second offenders.

FLEURY: What would be your guess as to the number that would be screened in a year?

NICHOLS: I'll just make a guess of about 1,000 of second offenders. Judging from what Mr. McGee said, that so many of these lewd and lascivious convictions that are in the—I mean who were convicted and are in prison, half of them were first offenders. We could then take that same ratio which is 4,000 and reduce that about one-half to 2,000 and then you can say that there would be about one-half of that again.

FLEURY: How many more doctors would you need to take care of 1,000 more—

NICHOLS: Just to qualify that Mr. Fleury, I would say that of that 1,000 again, more than half of those should be screened in their own community judging from the geographical distribution of these offenders as Mr. McGee mentions. They should be screened through the facilities that should be made available in their own communities so that we would cut it down to another 500—cut it down to 500. We would need an additional staff, certainly. We have a ratio of one doctor for 100 admissions as an ideal objective in our hospitals

EXCERPT FROM TESTIMONY OF RICHARD A. McGEE

SMITH: Can you give us any comments on homosexuals in this prison. Is there anything there that we should know in looking towards legislation here as to segregating, or what's the problem, is it related to the subject in your opinion?

McGEE: I don't think it is anything but a somewhat remote relationship. This group of persons who molest children is an entirely different group of people. Once in awhile you will find a homosexual who does that sort of thing, particularly if they molest boys. In the material that I gave you on the New York article, there is a distribution there of the victims and quite a number of the victims are boys. Sometimes, not always, but usually where the victim is a boy there is probably a homosexual element in it. But, the effeminate homosexual that we get in prison represents an entirely different problem from this group. They are not dangerous people, they may engage in immoral conduct and all that sort of thing but from the standpoint of being dangerous to life and limb of children or adults, they are not. Our main problem in the prison with them is that they create disciplinary problems and it is essential that they be segregated. They become involved with some of the aggressive males in the institution and develop triangular love affairs and you end up with somebody getting his insides ripped out with a knife. Most of the cuttings and assaults that occur in prison are related to that. Not all but a great many of them.

SMITH: One of the people yesterday made the statement that jail for the homosexual is not a very satisfactory way of handling it because if you send them there it is more like sending them out to pasture. What do you think about how they can be handled or sentenced?

McGEE: Well, as I said a little while ago, most of the homosexuals, I'll have to get a physical breakdown on that. I don't know what the distribution is, but most of them are there for commission of crimes that have nothing to do with homosexual acts.

SMITH: I thought that maybe your New York experience might give you a thought on this subject.

McGEE: I don't think that sending them to prison is a cure for homosexuals whereas dealing with them is any answer to that. I don't think there is any final answer of dealing with the effeminate type of homosexual. Most of them are that way congenitally and the best you can do is teach them how to handle themselves in the community so that they don't become a source of moral corruption for persons who might behave normally. On the other hand, if they commit a crime there is no reason why they should be excused for the crime because of the fact that they are homosexuals anymore than anyone else should. On that basis, we are bound to have a certain percentage of them in prison. The answer to it from our standpoint is complete segregation and that is what we are trying to do with them to the limits of the buildings that we have which are not very satisfactory at this time.

BROWN: Mr. Fleury has a question.

FLEURY: Do you still think that we ought to pass this A. B. 43 which I put in for you last session?

McGEE: I think that, as I indicated in my remarks here, that the soundest and wisest thing that can be done is to develop a good respectable research program. Now, whether that should be——

FLEURY: Do you think that should be handled through your office or Mental Hygiene or where?

McGEE: I have no final opinion about that. I would say that it doesn't make any difference where it is done, or who does it, as long as it is done and done competently. The reason it was suggested that it be put in that way was because the Board of Corrections, which has the Youth Authority and the Adult Authority and myself and the Women's Board on it, is also a Crime Commission under Section 6027 of the Penal Code and has a responsibility of studying the causes, the cures and methods of dealing with crime. The matter was discussed with Dr. Tallman and with Karl Holton and we all agreed that if the funds were provided that we would work the thing out on a cooperative basis and get it done, the best advice we could get indicated it should be done. It was just a question there of setting the thing up in a place, some legal authority for it, and some place to administer the funds because if you are going to appropriate funds you are going to have to appropriate them to some executive agency. It could be handled in many ways. The thing that I have done here, for your information, in the respect to this matter, the suggestion was made when this bill came up on the Senate side, where Senator Keating introduced it, was that it ought to be put in the budget, it shouldn't be brought before them in this special bill. I discussed the matter with some members of this committee, as a matter of fact later on, when I saw that, I hadn't talked to the Governor about this, but I saw in the press, and I have heard him say publicly within the last 24 hours, that he intended to place this matter on the agenda for the Special Concurrent Session in March. Therefore, I merely wrote a memorandum to the Division of Budgets and Accounts in the Department of Finance and told them I thought we had a responsibility to see that this matter got before the Legislature but that I wasn't placing it in the budget, I was leaving it entirely to the legislative committees to say where they thought the thing ought to be and that is still the way I feel about it. I think whatever program is suggested by this committee is going to be all right with me and the other department heads provided we feel that the recommendation is going to result in the program.

STATEMENTS AND REPORTS**STATEMENT OF MARCUS CRAMAN, M.D.**

Senior Physician, Los Angeles County Jail Division, Sheriff's Department; Superior Court Panel; Mental Hygiene Panel; Faculty University of Southern California; Chairman, Los Angeles City and County Committee on Sex Variance.

There is a common misconception among public officials that all sex violations are perpetrated by homosexuals. There is also a general misconception on the part of the American public that any evil is easily eliminated by the simple procedure of passing a law against it. A third largely erroneous concept demands "treatment" for sex offenders and the persons or groups loudest in their demands for this evanescent process know little of what they speak.

Crimes against sex differ little in their motivation from other crimes against the person, or, for that matter, against property. Certain unacquired bases of the instinctual life, apart from environmental influences, must be in part responsible (depending upon the makeup of the individual), for the fact that similar emotional conflicts will result in either criminality or neurosis, or both.

The emotional conflicts of childhood, the resentments against parents or brothers, the enforced passivity of educational rigidity, all represent powerful allies of later resentment against the social system, and the combined emotional tension thus produced seeks a realistic expression in criminal acts that cannot be relieved by mere phantasy products, as in the neurotic.

In every criminal act, two factors are involved; one constant and one variable. The variable factor is psychological and multitudinous and this motive factor may be as variable as unconscious motives in general. The constant factor is that force which propels the criminal move itself, and relies on the dominance of his passive or aggressive balance. This is the mechanism of *criminosis*.

Most criminals, oddly enough, become such from a pervading sense of passivity, and their aggressive acts are a revolt against this passive state. Passivity is predominantly feminine, as is aggression masculine. The passive, timid, retiring personality is considered sissified and his humiliation against the repression of his native aggressive instincts creates a restless pressure of energy within him, which finally shatters the hitherto restraining forces to become an exquisite expression of masculine aggression.

This expressive action will be directed against that sense of inadequacy that has most piqued the individual. Thus, the homosexual may commit murder; the sexually immature will perpetrate violent rape; the mild mannered will attempt armed robbery. The senile alcoholic, robbed of his sexual prowess, will force his enfeebled body on equally feeble children, whose ages are always in inverse proportion to his own.

The acts of the sadist are usually primarily psychopathic rather than criminal, *per se*, as their violence is destructive, whether sexual or otherwise. The masochist, however, is very frequently overlooked in criminal appraisal. In this type of mind, that offers itself on the altar of sacrifice, we find the check-writer, car thieves, many burglars, many juvenile delinquents, and those who publicly molest women on the street.

An inner desire for punishment prompts many of these acts, as is so obviously demonstrated by the many too obvious means of identification left along their overt trail. The masochist also is the frequent criminal who, after long search has failed to bring him within the toils of the law, gives himself up. Masochism accounts for much recidivism among criminals.

In crimes of violence, the essential is not that the perpetrator be weighed as sane or insane—his act is clearly lawless and antisocial, and as its result, he is not fit to be at large. Guilty or not guilty—sane or insane—are largely matters of tweedledum and tweedledee. Friends, counsel, experts all converge to distort the true relationships. We still think in terms of the McNaughton case of 1843, when legal insanity involved a very complete degree of mental disintegration.

Fortunately, the barriers between the great classes of "criminals" and "lunatics" are falling away and we are coming closer to the necessity of determining the precise psychological characteristics of each individual and the treatment to which each should be subjected. Our prisons and asylums are alike in being places where certain abnormal people must be confined in their own interests and those of society. It is but a short step to fuse both in the management of the criminally ill. To send two murderers to two separate institutions because of a difference in the motivation of murder is plainly stupid. The hospital for the criminally insane should be a part of our penal structure, inseparable from it. If this were incorporated within the walls of our present penal institutions, the medical, psychological, psychiatric and social anthropological workers would be easily within the reach of those other so-called "normal criminals" who are so closely their blood brothers, and who equally need scientific study and help if they are to be at all remolded.

Section 5500 of the Welfare and Institutions Code, relating to sexual psychopaths, has caused considerable miscarriage of justice in the past, because it was used by defense attorneys to circumvent penal servitude and the definition so restricted medical examiners as to compel a declaration of sexual psychopathy where none actually existed. The courts were frequently advised by examiners to disregard their opinions in this section because state hospital authorities felt that their facilities were being misused by having to accept this type of offender and either resolved to keep him for life, or to release him at the earliest opportunity, admitting that he was not cured but that further hospitalization would be of no value.

This section has been amended in Chapter 1325 of the 1949 Statutes, particularly in Sections 5517 and 5518, providing no such loopholes and providing for the defendant's return to the court under conditions of cure or failure of cure. This chapter, called the Fleury Bill, while a great improvement over the earlier section, fails in any manner to define the sexual psychopath and leaves such definition to the broad discretion of the court and its examiners. The term sexual psychopath has not as yet been satisfactorily defined, either by statute or as a medical definition.

An attempt was made at the Governor's Conference on Mental Hygiene, at which the speaker offered minor suggestions. The definition that comes closest to being correct is that in the Vernon Kilpatrick Bill, known as Chapter 1457, an act to add Chapter 45, comprising Sections

5600 to 5607 to Part 1, Division 5, Welfare and Institutions Code, relating to the commitment, care and treatment of mentally abnormal sex offenders. This act is in the nature of a voluntary commitment but is in no sense a loophole to prevent punishment for offenses awaiting trial. The act permits immediate blood relatives alone to file for commitment and should be broadened to permit others possessing information to file as well.

There should also be a provision requiring the district attorney to employ psychiatrists preliminary to actual commitment. The act as it now stands is, however, the most forward approach yet enacted and Mr. Kilpatrick and his committee are to be congratulated on a job well done, a year in advance of our present hysteria. More important than the enactment of additional legislation, is the education of the public to the necessity of cooperating with law enforcement agencies.

It has been the well-considered opinion among peace officers for several years that only 20 percent of rape and molestation offenses were being reported. This has been proven by the public reaction to the Glucoft case presently in the news. Since that case broke every policing agency in Southern California has been deluged with complaints of sex violations, most of these being old offenses not previously brought to light. There actually is no increase in the perpetration of these offenses, as shown in the present fiscal year when compared to 1947 and 1948. Creating a closed court with people in attendance familiar with child psychology could do much to bring parents to better cooperation with authorities.

In addition to public awareness of its responsibility, it is important that children from ages six to fourteen, manifesting evidences of abnormal tendencies, be brought to the attention of medical personnel through education of the teachers. This was one of the principal recommendations of the Committee on Sex Variance after an 18-month intensive study of this community. The committee was composed of religious leaders, civic organizations and public officials, including Mr. William Simpson, District Attorney; Sheriff E. W. Biscailuz; Judge William D. McKay; Judge Arthur Guerin; Mr. Don Sanson, Public Defender's Office; Ellery Cuff, Public Defender; Don Redwine, City Attorney; Chief William Bradley, Los Angeles Police Department; Rabbi Edgar Magnin; Bishop Stevens and Bishop McGucken, as well as the heads of the county and city school systems and the California Youth Authority.

One of the most difficult problems of that committee was the development of teachers to teach the teachers on the physiologic and psychic stigmata in children before it was too late. The method of approach to this problem has not as yet been solved.

The importance of the epileptic must not be underestimated and every behavior abnormality with a history of trauma should be given the benefit of an electroencephalogram, in conjunction with a psychiatric study. A man walking around in a somnambulistic fugue state is a potential murderer from whom society and his family are entitled to protection.

The speaker believes that the present tests of legal sanity are adequate and should not be broadened. The irresistible impulse theory is already met by the test of insight. The inclusion of mentally defective offenders among the nonresponsibles deserves consideration.

In the interest of thoroughness in examination, it is suggested that the fees of court appointed examiners are below similar fees elsewhere and should be increased to at least \$50 per appearance. The time consumed on the present basis does not permit of frequently essential psychometric tests, electroencephalograms or pentothal interview, which should be permitted on a special fee basis.

There are thousands of veterans definitely psychotic and violent not accepted at veteran hospitals on an involuntary basis until civilly committed. There should be a meeting of minds in which a service-connected psychoses are accepted by the Veteran's Facility, without the necessity of a civil arrest and public stigmata resulting from appearance in a state court. There should be no reason for California assuming a responsibility definitely military and this happens almost daily in our courts.

The speaker's time was too limited to permit more complete presentation of the suggestions offered. In summation and in reasonable order of importance therefore, he lists the following for your consideration.

I. The adoption of the term "Mental Prison" as of tremendous semantics value for many reasons of security and public satisfaction.

II. That a perpetrator of a sexual crime should be viewed with little difference than any other violent aggressor.

III. That there is presently little known concerning cure of sexual aggressors and that placing them in private institutions does not help in most instances and gives the public the impression of coddling.

IV. That the indeterminate sentence under maximum security conditions until rehabilitated argues for greater public safety than either a set prison term or indeterminate care in an easily fled hospital.

V. That parents should be protected from public exposure of their children by closed, humane procedures.

VI. That our universities should supply recognized experts and rational curricula in training our teachers in recognizing sex abnormalities while their charges are still malleable.

VII. That an abnormal mental offender is first an offender and only secondarily a mental problem.

VIII. Parole of mental patients to their relatives should be restricted to those families intellectually and economically equipped to continue adequate protection and observation of their charge.

IX. That adequate use of examining media be encouraged by proper compensation of examiners

X. That Veteran Facilities be held responsible for known psychotics being released upon the public

STATEMENT OF FREDERICK J. HACKER, M.D.

Chief of Staff, Hacker Psychiatric Clinic; Psychiatrist on the panel of the Superior Court of Los Angeles; Psychiatrist and Psychoanalyst; Postgraduate training at Columbia University and Menninger Clinic, Topeka, Kansas.

Outraged by the recent wave of sexual crimes, an excited public demands effective measures for the protection of their loved ones. Nothing is more understandable and yet, unpopular as this may be, it has to be stated unequivocally that neither lifelong imprisonment of known sex offenders, nor castration, nor forcible registration of people with sex deviations will get us one inch closer to the solution of our problem.

When psychiatrists, some judges and other far-sighted individuals urged years and decades ago that only treatment, not punishment, could contribute to the control and disappearance of psychopathic crime the public indicated by its total lack of interest in these suggestions that they felt better protected by the old-fashioned punishment methods rather than by the newer treatment attempts. The present psychopathic crime wave underlines the breakdown of current law enforcement methods and it is not reason, but the delusion of mass hysteria that advocates as the only solution yet greater strictness in the application of a clearly inadequate system.

Though the specific problem of sex crimes has aroused the justified ire of the public, the question of effective handling cannot be considered in isolation, but only as part and parcel of a general mental hygiene program. The present wave of popular excitement, indignation and horror of the heinous crimes recently committed cannot change the fundamental truth that the sex criminal is usually dominated by an irresistible impulse. This should be stated once and for all for the sake of scientific truth no matter how much this concern for effective prevention measures may clash with the desire for vengeance.

This does not mean by any stretch of the imagination that the community has not the full right to be protected from individuals who endanger their fellow citizens and particularly helpless children due to their disturbance or that these offenders should escape punishment. It only means to express radically and with all emphasis and authority at our command that punishment measures, police strictness, even the introduction of capital punishment, does not and never will materially alter the incidence of sex crimes. There is overwhelming proof that in crimes of this kind the deterrent of punishment is simply nonexistent and is, therefore, completely extraneous to this problem. Every clear thinking person will agree that the primary task facing the Legislature and the community is that of ultimate prevention of these horrifying crimes. The recent developments are a signal proof of the scientific theories which always have claimed that methods of punishment are totally ineffective in these questions. Legal action can only deal with crime already committed, and the degree of punishment has to be in proportion to the deed. However, it is characteristic for just this kind of case that behind a seemingly innocuous misdemeanor, a very serious personality disturbance may be hidden which in the future may lead to an extremely serious offense. At present, all these cases not only go unrecognized, but there is nothing that can be done about them even

if they were recognized. Therefore, after the undeniable thesis that punishment can do nothing to solve this problem has been accepted, the actual measures to be taken can be roughly divided into two large groups: First, the recognition of potential sex criminals and second, the effective measures concerning these people who have been recognized as dangerous or who are potentially so. True, these tasks are extremely difficult. However, the opinion that nothing can be done about it anyway, and that therefore all suspected as suffering from actual sex deviations should be put away for a maximum period or for life, is a completely unrealistic, unscientific and as a matter of fact, irresponsible attitude. Psychiatric methods in combination with carefully elaborated batteries of psychological tests and thorough medical studies (including electroencephalogram, etc.) have brought us in a position to separate the harmless sex deviation from the potentially dangerous one. There is much literature on this subject and extremely gratifying results in terms of actual diagnosis and prognosis have been published by many independent observers. It has been our own experience in our Beverly Hills Clinic that our prognostic evaluation based on our thorough and careful psychiatric and psychological examinations have turned out correct. We have recommended probation in many cases and have not had, so far, even one single incidence of any recurrence of the crime committed. On the other hand, several thoughtful judges have referred cases to us that pleaded guilty to minor misdemeanors, where our psychological studies indicated that we were confronted by a potentially dangerous individual, and so reported to the court for appropriate action to be taken if the individual was found guilty. Admittedly our methods are not infallible. But no medical diagnostic or prognostic method is. We can state, however, that our methods and those in the possession of all qualified people in the field have a sufficient degree of probability as to provide a safe margin of protection for the community. It has to be said at this time that nothing but the most thorough and careful studies by real experts will be sufficient to give good results. In interviews of an hour or less duration, practically nothing can be gained except an initial and extremely unreliable impression. Innumerable workers in the field are busy developing newer, quicker and more effective methods. It is regrettable that no quick cure exists for sex offenders, just as it is regrettable that no such things exist for cancer or tuberculosis patients. But our present state of knowledge permits us to make an adequate diagnosis and an accurate and adequate prognostic evaluation as to the possible future development of the potential dangers of a case. Consequently, I would like to suggest as one measure to be put into operation immediately that the cooperation of psychiatrists, criminologists, psychologists, social workers or other professional persons trained in the field, be mandatory in every legal procedure dealing with sex offenses. This suggestion has ample precedents; for instance, in the insanity proceedings when it is mandatory for the court to appoint psychiatrists to give their opinions about the sanity or insanity of a defendant. A similar procedure could be followed in the case of sex offenders.

From a panel of selected experts or from a group of people hired for this purpose by the Department of Mental Hygiene an individual highly skilled in modern psychological methods should be appointed to study

every case of sex offense, to carry out all investigations he deems necessary, to assist law enforcement officers even in the questioning of suspects and of witnesses, and finally, to incorporate all these findings in a report to the court together with recommendations for or against probation in cases where the individual is found guilty. This procedure would not invade the constitutional right of every person for a fair, public trial by a duly appointed court of law. However, it would assist the judge or the jury in the evaluation of the case and of the evidence presented, and would fulfill the same role as any other expert testimony. The important thing would be the compulsory assignment of such a person for every case of sex offense as a friend of the court, and therefore as the representative of the public, paid by public funds, neither working for the defense nor for the district attorney.

The vast majority of all cases who are screened, prove to be relatively harmless and consequently, probation could be granted with a great degree of assurance that by such a measure, the public would not be threatened. In many cases it could be made a condition of probation (which is occasionally done even now) that treatment be sought, and that the treating physician report to the court or to the probation department at regular intervals. We had the privilege of seeing a vast number of such cases, working together in close cooperation with the probation department. The success of these cases was invariably justifying our highest expectations. There is no need to incarcerate large numbers of people who can be treated successfully extramurally, and, let it not be forgotten that community protection is not only served by prevention of atrocious crimes, but also by the protection of every individual from witch-hunting or unjust and unnecessary persecution. By modern psychological screening, the harmless individual can be segregated from the potentially dangerous one. This latter group will be relatively small, and these individuals undoubtedly should be kept safely under lock and key for their own and for the protection of the community, although putting them away in itself will not be sufficient. In these sort of cases, the law should provide for an indefinite sentence which would make appropriate medical or psychiatric treatment virtually compulsory. In actual practice, the dangerous individual could be held for the maximum sentence period if he does not submit and cooperate in treatment. In case the individual cooperates—and an overwhelmingly great number will—he would be adequately treated by appropriate correctional methods. The time of discharge from such an institution should be left to the discretion of the Adult Authority or a similarly constituted body acting on the recommendation of the medical director of the institution. Again, the same psychological, psychiatric and medical methods of diagnosis and prognosis should be employed to evaluate the progress of every defendant, and to come to conclusions whether he may be safe for eventual release or probation. This program has the advantage of retaining the basic constitutional rights for fair and public trial and the proper judicial process, but at the same time utilizes the advances in medicine, psychology and psychiatry. It should be regarded not as an attempt to “let the criminal off easy” but to protect the community in the only effective way that

appears feasible at the present. The crux of the matter lies in the appropriation by the Legislature of adequate funds for institutions and experts to carry out these tasks. The foregoing reasoning clearly implies that the group of sex offenders requiring detention in an institution which should neither be a hospital for the criminally insane (because these are not insane people in the sense of the law) nor a prison (because these individuals are never helped by mere incarceration) would be relatively small. The main emphasis for the handling of this relatively small group, and for the dealing with the much larger group that can be taken care of extramurally, should be on personnel with the finest training and background. Even the best physical equipment cannot achieve what human kindness, understanding of the larger social issues and a high degree of skill can and has accomplished in this field. The actual personnel capable of dealing with this problem is, at present, pitifully small, though even these few experts have not been sufficiently utilized up to now. It will undoubtedly be necessary to appropriate sufficient funds for the employment and consultation of these experts. At first, their number still will be inadequate, but it is perfectly feasible that multiple diagnostic and treatment centers be erected around one or two such experts that could form the nucleus for the training of young people interested in this field. The experience gathered by the Veterans Administration could be used without difficulty. In order to meet the crying need for more psychiatrists, the Veterans Administration organized training centers which in only a few years have turned out a great number of competent and skillful experts. There is no reason why similar attempts in this field should not yield the same gratifying results. These centers could be set up in connection with courts, state hospitals, universities or other existing institutions or they could be created new, depending on the local situation in every given case. This difficult but by no means impossible endeavor, could be started immediately, and bring results immediately, while at the same time representing a long-range, comprehensive program. The amount of money required for such an enterprise has to be generous yet the expense would be only a fraction of the capital outlay required for another first-class penal institution. To repeat it once more, emphasis should be on personnel, not on institutions, important as they may be. Walls serve to detain man. Only man can cure man.

In summary, I would like to state my main points again :

1. An immediate legislative program should be enacted, making the participation of experts (psychiatrists, criminologists, psychologists, social workers, etc.) mandatory in every sex offense. These experts, paid by public funds and impartially chosen, would participate in the proceedings from the very beginning. They should assist in the questioning of suspects, the gathering of testimony, the study of the defendant and his family, and should finally make a report to the court. This procedure is similar to the compulsory consultation of psychiatrists as expert witnesses when an insanity plea is entered. The only difference suggested is that much more time should be granted to such a study, either in an institution or extramurally, so that the intricate procedures for modern

medicine, psychiatry and psychology could be used for the greatest degree of accuracy and therefore for the best protection of the community. This procedure may seem at first cumbersome and somewhat expensive (though much less so than any other measures suggested). But according to our present state of knowledge, it can be confidently predicted that it will be exceedingly successful because our present diagnostic and prognostic techniques operate with an adequate degree of certainty.

2. Observation and treatment centers should be organized around experts that are available now and new experts should be trained in the difficult work of correctional psychotherapy and medical treatment. For this purpose, personnel will have to be employed and adequate funds will have to be made available. Particularly at first, during the transitional period before the training of highly skilled personnel can be accomplished, a survey should be made of all available existing experts, observation or potential training centers, clinics, etc., that should be used to their full capacity.

These observation and treatment centers will establish full cooperation with the probation department, the courts and all other law enforcement agencies and also schools and parents organizations. It should be part of the program that teachers should be required to report every phase of unusual sex behavior in their students that they have observed or every case of molestation that has come to their attention. At the same time, parents should be encouraged to cooperate more fully than ever before with the professionally trained personnel of these clinics. It can be anticipated that the chances for support of such an appeal will be much better when teachers and parents are assured that such investigations even into seemingly trifling incidents will be conducted by a professional staff, not by police officers; with utmost discretion combined with the highest ethical attitude and skill

3. Establishment of a long-range training program for increase of professional personnel and organization of an educational campaign, either separately or part of a general mental hygiene program. The public has to be educated to the recognition of the seriousness of this problem that cannot be solved by just increasing the sentences of those sex offenders that happen to be caught. It is the consensus of opinion that only the full cooperation of the public (especially teachers, parents, clergymen, educators, etc.), can result in full success. But the public has to be given an opportunity to cooperate, and it will do so only if it is assured that properly trained experts will be more interested in tracking down the social, economic, medical or psychological causes of every incident that comes to their attention, rather than in obtaining a criminal conviction that leaves the fundamentals of the problem exactly where they were before. Maximum training, discretion and the ethics and skill of the professional man could be made available for the benefit of the public in these observations, consultation and treatment factors, so that many sex cases could be avoided and caught long before any crime was actually committed.

Nothing less than the best will be any good at all. Sex offenders and sex offenders to be, which the latter group according to Kinsey and many other investigators, include many more people than the general public ever dares visualizing, have to be studied carefully and evaluated individually. No summary procedure will solve the problem that may have innumerable different individual causes and reasons. But a combination of good legislation, professional skill and public cooperation will. Pessimism in this regard is mere thoughtlessness. All experiences, handicapped as they were by lack of funds and facilities point in the same direction: That effective diagnosis and prognosis of sex offenders and in many cases effective treatment, therefore effective protection of the community is possible if it is made possible. A situation like the present emergency need never happen again. The answers to the cry for maximum protection are not simple but they can be given. A rational program along the lines given above is perfectly feasible. There is no excuse for delay or hysterical panic. Clear thinking based on modern science can develop a rational program. It can be done and it must be done.

STATEMENT OF JAMES E. McGINNIS, M.D.

Consulting Psychiatrist, California State Department of Corrections; Consulting Psychiatrist, Los Angeles County General Hospital; Instructor in Psychiatry, U. S. C. Medical School; Member, American Medical Association, American Psychiatric Association; Certified in Psychiatry, American Board of Psychiatry and Neurology.

Management of the Sex Offender

The present summarized statement, prepared for the California State Assembly Committee to Investigate Sex Crimes, is based, in considerable part, upon knowledge of sexually deviated persons gained through psychiatric examination of such individuals at three correctional institutions of this State during approximately the past five years, as well as through the examination of similar individuals appearing before the Superior Court in the Los Angeles County Psychopathic Hospital, and of certain such persons seen in private practice.

It is to be recognized that a wide variety of sex acts are included by law under the designation of "sex crimes." Among these are statutory rape, forcible rape, sodomy, exhibitionism, bestiality, fellatio involving men alone or men and women, and the various sex offenses against children. The observations which follow are of general application, although written with particular reference to the sex offender against children.

A point which deserves primary stress is that individuals committing such acts, with the occasional exception of statutory rape, are almost invariably mentally ill. This does not mean mentally ill in the limited legal definition, but mentally ill in the broader medical-psychiatric sense.

The type of mental illness involved ranges almost through the entire list of recognized psychiatric disorders, but includes most commonly psychoneuroses, senile and arteriosclerotic deterioration, mental deficiency, alcoholism with deterioration, psychopathic personality with pathological sexuality, and schizophrenia. Varying degrees of acute alcoholism predominate as influencing factors in those cases which do not show one of the forms of mental illness.

Sexual deviation, therefore, although secondarily offering a hazard to the public health, safety, and morals, is clearly primarily a medical-psychiatric problem.

From the medical-psychiatric viewpoint, the particular sexually-deviate act, the "sex crime," is of particular importance in the light of an understanding of the individual committing it. "Sex crime" sometimes is read as a lurid phrase, tending to focus attention on the sex offense in itself, and tending as well to obscure the fundamental fact that each sex offender is a person with his own particular problems, his own illness, his own often, suffering, his own personality assets, and his own prognosis for cure.

Certain sex offenders, because of the depth or chronicity of their personality disorders, or because of the history of the type of sexually-deviate act which they are given to commit, or because of their performance of especial acts of violence, must be viewed as persons unsuitable for continued residence in an unselected society, and committed to institutions affording permanent custodial care.

Other sex offenders upon psychiatric examination will be found to have mental disorders which afford a reasonably favorable prognosis for response to intensive psychiatric treatment, and ideally might receive such treatment under commitment to mental hospitals.

Still other such offenders may be found to have manifested their sexually abnormal behavior as but one symptom of a generalized physical and mental disintegration, as in the instance of many senile persons and need, in the main, medical-psychiatric management and general supervision.

And, finally, professional scrutiny may reveal certain individuals, arrested for the commission of sexually deviate performance, whose act is of an "accidental" type, and who may receive adequate benefit and reorientation through confinement to a correctional institution.

It is not the single sexually-deviate act, however, which always provides the accurate index to the personality involved. Chance alone, among many factors, may bring before the courts, a particularly dangerous offender who at the moment is involved in some less disturbing act, and, less frequently, the public emotion associated with some more offensive episode may obscure the true character of the individual involved.

The psychiatric evaluation, and the psychiatric diagnosis, is certainly not infallible, nor always accurate, but as a product of competent specialists, might be expected to offer data of aid to the courts in evaluating the offender as a person and a personality, and thus yielding additional material as basis for the judgment.

One addition in the present management of the sexual offender might therefore lie in supplementing the present court study of sex offenders to include a psychiatric examination, not particularly for the purpose of determining the absence or the presence of legal insanity, but more specifically with the aim of arriving at an understanding of the degree and type of medical-psychiatric disorder, and the accompanying opinion as to possible response to treatment. The court level at which this service might best function would theoretically appear to be all-inclusive, and the motivating consideration simply the presence of an individual found guilty by the court of a sex offense.

A second addition to the present program of management of the sex offender appears to lie in the providing of an adequate facility for the adequate, intensive treatment of the "curable" convicted sex offender.

Present correctional institutions accommodate sex offenders of the group first named in a preceding paragraph, those requiring permanent custodial care, and as well care for those of group four, the "accidental" offenders whose reorientation may be accomplished within the general correctional institution training program and with accompanying limited psychotherapy.

To the best of my personal information, however, present limitations of state correctional institution and state hospital facilities and personnel severely handicap the treatment of those persons of the second group, that is, individuals with illnesses manifest by serious sex deviations, who might nevertheless respond to adequate, intensive therapy.

These unfortunate men, haunted often by their phobias and their guilt, may be shunted through a period of years from state hospital to correctional institution to parole, with sometimes only bitterness and a determination never willingly to return to a prison, as their therapeutic harvest. It is sometimes from their ranks that the sex offenders whose acts include brutal violence have come, and it is sometimes, as well, that these sex acts of brutal violence have been motivated, not by sadism, but by fear of apprehension and consequent penalty.

Construction and adequate staffing of the State Department of Corrections psychiatric hospital might fill this present major need.

Facilities for the care and management of the members of the third group, the senile type of sex offender, are at present met in part by the state hospital and in part by the state correctional institutions. These persons require supervision and general medical-psychiatric management to a greater degree, in many cases, than they do intensive treatment. It is my own current impression that in certain of these senile cases, where there are adequate family assets and support, the needs of the patient and of society might best be met through extra-mural placement combined with medical-psychiatric care.

The question of duration of confinement for committed sex offenders has been proposed. This would appear to depend upon the individual involved, and would range from permanent care for those persons in group one to adequate time for adequate reorientation for those individuals of group four. It would seem to be always an individual matter. The time required for intensive treatment will vary with the case, and will be expected to be of relatively long duration, perhaps for from one to three years. Correctional institution confinement for punitive reasons alone may be expected to yield a benefit for a certain period of years, but beyond that limit, to be without value, and even to be of direct harm, if the offender is ever to be paroled. It is in these often delicate determinations that the judgment of the Adult Authority wisely prevails.

In response to the question of cooperation with probation officers, the opinion is expressed that periodic psychiatric evaluation of sex offenders on probation or parole might well afford a valuable adjunct to the program.

A measure which might fundamentally aid in the lessening of sex deviations is that of increasing child guidance clinics, where the problems, like those of juvenile delinquency, are often seen in their inception.

An incidental observation is that many sex offenders against children have an arrested or deteriorated sexuality, coupled with genuine fondness for children.

In summary and in conclusion, then, the following opinions are offered, with the clear recognition that the present summary treats in a very partial fashion, a complex and important problem.

1. Sex offenders are almost invariably mentally ill, in the medical-psychiatric application of this term.

2. Sexual deviation is primarily a medical-psychiatric problem.

3. The sex "crime" is of most importance in the light of an understanding of the individual committing it, and each sex offender is a particular person, with his own personality assets and liabilities.

4. Some sex offenders require permanent custodial care, others intensive treatment, others long time modified supervision, and yet others simply the opportunity for reorientation which comes with participation in a correctional institution training program.

5. The collection of information upon which the court judgment of sex offenders is based might, with benefit, be supplemented by a psychiatric study in each case.

6. A second major addition to the present program of management of the sex offender will lie in the provision of an adequate State Correctional Institution Psychiatric Hospital.

7. Long time correctional institution confinement simply as a punitive measure alone is of distinctly limited benefit if the offender is ever to be released. This does not apply, of course, if confinement is accompanied by intensive treatment.

8. Periodic psychiatric evaluation of sex offenders on probation or parole might afford a valuable adjunct to the program.

STATEMENT OF CLARENCE W. OLSEN, M.D.

Associate Professor of Neurology, College of Medical Evangelists

Type of Sex Perverts Who Are Curable

The type of sex pervert who is curable is the young person of average intelligence but lacking in sex instruction and willing to learn. The individual who conforms reasonably well to accepted social practice in other matters, who has developed interests and accepted responsibilities is not likely to be an incorrigible sex offender. The unfavorable type of offender is the old individual who suffers from one or more degenerative diseases, whose capacity for work has been diminished for one reason or another, and who is no longer able to find sexual expression in acceptable channels. Some important contributing factors appear to be a narrowing of interests, a breakdown of the habit of constructive activity, and indulgence of the appetite for liquor.

Sterilization and Castration

The measures of sterilization and castration of sex offenders are being advocated and practiced. The implications of these definitive techniques require elucidation.

The term "sterilization" is somewhat loosely applied but in its strict interpretation means only what it says and does not necessarily imply castration. It does imply an incapacity for impregnation or conception. In this connection, we must bear in mind that sexual perversions are not hereditary and that hormone function and sex behavior are not consistently influenced by sterilization. The increase or decrease of sexual urge which may follow sterilization without castration is to be traced more to emotional attitudes than to hormonal stimulation or depression. The principal effect of sterilization is contraceptive, so far as the present discussion is concerned.

In contrast with simple sterilization, castration constitutes a humiliating mutilation, especially in the male. The generally accepted statement that this procedure is beneficial both to the sexually aberrated person and to the public at large is one which I receive with skepticism. It is, of course, the most effective and permanent form of sterilization. It certainly cannot be accepted as a practical means of identifying the sex offender so that he may be recognized and shunned. While sterilization tends to dampen sexual impulses, I am not familiar with sources of reliable information on the end result of castration as a means of curbing sexual delinquency. I know that the late Dr. William R. Rosanoff had contemplated a critical study of this question in a neighboring community in which some 50 sexual offenders had accepted castration as an alternative to confinement. It was his belief that further study will be required to give proof of the efficacy of this severe corrective measure.

Hormone Therapy

Hormone therapy, either by tissue transplant, implantation of hormonal concentrates, injection or oral administration, offers rather unimpressive results in the treatment of sexual offenders. Despite the enthusiastic reports of accomplishments in certain individual cases, the consensus is that these dramatic reports arise from coincidence rather than specific effects of medical treatment.

Lobotomy and Electroshock

Dr. George N. Thompson has contributed studies on lobotomy as well as on electroshock in the therapy of sexual disorders. His conclusion is, as I understand it, that these procedures are capable of relieving depression, anxiety, tension, and confusion in patients with sexual disorder but are, in the long run, ineffective in correcting the disorder itself or in permanently curbing its expression. The suppression of initiative by radical frontal lobotomy is balanced by the admitted impairment of critical judgment and the reckless impulsiveness that are likely to result.

Summary

An effective attack on the urges which prompt sexual offenses is not as yet within our grasp so far as the fundamental medical and surgical approach is concerned.

STATEMENT OF DR. EUGENE ZISKIND

I am Dr. Eugene Ziskind. I am an Associate Clinical Professor of Medicine (Psychiatry and Neurology) at the University of Southern California—School of Medicine. I am also the head of the Psychiatric Clinic at the Cedars of Lebanon Hospital.

The problem of the sex offender and sexual pervert is one of general interest but I shall endeavor to deal with it from the standpoint of psychiatric theory and practice.

My chief reason for coming to testify before the Assembly Committee is my conviction that the psychiatric point of view, in keeping with sound scientific methods and knowledge, should be known and that concepts psychiatrically unsound should be so labeled. It is essential that public sentiment and the powers of legislators be utilized for the constructive implementation of the psychiatric needs of our community.

Even the scientists' knowledge, in regard to sex perversions, is in great need of clarification. There are too many unknowns, too many theories and too few facts. Most of the cases of sex perversion in our society go untreated, and cures by the most scientific methods are still too few to permit us to predict their outcome under therapy. All this emphasizes the great need for more research in this area. Therefore, whatever steps are taken in the approach to these problems must include provision for more scientific study and research.

For the purposes of the Legislature, and from the standpoint of the lay citizen, it is necessary to divide the pervert group into those whose activities are harmful to other members of society and those whose activities are not.

Amongst those in the latter group are a large number of constitutional homosexuals. These form from 2 to 3 percent of all individuals. From their earliest days of childhood most of these have shown psychological tendencies peculiar to the opposite sex and, in most instances, they do not present any aberrations of intellect or behavior other than a sexual attraction to the same sex. These individuals are the unfortunate victims of a set of circumstances, possibly biological, possibly environmental, which will make their problem of adjustment in society always more difficult than the personal adjustment of their more fortunate heterosexual neighbors. Since the moral and ethical codes of these individuals is, in all other respects, the same as the code of most other individuals, they constitute no special hazard to society. They are, contrary to general opinion, not interested in having intercourse with children. They love, and prefer to live in monogamous relations with other adults of similar impulses. They practice no greater promiscuity than their heterosexual brethren. In other countries, where they are not legal outcasts and are protected from blackmail, they present no great problem. Incarceration of these individuals in jails serves no useful purpose. Imprisoning homosexuals is an unjust way of handling a freak variation of nature. It causes unnecessary suffering and is a useless expense for society. For this group, namely the constitutional homosexuals, the Sex Psychopathic Act should be revised in keeping with the more scientific and tolerant attitudes existing in other countries.

With respect to sex offenders who impose their wishes on, or do harm to, others, be they homosexual or otherwise, society must be protected. In the absence of more direct and predictable forms of medical treatment the first approach needed is custodial protection or isolation from free society. In some, perhaps many cases, this will require confinement to an institution. This is not a matter for jails. Hospitals may be used. If state hospitals are used, sex offenders should not be lodged with the psychotic patients unless they are psychotic. That will be true of only a few of such offenders. Perhaps special custodial and treatment facilities should be developed for sex offenders. Special students of this problem would be better qualified than I to testify on the most feasible method of isolating sex offenders. From my standpoint, as a physician and a psychiatrist, I merely state that these individuals should be handled as sick people. Facilities for their general medical and psychiatric examination should be available for their correct psychiatric classification. Many sex offenders are psychopathic personalities, many others suffer from organic damage to the nervous system such as we find in epilepsy, feeble-mindedness and organic deteriorations. Still others may, perhaps, be the result of chronic maladjustment, namely, neuroses, though these I would expect to be, by far, the fewest.

All cases of sex offenders should be examined psychiatrically. There are some special diagnostic measures, such as encephalography, electroencephalography and psychometric tests that have peculiar value in specially indicated cases. These and other diagnostic procedures sound impressive to the layman but they have practical value in only a limited number of cases and should be utilized only by the order of a physician or psychiatrist. Psychometric studies are also helpful in some cases and they fall within the sphere of the psychologist. Scientific tests and observations may not dispose of all sex aberrations; but they are, at least, the best approach we can make to an understanding and treatment of sex offenders.

Our methods of treating sex offenders are many. Treatment with hormones or shock therapy, used successfully in some cases of mental difficulty, have, to date, not been successful in dealing with sex offenders. Psychotherapy, which is another method of dealing with mental and emotional problems, has had many shortcomings, but I believe it constitutes a reasonable approach and warrants further trial for at least that small number of sex cases which appear to have modifiable emotional causes.

All I can recommend is an over-all psychiatric approach calculated to protect society by isolating the offender, and to give the sick individual every opportunity for basically sound psychological therapy. I hope, and believe, that provision can be made for this without excessive expenditures. If you also spend money on further scientific research you will reap more dividends than if your entire budget is devoted to custodial and therapeutic projects. As with atomic energy research, we must have the vision and unrelenting determination to pry into the unknowns of sex offenses. Such research is often the most practical and profitable approach in the long run. Far-sighted legislation must not lose sight of this fact.

In addition to the emphasis which I have placed on (1) the need for more research, (2) for a more tolerant attitude towards the socially

harmless homosexual, and (3) the necessity for an approach to the problem based on concepts of illness and treatment rather than punitive incarceration, I would like to say that there seems to be no adequate basis for considering that we are now in the midst of a wave of sex crimes. Such isolated experiences that have come to the public notice in the newspaper recently are not more frequent than at other periods and are not adequate basis for arousing public hysteria which may be productive of much harm. Instead, the stimulated interest at this time should be utilized for constructive measures along the lines indicated.

By way of practical implementation of the ideas mentioned, I would like to recommend support for two measures which have previously been turned down:

(1) One is the Keating Bill which provided for \$50,000 for a scientific study of the subject of sexual delinquency. Although this sum is quite small and probably inadequate for thoroughgoing research, it is a step in the right direction.

(2) The recommendations for an increase in the psychiatric staff at the San Quentin penitentiary have not been honored. The staff of psychiatrists could be increased to three or four times the present psychiatric resident staff so that more adequate scientific studies and increased therapeutic efforts could be made to the problems in that institution.

STATEMENT OF GEORGE TARJAN, M.D.

Superintendent and Medical Director, Pacific Colony State Hospital
Spadra, California

The Mentally Abnormal Sex Offender

Before I state my opinions concerning "sex crimes" to you, a group of Legislators, I want to clarify the viewpoint which I represent. My remarks represent my personal opinion and are made from the point of view of a physician specialized in the field of psychiatry. We must realize that as a physician and as a psychiatrist my primary interest lies in the patient and in the treatment we physicians can give him. The individual who is often referred to as a "criminal" by legal authorities must remain a "patient" when and if he comes under the care of a physician for his treatment. It is also essential that we understand that I, as a psychiatrist, cannot assume the duties of the law-maker, the judge, or any penal authority. Such assumption on anyone's part would be incorrect and would greatly disturb the workings of our society. On the other hand, a psychiatrist can never forget that in the field of antisocial manifestations of a disturbed mind, the safety and the security of society is just as essential as the treatment or the protection of the constitutional rights of the offender.

If a psychiatrist is to serve his patients with the best efficiency, he must have adequate facilities to do so. In the case of patients who have had difficulties with the law, good therapeutic facilities include laws which are clear-cut, can be easily interpreted, and provide for placement of the patient under the care of an organized treatment set-up. Therefore, if the psychiatrist is to be of assistance to the court, to the probation officers, and to the patient in cases of sexual offenses, the laws pertaining to such offenses must carry a fairly good definition clarifying the circumstances and conditions under which an offender is to be referred to the psychiatrist instead of to the penal authorities. The law must give the treating physician control over the patient while he is under his actual care and supervision, with provisions for his supervision on leave of absence, and it must provide for simple and workable procedures for his discharge upon recovery. Finally, we must remember that any treatment of a sex offender, whether in a penal, rehabilitative or medical set-up is time and personnel consuming; therefore any authority placed in charge of any number of offenders must be provided with the necessary facilities in housing and personnel. It would be folly to create laws which would place under psychiatric care a large number of offenders without providing the agency with adequate funds to establish treatment procedures.

A psychiatric discussion of mentally abnormal sex offenders must take into account the fact that most offenses for which people are arrested are much more general in the population than one might presume from the number of arrests. For example, it has been estimated that 6,000,000 homosexual acts take place each year for every 20 convictions. It is therefore essential to realize that in most cases the arrest and the conviction is not purely the result of the fact that the offense has been committed. It is also important to know that in most cases sexual offenders are handled in a rather routine manner, and public indignation is generally not the result of the fact that a sexual act has been committed but the result of the very serious—often capital—crime connected with a few of such offenses.

If one were to examine a large number of sexual offenders, it is likely that he would find that the underlying psychiatric cause of a considerable number is a quite well-defined mental abnormality, such as a psychosis, an organic brain deterioration, or mental deficiency. These offenders can be afforded treatment if handled through the existing diagnostic and legal procedures pertaining to the underlying psychiatric abnormality. The greater problem, though, is represented by the relatively larger number of offenders who do not suffer from any of the previously-mentioned psychiatric aberrations but who on the surface show a picture of relatively normal mentality and personality structure, but who, often because of an underlying defect in character development, chronically and irresistibly are forced to commit aggressive sexual acts upon an unwilling partner. These are the people of whom we speak when we generalize with the term of "mentally abnormal sex offender."

It is important to know that the impulses existing in these people are quite similar to those existing in the so-called normal, but that the emotional controls are either different in them or are lacking in them, permitting them to act in a manner which is completely and entirely unacceptable to society. The abnormal sex offender should be considered as an individual who shows a tendency toward a repetition of his actions, and a tendency to increase the severity of his actions unless properly supervised and treated.

Because of the above-mentioned facts, a psychiatric treatment program for the mentally abnormal offenders should include:

- (a) Early psychiatric examination, preferably at the time of the first offense;
- (b) Establishment of a psychiatric diagnosis and the evaluation of the case with view of prognosis at the same time;
- (c) Provisions for supervision;
- (d) Facilities for actual treatment of those who are treatable.

The program should be flexible enough to provide facilities for as many offenders as possible. This latter provision is a big stumbling-block both from an economic point of view and because of the fact that adequately trained personnel is insufficient.

The long-range program must be based upon:

- (a) Prevention of development of character abnormalities; this must be done not later than in early childhood or early adolescence, and must be carried out through infant and child guidance clinics;
- (b) Prevention of offenses primarily through the segregation of cases with poor prognosis and the early treatment of offenders;
- (c) It must include research into the nature of these offenses and into the character of the best available treatment methods.

Now I would like to make a few remarks to some of the questions raised by your secretary, Mr. Hutcheson, in his correspondence to me. First of all, as to the diagnostic techniques available for sex offenders, I would like to state that the diagnosis of a sex offense as such is a very simple one. The offense either has been committed or it has not been committed. There is no need to call upon a psychiatrist to verify or disprove the existence of an offense. This is the obligation of others. The diagnostic help which a psychiatrist can provide to a court lies not in the determination of the character of the offense, but rather in the evaluation of the reasons and motivations for the offense. Present psychiatric

diagnostic procedures include psychiatric interviews, psychological tests, and psychiatric social work evaluations in addition to some other procedures. These provide a fairly adequate tool for the purpose. But if a psychiatric team as enumerated above is to make an intelligent report then sufficient time must be given for the study of the offender. Under the present definition of insanity in the California Penal Code it is not a complicated issue to determine whether the offender was accountable or not, but the determination of why he committed his act, or the evaluation as to how likely he is to commit another, possibly even more serious, offense is time-consuming. As a rough estimate, a team of three workers could handle only 10 examinations a week. I point this out because I believe that the obligation of the psychiatrist is not to fit the person into a legal pigeonhole but to intelligently assist the authorities in the disposition and the evaluation of the prognosis of the offender.

Psychological tests are of great value in this work. It is generally customary that a detailed work-up of an offender should include an evaluation of his intellectual capacities and a battery of tests uncovering motivations and some intricacies of character development. Such tests include the Rorschach Ink Blot Test, the Thematic Apperception Test, the Szondi Test, the Bender-Gestalt Test, etc.

Electroencephalographic studies should be freely used, but the interpretation of the tracings includes much more than the measurement of the frequency and amplitude of the electrical waves. It includes the understanding of the meaning and interpretation of these wave patterns particularly as to their correlation with behavior disorders. Often an individual is labeled an epileptic because of his abnormal brain wave pattern. Newer research suggests to us that there are many factors in addition to known organic abnormalities of the brain which influence and alter the brain wave patterns.

My experience with hormone therapy is limited. I feel that hormone therapy depends greatly upon the chronic administration of the hormones and therefore upon the cooperation and desire of the offender for treatment, and that it does not solve the basic problem which in my opinion lies in the background of these offenses: Namely, it works at the instinctual level rather than by changing the existing faults in character development.

A large number of offenders should be and could be handled through extramural treatment facilities. Many penal authorities have pointed out that careful parole and probation supervision can and often does prevent recurrences and they point out that sex offenders are not exceptionally bad parole risks. With the evaluation of the personality as obtained through psychiatric channels, a considerable number of these offenders can be properly supervised and properly treated without permanent incarceration.

The duration of the incarceration greatly depends upon the desire for treatment on the part of the offender and the amount of treatment which can be given to the incarcerated individual. It must be emphasized that the amount of treatment depends not only upon the available treatment facilities but also upon the patient's desire for treatment. It would be detrimental to overload psychiatric facilities with so-called untreatable cases or with cases who after conscientious attempts at treatment do not respond to such procedures. Incarceration of those offenders believed to

belong under psychiatric scope should be done under a strictly psychiatric authority where every other consideration takes secondary place to treatment procedures.

As mentioned previously, early treatment is the most essential factor of a rehabilitation program; therefore, cooperation with probation officers on the part of the psychiatrist is the most essential component in his attack upon the mental abnormalities of a first offender.

May I attack the question of legal insanity not from the usual point of view, namely whether or not the offender is responsible for his actions. I feel that the question of responsibility for one's acts is a much more complicated one than we often believe to be the case when we adhere to the "right or wrong" test. It is even more important for us to realize that when we decide under that formula that an individual is to be held responsible even though he acted under an irresistible impulse and confine him to a penal institution, often with a definite time limit on his incarceration and frequently without provisions for psychiatric treatment, we confront society with the consequence that the individual upon his release into society will again act under the same and unchanged irresistible impulse. We have, therefore, only two choices: Either to provide adequate psychiatric treatment in penal facilities; or to consider people who have committed an act under an irresistible impulse legally insane and place them under the supervision of psychiatric institutions.

It is my feeling that the present laws should be simplified and unified providing an opportunity for treatment to a large variety of sexual offenders on both an institutional and an ambulatory basis, with adequate supervision in either case. We must afford a certain feeling of security to the offender, producing in him a desire for treatment. We must never forget that very few offenders will look for treatment on a voluntary basis as long as treatment can be obtained only at the price of their severe and prolonged incarceration.

STATEMENT OF MARCEL FRYM, LL.D.

Criminological Consultant and Correctional Psychotherapist, Hacker Psychiatric Clinic, Beverly Hills, California; Doctor of Laws and of Political Science, Schools of Law and of Medicine (Psychiatry), Criminological Institute, Universities of Graz and Vienna, Austria; Consultant to the Interim Committee on Crime and Correction, California State Assembly.

1. Reference is made to my "statement" submitted in December, 1949, to the Interim Committee on Crime and Correction of the California State Assembly, in which I discussed the new penal philosophy and in which I quoted leading authorities in the field of American jurisprudence and American psychiatry.

2. Reference is made to the California Law Review of December, 1949, and an article "The Legal Concept of Insanity and the Treatment of Criminal Impulses," by Frederick J. Hacker, M. D., and myself, describing techniques for the treatment of offenders, developed and used at the Hacker Psychiatric Clinic, Beverly Hills.

3. In addition to the psychotherapeutic treatment of sex offenders, which has shown excellent results in a great number of cases, I suggest extensive research in regard to hormone-therapy, and research focused on correlating encephalography and sexual delinquency.

4. I also suggest extensive and specific research on correlating psychometric tests, especially, the Rorschach and Thematic Aperception tests, with sexual delinquency. A vast material in this direction is already available at our clinic, and further research is in progress.

5. On the strength of my experience I believe that about 80-90 percent of the sex offenders can be treated much more efficiently extramurally—outside of institutions—under the supervision of probation departments. Incarceration is in itself contra-indicated for neurotic types of offenders. I refer in this behalf to the excellent book by Robert M. Lindner, Ph. D. "Stone Walls and Men" I also refer to Dr. Lindner's "Handbook of Correctional Psychology."

6. I am a great believer in probation. Probation departments, especially of the high standard of the Los Angeles County Probation Department can do an excellent rehabilitating job, if properly and sufficiently manned. I stress most emphatically that the case-load of a probation officer, especially in sex cases, should not exceed 30-40. Preferably, only officers with some basic training in correctional psychology should be assigned to the handling of sex offenders. Correctional psychotherapy by competent workers should be made compulsory in all cases of sex offenders. Bi-monthly reports to the probation department by the therapist should be required.

7. The probation department should be equipped with psychotherapeutic facilities, in which only experts in the field of correctional psychotherapy should be employed.

8. Prevention work by law-enforcement agencies should be carried out by carefully selected and trained officers with a basic knowledge of criminal psychology. Men employed in this field should also be psychologically tested in order to establish their aptness for dealing with sexual deviates.

9. Prevention work should be especially focused on schools, playgrounds, bars and night clubs, pool halls and gathering places and hang-outs of unemployed people. Sufficient personnel should be available to

investigate without delay warnings, obtain from school teachers, P. T. A.'s and private sources, indicating possible danger-cases.

10. Legislation should be introduced, changing the concept of criminal law enforcement from its present punitive character to "Social Defense." In this respect I refer to the work of the Social Defense Section of the United Nations, Lake Success, Long Island, N. Y., (Chief: Mr. Paul Amor) and advanced foreign legislations.

In compliance with this modern approach, legal provisions should be enacted, permitting an investigation and preventive measures before evidence of the commitment of a law-violation has been obtained, when sufficient reason for the assumption that a person is a sexual deviate exists. For the investigation and study of such cases, special boards should be created, consisting of reputable criminologists, educators, ministers, psychiatrists and psychologists, with power to subpoena, order examination and if necessary institutionalization for diagnostic and treatment purposes, etc.

It is self-evident that such legislation will have to be carefully worked out with the help of experts and that not only technical efficiency but also the problem of constitutionality, etc., will have to be considered.

11. Summarizing, I should like to stress, that in my opinion new legislation should introduce the new, nonpunitive but clinical approach to sex delinquency—with teeth—and should be worked out with the help of experts in the field of treatment of sexual deviations.

It must be stated at this point, that the criminal law operates with the concepts of general prevention and special (individual) prevention. This means the deterrent of the masses or of the individual from committing crimes.

Modern students of the mind know that punishment has the weakest, most negligible deterring effect in regard to sex crimes—and the strongest in regard to public violence. Sex crimes are committed in secrecy—by overpowering urges of a nature, which either excludes consideration of the consequences—or unconsciously even wants punishment.

It is time to know and to accept these psychodynamics of sex crimes in order not to yield to the demands of an understandable but emotional and not rational reaction to individual, although frightening and most tragic crimes.

I am at the disposal of this Committee regarding bibliography on sex offenders and correctional psychotherapy and in regard to case-material on clinical experiences in treatment of sex offenders. Comparative material of foreign countries can also be procured.

STATEMENT OF DR. DAVID G. SCHMIDT

M.A. (Educational Psychology), M.D., Diplomate Psychiatry. American Board of Neurology and Psychiatry, Chief Psychiatrist San Quentin now. Resident in Psychiatry at San Quentin since 1932, Director of the Psychopathic Unit at San Quentin since 1939, Chief Psychiatrist since 1940, Chief Medical Officer (Acting) during the year of 1947, at San Quentin. Consulting Psychiatrist for the Youth Authority from 1942 to 1947.

I am in charge of the San Quentin Psychiatry Unit, which is composed of five psychiatrists, two psychiatric social workers, working as sociologists, two psychologists, and two to four residents in neurology and psychiatry at present, three of them rotating through San Quentin from Langley Porter Clinic. We have also had rotating residents from Letterman Hospital, San Francisco, and from Veterans Administration at Palo Alto. We examine, diagnose and treat psychiatric problems, spending most of our time with major problems, such as psychotics, and giving what time we can to psycho-neurotic problems and other medical psychiatric problems, such as epileptic and neurological problems and sundry psycho-neurotic and psychopathic problems, and more acute emotional problems. During my seventeen and one-half years at San Quentin, we have had a wealth of opportunity to study and treat various problems, various psychiatric problems that have been at San Quentin. Sex offenders have been a large portion of our case load and our problem is to diagnose and treat, especially since 1939. Prison Board of Terms and Paroles has always considered sex offenders as one of their most difficult problems, and the Adult Authority has similarly considered these offenders as amongst their important, if not the most important of their problems. The California law requires not only a psychiatric report in the case of sex offenders at the time the Adult Authority determines their sentence and sets the parole of the sex offender, but the Adult Authority has gone one step further, and asked the psychiatrist to sit with them, at the time they consider the sex offender for sentence and parole date. Sex offenders in general fall into a number of categories, amongst which are the mental defective, psycho-neurotic, psychotic, the epileptic, psychopathic personalities. Most of these can be cured—by far the large majority of them cannot only be helped but are definitely curable. These are most of the mental defective, psycho-neurotic, most of the psychotic, some of the epileptic, and the psychopaths in our present state of development in treatment. Some chronically psychotic, a few epileptic, etc., as well as the majority of our psychopathic personalities, are not curable, but these only form approximately 10 to 20 percent of the sex offenders. In diagnosing and developing our treatment technics psychiatrically we take not only a longitudinal but also a cross sectional nervo-psychiatric history of each individual; we use psychological, psychometric, and personality studies, including the projective technics, Rorschach, the Thematic Apperception tests of Murray, Vigotsky, and various sundry projected technics which include drawing the pictures of persons and things, use the Cisternal Spinal Puncture, and other medical technics, such as the electroencephalograph and the air study in the case of brain damage, and we find approximately 20 percent of our men in prison have had brain damage, or have been unconscious from injury 20 minutes or longer. We hospitalize those that are necessary for diagnosis and for treatment and give them work wherever possible, although we have been pathetically

short of occupational therapy, and have been very short on work placement, especially among psychotic patients, or severe psycho-neurotic problems.

We use psychometric tests to determine the intelligence level, which is very important in both individual and group treatment. We found the group intelligence test to be very inaccurate, misleading, and we prefer a battery of intelligence tests, preferably the Bellevue Wexler, which gives us both performance, as well as abstract judgment ratings.

We use encephalography and find that in using it during the past year since we have had it, that a great many post-traumatic epilepsies and psycho-motor behavior problems are pointed up and not only in epilepsy, but petit-mal and epileptic equivalents, or psychomotive phenomena, and amnesias, irritabilities, and explosive behavior, low tension tolerance, low tolerance of alcohol, impulsiveness, emotionally unstable behavior. We still have difficulties in these because of the fact that we have insufficient staff; we only have a part-time technician; we have had difficulty getting our apparatus shielded, etc.

For hormone treatment we have used a form of extracts of male glands, especially in the involutional and senility periods for debility reactions, etc. We have used insulin shock treatment for psychotics, we have used thyroid, and pituitrin for pituitary dysfunction, test for epilepsy and treatment for herpes zoster.

We have had difficulty in treating our patients extramurally or outside of the hospital in prison, largely because of overcrowding in the prison situation; the sickest would usually be crowded out of vocational and even ordinary work opportunities, due to their poor stability and judgment and their need for more supervision; oftentime the lack of efficiency makes the civilian personnel dissatisfied and discouraged with their accomplishments. Too often this civilian personnel will follow the lines of the least resistance rather than put forth the little extra effort to help. They may castigate these patients that have emotional problems, as nuts, and fruits, and sex fiends, etc. Since these men often lack initiative, they lose out of hobby and craft activities and positions that are more desirable, such as office work, positions in industry with prison pay. They also come out on the tail-end often on recreation and other privileges. In other words, prison is a poor place to treat sick patients. Outside of prison, before the war, we were often able to get some psychiatric treatment from our private psychiatrists, who were not as busy before the war as they are now; but, while we could get private or clinic help before the war, the greater demand on the time of the psychiatrist by the general public since the war has made it very difficult to get any help for these offenders on parole.

It is true that the dangerous sex offenders need confinement, and they need confinement to protect themselves as well as others. They need segregation for study and treatment, and for research. They need treatment until they have sufficiently understood themselves and other people, until they have developed sufficient personality organization and balance and sufficient training, and have trained themselves, and demonstrated their ability to work out their general as well as psycho-sexual problems, and in a socially acceptable manner.

Problems arise because of confinement and confinement in a prison situation where the general prison population is much less accepting, much less tolerant of patients and men that are not well physically or mentally than are the general population. This puts more pressure on these offenders who are proverbially the ones that get into sexual difficulties because of pressure and rigidity, because of a sense of inferiority, prison generally makes this sense of inferiority worse, develops more insecurity feelings in the individual, segregation may be necessary. Confinement may be necessary, but morale is a terrifically important factor, because it is so necessary to develop in the individual the desire to better understand himself and others and a willingness to work to change for the better, change himself for the better, and assume responsibility for his actions. Our greatest danger of course is to make the man worse or to make a professional criminal out of an amateur one. Their morale can be improved with reasonable and just treatment and discipline which may and should be firm, but reasonable and understanding, sadism has no place in prison and one sadistic official often destroys the work of a dozen officers.

Segregation is quite necessary for the homosexual, segregation alone without treatment is futile, fixates the aberrated even more, segregation should be on the basis of a thorough neuropsychiatric study and certainly not on the word of other inmates alone or on the basis of how they walk or talk, or how wide their hips are, or how pretty or round their faces may be.

Sleeping of course should be one man to a cell, and because of the overcrowded condition of prison like San Quentin, there are very few single cells, and nearly every cell has two men in each cell, which makes it a terrific problem, so far as homosexuality is concerned, there is comparatively little work in the prison for psychotics and sex offenders that have large emotional or mental problems and they are often relegated to such idle tasks as yard sweeping. The work assignment naturally should be on the basis of aptitude and ability to work and profit therefrom. Too many of our psychotic patients are sent to the yard idle or as sweepers, which lessens their chances for recovery and rehabilitation. We should have "convalescent crews" of at least several hundred men, which problem presents a real problem to the department, to the therapist, as well as the inmate. Occupational therapy should be emphasized and these idle men should be given daily occupation therapy during all of their work hours, or their ordinary working hours.

In reference to diminished responsibility of the psychotic it should be emphasized that the psychotic may know the difference between right and wrong, and yet may not be able to act in accordance with his knowledge of what is right, or in an amnesia which may not be psychotic, and may be epileptic, traumatic, or may be in psychoneurosis, such as hysteria, or may be in a toxic-psychosis, the subconscious takes over, then overcomes the conscious will or knowledge of what is right and wrong even though this knowledge may at times exist. There has been a reluctance on the part of courts and lawyers, and district attorneys to accept modern definitions of medical insanity, into the legal usage much has been made of the disagreements among psychiatrists which

could easily be obviated, if the courts would appoint psychiatrists perhaps a group of three to submit their reports to court and make the reports available to both the defense and the prosecution. Psychiatrists could easily be chosen not alone from the Department of Mental Hygiene, but also from the Department of Corrections and from universities as well as men in private practice.

Probation officers have raised their standard to a very considerable degree, and are progressively doing better work and at all levels, they are progressively studying each man who comes under their care more thoroughly from the standpoint of his past and present personality, and get help they can to determine what is best for the individual as well as for society. Most of the probation officers have developed to the point where some of the better counties actually are supervising as many offenders on a county level as the State have under supervision in the state facilities in prison. Probation officers have availed themselves of whatever science has been able to give them and thus have been able to help the court to a very considerable amount of social and medical and psychiatric findings which previously the courts did not have at their disposal.

We have been working very actively with group therapy in the Department of Penology, and the Department of Corrections, within the last 10 years, first on the basis of orientation, but within the last five or six years on the basis of having divided our psychotics into psychiatric groups and our sex offenders also into various psychiatric groups, and working with them in groups of 15 to 25 who are subdivided into various age groups and intelligence levels, and we tried to reach these psychotic and sex offenders' problems on a group basis at least 10 to 12 hours a year; whereas on an individual basis we have probably only given each of these 20 men approximately a half hour each year. We have, therefore, been able to give them more sex hygiene, orientation which they nearly all lack and appreciate and we have been able to give them more understanding of their normal psychosexual development and also have been able to give them a little more security and in discussing their own problem as well as problems of others and then training them to work out their problems a bit better, not only in the psychosexual area but in their general social attitude and concepts of work, spare time activities, and interpersonal relationships. We give them a better understanding of the various factors, in the organization and the balance of the individual personality. Unfortunately we have not had sufficient staff to give each offender more than approximately two hours of individual treatment or an hour and a half of individual and approximately 10 hours of group therapy each year. This can be readily understood when I point out that we have five psychiatrists each working a 40-hour five-day week, you take five days a week and multiply it by 52 weeks in the year we have 260 working days to a psychiatrist a year, taking out 15 vacation days, and seven sick days leaves 238 days, working days a year. Multiply that by five psychiatrists, we then have 1,190 psychiatric days a year for treating 1,200 of 3,600 received and recommended for treatment, of 4,800 men in prison. If we could give all this time to treatment we could spend a whole day each year on each patient. Approximately half of these days, or half of the time of each

psychiatrist is taken up in diagnosis and hospital ward work, another quarter of his time is taken up in attendance in disciplinary courts, classification committees, Adult Authority meetings, and other general work, such as officer-of-the-day work, etc., which leaves a quarter of the day or less than two hours of individual treatment for each man per year in our case load of approximately 1,200 people. We are not at present trying to reach all of the 4,800 in prison. We found that was much too difficult and gave too little time for each man, we have tried to reach 1,200, although approximately 3,600 have been recommended for treatment for major and/or moderate psychiatric problems. We are giving each man approximately an hour and a half a year individual treatment and the other half hour we use for group treatment. We have multiplied the half hour by 20 thereby getting out with 10 hours. We then see 20 men in a group, giving one hour a week for 10 weeks during one year. This gives each man only 10 hours of group therapy, which is much less than a minimum treatment for these problems. If we had double our staff we could put the staff to work full time at treatment not only on this 1,200 men of our case load of psychotics, and sex offenders but some attention should also be given to the 2,400 other men in prison that also have been recommended for psychotherapy and to whom we could thus far give only superficial treatment; no more than an examination and an orientation discussion and very rarely a progress discussion. These men are crying for psychotherapy, and we haven't the staff to give them the time, psychiatric hours just are not available.

Our experience with the Sex Psychopath Act can be summarized in that we have had quite a number of men sent to San Quentin after they had been hospitalized in the state hospital and were returned to court usually as not being able to further benefit from psychiatric treatment or with a recommendation that they be sent to prison. Poor sex hygiene for example is present in practically every one of our sex offenders, and very few of them are satisfied with their socially unacceptable behavior, and are anxious and willing to take treatment to work out their mental, emotional and psychosexual problems on a socially acceptable basis, but we are handicapped by not having a large enough staff for treatment and research to assume the responsibility given to us by the Legislature by the Adult Authority. It takes time to treat, correct and cure, it takes a staff of specialized workers and that requires sufficient moneys be appropriated and cannot be done otherwise.

Recommendation such as would aid in our over-all problem, actually could begin with emphasis on establishment of psychiatric clinics not only in our schools, but in our communities, where we will be able to not only help the children, and their parents, but also help to teach the teachers, or train our school teachers so that they may be able to overcome their feelings of insecurity in the area of helping and assisting the problem, and helping and assisting our children to grow up more normally. We also need to emphasize adult education in group discussion, especially for young parents who have their children yet to raise. Secondly, there should be a battery of psychiatrists that could be called to help and assist the court and the attorneys in valuating personality and emotional problems of the offenders before the trial or certainly before sentence of the offender; thirdly, emphasize more attention to offenders

on the county level with examination and facilities and forms and such to take care of the offender without sending him to the bastille or prison; fourth, in the prison set-up our crying need is for a somewhat larger staff that would allow us not only to diagnose and treat our offender better but also to develop more research, which is badly needed in the field of the psychotic and the sex offender also in the mental defective and the psychoneurotic and psychopathic personality. We need in the worst way a medical psychiatric facility where we would have medical staff, an adequate number of psychologists and social workers, and research facilities. The more I work in the prison situation, and the longer I work with men that are offenders who are sent to prison, be they sex offenders or other offenders, the more I understand and see why in the future men that are now being sent to prison will be largely, at least three-quarters of them, will be sent to a hospital rather than to a prison. The prison of the future will be hospitals for the most part. Sex offenders should be recognized as early as possible and treated, unless we want them to get worse, unless we want them to accumulate in our prisons, where we will practically need to build a new prison every year or two. Research into diagnostic and treatment technics, should be encouraged not personality testing only, but also in encephalographic, brain studies and glandular and hormone treatment and the use of socialization methods, segregation of various psychiatric groups, certainly outside of prison if possible, educating our preachers and doctors, and general laymen, that many of our problems emotional and psychological and psychiatric are due to our social pressures and our society. These people are sick people and need understanding, and understanding treatment not just segregation alone, with more and more pressure which, may and often does fixate them beyond any possible hope of cure, and drive them into more and more serious crimes

We must prepare our parents, teachers and others to show a willingness to put forth the sufficient effort early enough to recognize their problems to help them treat them early preventively before they get into major difficulties, more and more serious difficulties; failing this, really treat the offender, not just give lip service to a psychiatric treatment program, not just lull ourselves and the public into a feeling of security, but actually provide the money and employ sufficient staff to give intensive treatment and do research in more than name alone.

STATEMENT OF KARL MURDOCK BOWMAN, M.D.

Professor of Psychiatry, University of California School of Medicine, Medical Superintendent, The Langley Porter Clinic; formerly member of the Mayor's Committee for the Study of Sex Offenses, New York City.

It is not entirely clear what use is made of the term "sex perverts." Possibly all types of sex behavior forbidden by law would be so considered, but it seems probable that the interest is centered primarily in homosexuality, crimes of violence, seduction and sex play with children, and incest.

A peculiar situation exists with regard to what are called sex crimes, and such a concept is little used in legal matters generally. Certain sex acts are labeled as crimes against nature, and those committing them are subject to punishment because of this definition. As Kinsey has pointed out:

They are punishable without respect to the mutual desire of the parties involved to engage in such activities and irrespective of the fact that the persons immediately concerned may find satisfaction in their performance. In all the criminal law, there is practically no other behavior which is forbidden on the ground that nature may be offended, and that nature must be protected from such offense. This is the unique aspect of our sex codes.

It may also be pointed out that historically our concepts of what is normal and what is abnormal in sexual behavior are derived from the early Jewish codes, which in turn were taken over by the early Christian Church. The validity of these early religious concepts has been challenged by Kinsey and others and it seems that society might well study this matter carefully to see whether or not certain radical revisions in this code are needed. Not only may one question the definition of what is abnormal and antisocial in sexual behavior, but one may also question whether the methods in general use for enforcing these sexual codes and the punishments inflicted by society can be justified. May I quote a second paragraph from Kinsey:

The enforcement of these fundamentally religious codes against the so-called sexual perversions has been accomplished, throughout the centuries, by attaching considerable emotional significance to them. This has been effected, in part, by synonymizing the terms clean, natural, normal, moral, and right, and the terms unclean, unnatural, abnormal, immoral, and wrong. Modern philosophers have added concepts of mental degeneracy and psychosexual immaturity to the synonymy. The emotions evoked by these classifications have been responsible for some of the most sordid chapters in human history. Rarely has man been more cruel against man than in the condemnation and punishment of those accused of the so-called sexual perversions. The punishment for sexual acts which are crimes against persons has never been more severe. The penalties have included imprisonment, torture, the loss of life or limb, banishment, blackmail, social ostracism, the loss of social prestige, renunciation by friends and families, the loss of position in school or in business, severe penalties meted out for convictions of men serving in the armed forces, public condemnation by emotionally insecure and vindictive judges on the bench, and the torture endured by those who live in perpetual fear that their nonconformant sexual behavior will be exposed to public view. These are the penalties which have been imposed on and against persons who have done no damage to the property or physical bodies of others, but who have failed to adhere to the mandated custom. Such cruelties have not often been matched, except in religious and racial persecutions.

Many psychiatrists find themselves definitely critical concerning these fundamental points. Attempts at discussion of the problem of sex crimes is difficult when one lumps all the sex behavior generally forbidden by the laws of our different states and tries to make any generalizations concerning persons who violate the sexual code.

It may be worth while to point out that Kinsey reports that 40 percent of preadolescent boys engage in heterosexual play and about 48 percent in homosexual play, which is specifically genital. "Two-thirds to three-quarters of the males in our American culture and some lesser number of females engage in at least some 'perverse' sexual behavior at some time between adolescence and old age. One-half to two-thirds of the males engage in such behavior with appreciable frequency at some time during their lives and a fair number engage in some such behavior throughout their lives. Indeed, over 95 percent of all males are regularly involved if masturbation is rated a perversion, as it is in Orthodox Jewish and Catholic codes."

It seems obvious that psychiatrists can have but little effect in changing this general pattern of behavior in our population. All studies that have been made indicate that mental disease or defect of sufficient degree to warrant commitment is not the major cause of sex crimes by the relatively small group of those who are actually apprehended and convicted. Psychiatric examination of all persons accused of sex crimes is desirable, but no more desirable than psychiatric examination of all persons accused of serious types of crimes.

I would call attention to the fact that Massachusetts provides such an examination, and that New York has specific laws for the psychiatric examination of any person accused of crime that the judge may care to have examined. There seems no special reason to single out sex crimes for such psychiatric examinations. I would recommend that the State of California set up adequate psychiatric facilities so that persons accused of crime may be given a psychiatric examination. The procedure carried out in New York City, using Bellevue and King's County Hospitals, with the setting up of a psychiatric clinic in certain of the courts for the examination of convicted offenders, would be most desirable. There is no evidence that California is suffering from a wave of sex crimes. It is, however, suffering from a wave of mass hysteria regarding this matter. It is important that laws be drawn up and measures instituted for dealing with these problems after a period of calm deliberation, rather than in response to a wave of popular emotion. There seems little likelihood that merely passing more laws and increasing penalties will produce any particular beneficial effect.

It should be noted that in some parts of the United States it is agreed that the police authorities should concentrate their efforts on sex crimes of violence, sex crimes against children, and those who make a public nuisance of themselves by their sex behavior. Such procedures as the utilization of police officers and detectives to go about trying to induce homosexuals to agree to homosexual acts for the purpose of arresting them and sending them to prison is not the best use of our police force.

There is wide difference of opinion regarding the cause or causes of unusual and unconventional types of sex behavior. Such variations in opinion are probably an indication of our lack of knowledge. There is no adequate proof that homosexuality, for example, arises on a constitutional inherited basis. The claim that homosexuality can be cured by the use of hormone therapy is quite unconvincing and the majority of psychiatrists do not feel that it is of any value except perhaps in an

infinitesimally small group of cases. It appears that special conditioning experiences, family attitudes, and cultural factors are much more important causes, and it is quite likely that homosexuality has a multiple causation. A certain number of cases can be greatly benefited by psychiatric treatment. No good statistics exist regarding the value of psychiatric therapy in these cases. It seems most important to stress the need of further research so that we may have a better understanding of the causes of these conditions and better ways of dealing with them.

In the meantime, it is recommended that a change be made in our attitude in dealing with these cases. The changed attitude with regard to alcoholism has resulted in helping many more alcoholics to get over their excessive drinking. It is now generally admitted by most students of the problem of alcoholism that the punitive treatment, with prison sentences, is not going to accomplish much toward solving the problem of alcoholism.

There is no question but what society is entitled to protect itself against persons who, by their behavior, constitute a menace to society. The alcoholic who is such a menace should be treated with the idea that the protection of society takes precedence over everything else. Protective segregation of such individuals is necessary and desirable. Similarly, there can be no question but that sex offenders who commit crimes of violence, or who tamper with children should be considered menaces to society, and that whatever methods are necessary to protect society from these individuals should take precedence over attempts at treating the offender.

Attention should, however, be called to the fact that the armed forces, as a result of their experience with the problem of homosexuality, greatly modified their attitude, and in the vast majority of such cases, no punishment whatsoever was imposed on homosexuals, unless they had committed crimes of violence. It also seems well to call to the attention of this committee the fact that there are many cases where small children make sexual accusations against others where no sex crime has been committed. Claims made by children should be most carefully investigated, and all such children should be given a careful and thorough psychiatric examination.

STATEMENT OF WILLIAM W. HARPER

Criminological Physicist

MR. H. ALLEN SMITH*Los Angeles, California*

DEAR MR. SMITH: With reference to your letter of November 30, 1949, the following report relative to the possibility of improvement in sex crime investigations is submitted. It is my hope that this material will be of some assistance in the work of your committee.

Sex crimes range in severity from the very minor offenses, such as indecent exposure, to the most brutal types of murder. In most of these crimes, regardless of severity, physical evidence obtained by skillful investigation, is of vital importance. Depending on the particular case, such evidence may contribute in any or several of the following ways:

1. It may verify the charges of the victim.
2. It may give physical substantiation of the corpus delicti.
3. It may provide material proof of the guilt or innocence of the accused.
4. It may lead to a confession of guilt.

Any procedure which can furnish such information at this is obviously of extreme value to those concerned with the apprehension of sex offenders. In each case, the maximum proof of guilt should be placed in the hands of the prosecutor, thus assuring the absolute minimum hazard of bringing to trial an innocent suspect.

It is unfortunate that in many police jurisdictions, due to a lack of experience and training in these matters, proper investigative procedures are rarely followed. The larger police organizations have trained specialists in this type of work, but in the majority of smaller police agencies there is a noticeable lack of knowledge relative to the investigation of sex crimes. I believe that it is self-evident that some standardized form of investigative procedure should be formulated and disseminated to all police agencies. Clearly, the prosecution or treatment of a sex offender must be predicated upon definite proof of his guilt, and definite proof is not provided by a mere statement from the arresting officers that they are "sure" they have the right man.

The extent of the physical evidence, in a general way, is proportional to the severity of the offense. Thus, in many minor offenses, very little, if any, physical evidence will be involved. In major attack cases and murders such evidence may be very abundant. In every case, however, regardless of severity, the possibility of physical evidence must be considered.

To illustrate that physical evidence is not always absent in minor offenses the following case is cited: A child claimed to have been molested by a man in the storeroom of a building. According to the child's story, the man held her as he was seated on a chair. The man denied ever having been in the storeroom in question. Investigation disclosed that painting had been in progress in the building; that a paint can had been placed on the chair in the storeroom earlier on the day of the offense; that the chair was contaminated with a circle of fresh paint where the can had rested. Further examination of the trousers of the suspect disclosed a circle of paint on the trousers corresponding in size and color to that on

the chair. Confronted with this physical evidence, the suspect confessed. In the absence of this paint, this case might never have been properly solved.

Attention must also be given to the use of the lie detector in the investigation of sex crimes. While this instrument may not provide evidence which can be used in court, it does constitute a powerful investigative tool. A worthwhile number of local cases have already been successfully handled in this manner. Here again we find that many police agencies are entirely unfamiliar with the use of this equipment. For example, they do not understand that the methods of investigation and interrogation must be modified, as compared with usual practice, if a lie detector test is to be subsequently employed. An old fashion type of police interrogation of a suspect will introduce so many obstacles for the lie detector examiner that no effective results can be obtained in some cases. Another common misconception is that if a lie detector is to be used, no extensive investigation is necessary. As a matter of fact, just the reverse is true.

It may be said that such equipment is available to only a few agencies. In this area it is true that there are only two lie detectors in service, and to my knowledge only four men have been trained in their operation. But I am sure that either of these departments are ready and willing to render assistance to all other agencies in this area. In fact, to my knowledge, one of these departments has made lie detector tests on several occasions of sex offenders brought in from Las Vegas, Nev., and other remote points. It is my opinion that greater use should be made of the lie detector in sex crime investigations, but this cannot be done until such procedures are well understood by police investigators.

To assist the smaller police organizations in handling cases of this type, an outline of investigative procedure has been prepared and can be made immediately available. This outline, in addition to being informative on physical evidence in sex crimes, can also serve as a check list for an investigator working on such a case. Following such an outline will minimize the chances of overlooking certain very important items of physical evidence.

I am sure that specialists in the legal phases of medicine, chemistry, physics and psychology can render definite help in the fight against sex crimes. The full measure of their help, however, cannot be realized until field investigators are adequately trained and experienced in the procedures of scientific criminal investigation.

STATEMENT OF DR. ALEXANDER J. STODDARD

Superintendent of Los Angeles City Schools, Los Angeles City Board of Education

It is proposed that the schools have certain responsibilities in connection with the prevention of sex crimes. These responsibilities obviously are shared with many other agencies and institutions, especially the home and the church.

Some of these responsibilities are rather general, others quite specific. Many of them are being met quite fully, while others are being met in varying degrees of effectiveness.

I am listing below the responsibilities that belong particularly although not exclusively, with the schools and making some comment as to the extent to which I think we are meeting the responsibility involved.

I. General

1. The schools should provide a clean, wholesome environment for growing boys and girls. This environment should include abundant opportunities for participation in games and other forms of recreation, in activities that are normally related to the lives of growing boys and girls, and in personal relationships that are morally sound and yet stimulating in the vibrant spirit of childhood and youth.

Young people, if they are normal, are bound to live dynamically. The schools should help them to know about the necessary negations of life and to abide by them, but also to know about and live in the direction of the good and positive side of life.

Boys and girls grow as they react to their experiences. The experiences which human beings have are either good or bad in their effects on human growth. They are also high or low in their potential effect on human conduct. The schools should help provide experiences for boys and girls that are rich in their meanings and powerful in their effect on human growth. Schools should be places where young people can and do have experiences that are fun and yet lead to right habits of conduct, the development of worthy ideals, and the building of a good life that involves moral and spiritual values generally accepted in our kind of country.

The Los Angeles Schools recognize and accept their share in these responsibilities and are working hard to meet them. Much progress has been made, but here, as elsewhere, there is much yet to be done. We are striving, I believe intelligently, to make the schools, year after year, better and better places where boys and girls can live the good life, which in many ways has implications in connection with problems of sex behavior.

2. The schools should provide, through physical and health education, a continuing well-integrated curriculum program, for teaching from kindergarten to college, appropriate social and personal standards. Emphasis should be placed on understanding the science of physical and emotional growth and the importance of good, clean living and successful and happy family life. If boys and girls know and understand the normal growth processes and have formed good habits of conduct, they will be more capable and inclined to discern and reject the abnormal.

Those responsible for curriculum development in the Los Angeles City Schools are not altogether satisfied that our program is all that it should be in these respects. But here again we are studying the problem constantly and trying to find the role that the schools should play in this respect, in cooperation especially with the roles that should also be assumed by home and church.

II. Specific

1. There should be a most careful screening of all employees, both applicants and in-service, with rigid elimination of any who manifest or have a history of aberrant sexual behavior.

We try to do this effectively but further precautions are being taken to discover such histories. There is no compromise with employees who are found guilty of sex offenses.

2. On the positive side, only those school employees should be selected who have excellent educational, cultural, and social backgrounds and who cannot only perform their direct duties efficiently, but who also exemplify in their own lives, good social and ethical standards of conduct, without alarm or morbid fears.

We are striving constantly to find prospective school employees who can and do live balanced lives. Through institute programs, workshops, and other means, an attempt is made to provide in-service education particularly along the lines of normal personal, group, and family relationships. This personnel problem will never be completely solved but there is no other problem about which we are all as constantly concerned.

3. Every possible precaution should be taken to provide a program for the early recognition by school personnel of any signs of mental, emotional, or endocrine abnormalities and especially deviant sexual behavior. Adequate provision should be made for the prevention of the repetition of such abnormalities whenever practicable. Corrective measures should be provided through school medical, counseling, and psychiatric services, including the operation of guidance, welfare, and adjustment rooms and child guidance centers.

As far as we know, no school system is doing all that it could or should along these lines. It is not just a local school problem, but rather one which must be more adequately recognized at the state level. The State should provide legislation and financial support for establishing in and through the schools a far more comprehensive program than we now have for the early recognition and treatment of children and youth who represent beginning stages of deviant sexual tendencies.

4. Every precaution should be taken to safeguard children from potential or actual sex criminals. The following instructions have been issued for the information of principals, teachers, playground directors, custodians, and others who are charged with the care of children while on school premises:

A. Instructions to Employees

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 Pupils
Teachers, under the direction of the principals, should instruct their children on the following matters. It is understood of course that the wording is adapted to the maturity level of the pupils.
 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.

III. Recommendations

Although we in the schools realize that we are representing only one of the many agencies that are concerned with this matter of sex crime, we make the following suggestions with the hope that they may be of some help:

1. State legislation should provide for a program of personal and family life education on a scientific basis that would provide a minimum program of instruction available for all children, youth, and adults, content and substance of the program to be geared to the age level involved. It is repeated that this program should be minimum in scope, leaving a residue of responsibility to be assumed by the home and by the church in areas that cannot be properly covered by the schools. I do not know whether a satisfactory program can be worked out but I think that some attempt should be made to solve the problem on a state-wide basis because there are many thousands of our people, young and old, who are not receiving the kind of instruction on personal and family life problems that they should have. Some means should be provided, on a state level, for the proper education of the prospective teacher as well as those in service so that they will be equipped to perform the functions that are specified in state legislation on this subject.
2. With state help, there should be provided more adequate means of caring for the grossly deviant children, especially those who are sexual psychopaths, either through greater correctional care in outside institutions or by providing such care within institutions to which they may be committed.
3. Legislation should be provided under which the courts could deal more rigidly with sex offenders. Frequently the sex offender is given a light jail sentence, or a small fine, or both and allowed to go out into the community to repeat his offenses and develop further and further in the direction of sex crime.
4. On my own responsibility, I am recommending that some procedure be established by state law authorizing and directing the courts to assign a sex offender, on the occasion of his first proven sex offense, to the custody of a committee of three persons, possibly a physician, a

psychiatrist, and a lay citizen who would have legal charge of the offender, with the obligation to keep in constant communication and contact with the offender, and to recommend to the court from time to time any further disposal of the case that they deem advisable. The members of these committees should be paid for their services and should accept the responsibilities involved with as much sincerity of purpose as anyone would accept any position of public trust. If this could be done with cases that do not involve the permanent commitment to an institution of an offender and if more remedial service could be given to offenders who are committed to institutions, I believe that it would go a long way toward preventing many of our sex crimes. I am not at all sure that all could be prevented but I am very confident that some of them could be, if proper preventive and remedial measures could be taken in time.

RECOMMENDATIONS MADE BY WILLIAM R. McKAY

Judge of the Superior Court, Los Angeles County

In response to your request of recent date that I appear before your honorable body for the purpose of presenting certain recommendations for your consideration and study for the particular purpose presented by a recurrence of so-called sex crimes throughout the State, I am pleased to submit to you for your consideration the following:

1. It is my recommendation that there shall be an immediate establishment of a state institution for the incarceration, treatment and cure of sex psychopaths and sex variants, this institution to be specially equipped for the purpose of dealing with these particular persons. Later on I shall recommend the *modus operandi* for the commitment of these people.

2. I recommend the immediate establishment of local centers throughout the State, one to be located in each county thereof for the care, treatment and cure of sex psychopaths and sex variants, these persons to be committed for local treatment where a commitment to a state institution is not indicated. In larger centers of population more than one such center shall be established, the number in each instance to be dictated by the population of the particular area to be served.

3. Provide each criminal court in the State of California with a panel of experts consisting of a medical man, a psychiatrist and a sociologist, so that the physical, mental and social factors of each case may be accurately assessed and considered. No court is all wise so that it is able to deal with every case of a criminal nature coming before it. Therefore, the judge should have at his disposal the panel of experts suggested.

4. I recommend that a law be enacted making it mandatory that every criminal case shall be referred to the probation office for a report to the court either upon a plea of guilty or investigation by the court or by a jury, and I make this recommendation regardless of the fact of whether said defendant has been convicted of a sex offense or not—the probation officer's report to indicate whether the defendant is a sex psychopath or sex variant, or whether there be a reasonable ground to believe that he may be considered in said category.

I further recommend that upon the report of the probation officer in each criminal case that a special treatment may be accorded the defendant for the purpose of determining whether he be a sex psychopath or a sex variant, and that in those cases where it is certain or there is reasonable cause to believe that the individual charged with a crime is a sex psychopath or sex variant, that said facts be set forth with particularity, and thereupon the judge of the superior court shall make an order directing that further proceedings be suspended insofar as the criminal matter is concerned.

Thereupon the court shall direct a panel of experts to make a further study of the defendant, and if they are of the opinion that he is a sex psychopath or sex variant, or if there be reasonable cause to so believe, that a complaint shall issue forthwith setting forth with particularity the circumstances upon which said finding or findings are made. Thereafter a warrant shall issue for the incarceration of the defendant, and thereafter within a reasonable length of time after he has been arraigned and informed of the nature of the charge against him, that a trial shall

be held before the judge of the superior court for the purpose of determining if the defendant in question is a sex psychopath or a sex variant.

Thereupon, following testimony, if the court be of the opinion that he comes within such category, that he be committed to a state institution for sex psychopaths or sex variants, there to be incarcerated until cured, and then in the event he is declared cured by the head of such institution, that he be returned forthwith to the judge of the superior court who committed him, where a trial shall be had with the assistance of a panel of experts to determine if said person is no longer a sex psychopath or sex variant. In the event there is a negative finding, the court shall thereupon order the person returned to the state hospital from which he was discharged.

In order to meet any constitutional inhibition, and so that the rights of all persons shall be properly protected, I would cause to be written into the statute a provision that in each instance the sex psychopath or sex variant shall be accorded a right to trial by jury if he so desires.

5. It is also my well-considered opinion that the law should include within it a provision to the effect that a party suspected of being a sex psychopath or sex variant should be held in jail without bail pending final adjudication of his case. I believe such a procedure to be within the police power of the State, and as authority for this view I cite those cases which provide for the quarantine of prostitutes following their arrest and prior to the investigation of their particular offense.

6. I recommend the enactment of a statute somewhat similar to the statute providing for the commitment of persons to an institution for the insane, but instead of dealing with mentally ill persons that a provision be made that those dealt with be sex psychopaths or sex variants. That a complaint shall issue setting forth with particularly the facts constituting the alleged charge. That thereafter a warrant issue, and following a trial before the court, with the assistance, aid and advice of experts, that the person either be committed to a state institution provided for that purpose or be discharged.

That the commitment also provide that the sex psychopath be committed to the institution until cured, then in the event the governing body thereof shall certify that he is cured that he shall immediately be returned to the county from whence he was committed, and there a hearing shall be held before the court which originally committed him. Following this hearing, assisted by experts, if a finding be made that the party is cured, he shall be discharged. If the finding, however, be in the negative, the party is to be ordered returned to the state institution from which he was recently released. In order that constitutional safeguards may be apparent, the law should provide that the defendant shall in each instance, if not satisfied with the verdict of the court, be given the opportunity of a trial by jury by requesting such a jury trial within five days after he has been committed.

7. I recommend the establishment of a state institution for chronic alcoholics. A study of the entire sex problem will demonstrate that many of those who have, or are about to degenerate into sex variant tendencies, are chronic alcoholics whose condition has in large part been contributed to by the inordinate use of intoxicating liquor. In many instances, if the proper care be accorded an alcoholic under these conditions, these ten-

dencies may be recognized and cured before he becomes a problem, or before his condition becomes congenital.

It is my well-considered opinion that a thorough review and overhauling of the present law providing for the declaration of one as a sex psychopath, and for his commitment to a state institution, shall be made immediately. Under the present law where one is charged with a sex offense, he may be declared a sex psychopath and ordered committed to a state institution until cured. Very often these men are kept at such institutions for a year, fifteen months, and sometimes as long as two years. Then they are returned to the court from whence they were committed, with the report that they are incurable. It then becomes a serious problem for the superior court to deal with.

It is my well-considered opinion that a serious constitutional question is here presented as to whether the court then possesses the right to sentence the defendant to a term in state prison after he has served some considerable time in the state hospital. While it is true that the state hospital is not a penal institution, yet the party has been confined and restrained of his liberty. In order that this situation may be definitely cleared up, I believe provisions should be made for the commitment of a sex psychopath to an institution for such time as may be necessary to effect a cure.

In conclusion, I wish to commend the California Legislature for the progressive legislation it has heretofore enacted for dealing with sex offenders, and for their ready response in providing ample appropriations for the institution designated herein. Any failure to comply therewith cannot be cast upon the Members of the California Legislature. They have done their part, and have ever been willing to respond to all just and legal requests. It is my well-considered opinion that in large part the unholy situation which at present exists in California, and the fact that it has almost gotten out of hand, is due in large part to public apathy.

Since 1936 I have been a member of an advisory board of a local institution which was founded for the purpose of dealing with problems which attend sex psychopaths and sex variants. On many occasions I have, as a condition for probation, ordered individuals to submit themselves to this institution for consideration and treatment. In many instances they have been cured, and in many instances the individuals thus cured have assumed positions of prominence in this community. The institution was of a charitable nature. If the individuals were able to pay or pay something, that was required. If not, the treatment was without compensation. However, this institution has struggled for years, and it has only been due to the perseverance and great interest of the doctors connected therewith that it has been able to survive. On many occasions I have sought assistance and help for this institution, and it has not been forthcoming. It just seemed that the people had not yet reached that position where they were of the opinion that something should be done, and unless the citizenry generally are awakened to this unholy condition the efforts of all of us will have been spent in vain.

I assure you, gentleman, that I greatly appreciate the courtesy you have extended to me, and I trust that these recommendations may bring forth discussion and consideration on your part. In the event I may be able to assist you further, feel free to call upon me at any time.

STATEMENT OF ARTHUR S. GUERIN

Judge of the Los Angeles Municipal Court

Complying with the request of this committee that such information as I might have on the subject of your inquiry be presented to you in writing at this hearing, I herewith submit my report.

At the outset it must be borne in mind that the information contained in this report, and the opinions given, are solely those of one member of the court, and should not be accepted as being the expressions of the court as a whole.

During the 13 years that it has been my privilege to be a judge of the municipal court in this city, the greater part of my time has been spent presiding in the criminal divisions of the court; and from the outset, one of the most vexing problems presented to me is the one you are now concerned with.

I believe that we will all recognize that in the pronouncement of sentence, not only does the judge have the duty of imposing a punishment that will fit the crime itself, but in a certain class of cases he must consider the effect of the particular offense upon society as a whole, and there are instances, this being one of them where the individual's freedom may have, and frequently does have, a decided effect upon the welfare of society generally, and, in particular, juveniles.

In dealing with the problem of the sex degenerate or sex variant, as they are sometimes referred to, in the municipal court we come in contact with him in prosecutions for violations of Section 311 and Section 647, subdivision 5 of the Penal Code when prosecutions are instigated for violations of these sections, which are misdemeanors, and under Sections 288 and 288a of the Penal Code when we are sitting as committing magistrates. A perusal of the arrest reports submitted in cases involving violations of Sections 647 and 311 of the Penal Code and of the testimony adduced in those cases where the defendant stands trial, indicates that in a large percentage of the cases the facts would support a prosecution for violation of Section 288 or 288a of the Penal Code.

In the large majority of these cases their history demonstrates that in the first instance, arresting officers or investigating officers handling these cases have presented them to the district attorney's office in the complaint department, and in cases where a complaint was refused when the events involved children, the refusal was predicated on the opinion of the deputy district attorney that the children would not make competent witnesses. When the complaint is refused in the district attorney's office it has been the procedure of the arresting officer or investigating officer to promptly present the case to the city prosecutor's office, which in turn files on the defendant for violation of Section 647 of subdivision 5 or Section 311 of the Penal Code.

In the early experiences which I had in this class of cases it was my usual procedure to refer them to the probation department, and follow generally the recommendations made by that department in relation to punishment and treatment. It did not take long, however, for me to discover that in my own particular experience, the treatment received while under probation did not prove beneficial. In following up cases I could not find that in those instances where men had been instructed to avail themselves of treatment prescribed, that any cure or even satisfactory progress had been accomplished.

It was also interesting to note that in the case history given by the individual defendants, conservatively 96 percent of them indicated that they were born normal but had been educated in sex degeneracy, usually between the ages of 12 and 17, by adults. If these statements are true it is certain that freedom of liberty on the part of sex degenerates presents a serious menace to juveniles in that sex degenerates, enjoying unrestrained liberty, following their desire to gratify themselves sexually will seek out and educate youngsters, who, in turn, will become sex degenerates.

For fear that the experience I was having in the cases which came to my attention were just unfortunately my own, I determined to investigate at random cases over a period of years in which probation had been granted, and by other and different judges, and follow the cases up to determine what, if any, results were obtained.

Therefore, in the year 1943, I selected 100 cases which had been before the court in a three-year period. In each instance I read the probation report, the arrest report and the case history. They usually followed the same pattern, and in all the cases except a very few, the probation department recommended probation with certain treatment to be submitted to by the individual defendant.

I then went to the probation department itself, and investigated the system used there in supervising the individual defendant, and it was reflected that the department had the defendant appear at stated times for an interview. A card system was used, and upon it the supervising probation officer would note the results of his interview. Such statements as the following would be made by the defendants: "I am successfully conquering my problem." "I have not committed another violation and am successfully combatting my problem." "The treatments are highly beneficial. I am making progress."

In following these cases down, I found that in almost all of them the final disposition demonstrated one of two things, that the defendant had again violated the law, or had failed to report and his present address was unknown. In the latter classification, it may be assumed that the defendant, having found that his misfortune was unconquerable, had left the jurisdiction of the court and the supervision of his probation officer rather than run the risk of being incarcerated for violating probation.

I could visualize the interview between the probation officer and the defendant. Quite naturally, it would only be human nature for the defendant to make the comments which were reflected from the report on the supervising probation officer's card. It does not follow that a man who is under a heavy suspended sentence would frankly admit to his probation officer that between the interviews he had succumbed to his sexual desires and had gratified them by violating the terms of probation.

The very nature of the crime itself is one that precludes any possibility of close supervision, even though the probation office were staffed with sufficient personnel (which it never has been) to permit adequate supervision. To accomplish 100 percent effectiveness, it would require a probation officer to be with the defendant 24 hours a day, and such supervision would not cure the defendant but would only prohibit him from gratifying his sexual desires.

The only way success or failure can be demonstrated is from the record, and because I have found no case of any character, nor a single instance where it has been demonstrated beyond argument that the sex degenerate has succeeded in restraining himself from the commission of acts of sex degeneracy, I am forced to conclude that there is no cure.

Having reached that conclusion and the further conclusion that the sex degenerate presents a definite menace to juveniles, I deem it necessary, in approaching the question of punishment from the standpoint of the welfare of society, that the individual be incarcerated for the maximum term provided by law. During this period at least, he will have no contact with society and will not actively present a menace until his term is served, when he again has freedom of movement and will continue to violate until again apprehended.

I recognize that the method I now use in dealing with this problem is entirely wrong. But, unfortunately, the penal provisions of the law are all that I have to work with.

With this in mind, on December 14, 1943, I directed a letter to the Honorable Earl Warren, Governor of California, at a time when he indicated that a special session of the Legislature be called for the purpose of dealing with certain penal problems in the State of California. One of these problems directly concerned the problem of sex variants in the penal institutions, such as San Quentin, Folsom, etc. In that letter I stated :

It appears that you contemplate a segregation of prisoners in penal institutions who are homosexuals. For a long time it has been my firm belief that our approach to the problem of dealing with individuals so classified is entirely antiquated and not in keeping with common sense and good judgment. It should be recognized as a social problem rather than a penal problem.

May I submit for your consideration that the Legislature provide for legislation which could be patterned along the same methods used in dealing with persons of unsound mind, and provide a state institution, separate and apart from penal institutions and psychopathic institutions, in which homosexuals could be incarcerated.

It has been my policy to impose maximum sentences in these cases; and I say frankly to you, it is not only a question of punishment but, in my opinion, likewise it is my duty to prevent these individuals from contact with society, and more particularly with our juveniles. I have seen so many cases where these unfortunate people have converted youth to sex perversion.

There is no question but that they should be segregated in a state institution specifically designated to deal with their particular problem. If I incarcerate one of them in our Los Angeles City or County Jail, when he comes out he is still a sex pervert and begins again to practice his perversion upon the youth of our State.

It is a highly debatable question whether or not medical science can do anything for these people. I have referred many of them from the Probation Department to treatment agencies, and have yet to see a single case where any good was accomplished. It seems to me that until medical science does find a cure, we should adopt a practical viewpoint and incarcerate them in an institution where there would be no possibility of their being released and becoming a menace to society. After all, it boils itself down to this: Is this a penal problem, or is it a social problem? Our law now describes it as a penal offense, and probably it might be conceded that it is a psychopathic condition and should be treated as a social problem in the first instance.

The Annual Report of the Los Angeles Police Department indicates that there were 814 adult arrests for sex perversion in this city in the last fiscal year. At the moment there are approximately 25 persons incarcerated in the Los Angeles City Jail for crimes of sex perversion. It won't be long before all of them will again be released to prey upon the public.

I submit this matter to you with the serious prayer that it will receive your careful consideration, and that more enlightened legislation may be adopted to give courts an opportunity to deal properly with this problem.

In the fall of 1945, at the instigation of the Los Angeles Police Department for the purpose of investigating causes and possible cures and treatments of sex degenerates, a civic committee was created. On this

committee there was one representative of the superior court, the district attorney's office, the sheriff's office, the police department, the medical profession, a psychiatrist, several members of the clergy and myself as representative of the Los Angeles Municipal Court. Numerous meetings were held and the problem was thoroughly investigated. While serving on this committee the representatives of the medical profession and the psychiatrist, whose names I cannot divulge but suffice it to say they are men of very high reputation in their professions, stated that there was no cure. The psychiatrist advanced the contention that the best that is to be hoped for in treating these people, is to educate the sex degenerate to restrain himself from committing acts of sex degeneracy. But it may be said in passing, it is like the person who takes an alcoholic cure there are frequent occasions when they do not refrain from taking a drink.

In the month of November, 1947, I was requested to participate in a symposium conducted in Lebanon Hall at Cedars of Lebanon Hospital, and there advanced the same opinions that I here present to your committee. Included in the discussion were medical men from the staff of the hospital, endocrinologist and psychiatrists. The medical doctor stated, "In the entire history of this hospital, I know of only one case where I can honestly say that we have been able to be of any assistance, and this involved a young boy who had only previously engaged in acts of sex degeneracy and had not become sufficiently addicted to this practice to be hopeless. It is my opinion that once addicted there is no cure." The endocrinologist discussing the use of hormone treatments stated that they were absolutely unsuccessful and he knew of no case where any satisfactory or even slight improvement had been noted. The only professional man there present who contended that assistance could be given to the sex degenerate was the psychiatrist.

I have repeatedly stated and insisted that no psychiatrist nor member of the medical profession can produce a single individual who has become an addict to sex degeneracy and has been cured, and I respectfully request this committee, in the course of their investigation, to ask one medical man or one psychiatrist who advances the contention that cures can be effected to produce one case that will prove to your satisfaction that such results have been accomplished.

I have on innumerable occasions presented these facts before service groups, women's organizations and P. T. A. groups throughout Los Angeles County and have for 10 years invited any doctor or psychiatrist to show me any case that has been cured, and not one has been presented.

Coincident with this writing, I inquired at the Los Angeles City Jail and found that we now have housed in that institution 74 sex degenerates. Compare that figure with the 25 I mentioned as being confined in my letter written to the Governor in 1943 and note the increase. No good is being accomplished by their detention except as previously indicated in this paper, that is their present restraint results in their inability to contact society.

While it is all well and good to suggest that courts be assisted in these cases by medical doctors and psychiatrists, I personally do not

believe that this advice will be helpful for any particular purpose so long as the facts demonstrate that no cure can be accomplished.

I believe, also, that it would be well for all the judges to have made available to them the information which is gathered by your committee. Few of them are sufficiently informed on the serious effects which this type of social adult delinquent has on society generally.

On the question of punishment, they are as far apart as the points of the compass. Some are inclined to treat the problem lightly. This, I am sure, is due entirely to lack of knowledge of the seriousness of the problem. Others, like myself, may be inclined to treat it too seriously.

In closing, may I respectfully suggest to your committee certain amendments to the existing law which I believe would be helpful:

Chapter 4, Section 5500, of the Welfare and Institutions Code, setting forth the definition of a sexual psychopath, should be amended to delete in its provisions the present phraseology which confines the application of the procedures set up in that chapter to those who are guilty of sexual offenses against children and persons having a so-called psychopathic personality. To be more specific, as is indicated from the chapter, the law now provides only for procedure to deal with individuals who have committed a crime, and is confined principally to those whose offenses are against children. It is not broad enough. It should be so worded as to include all persons falling within the classifications of sex degenerates, regardless of whether it may be against a child or an adult.

The procedure set forth in Article 2, Section 5400, and companion sections, of the Welfare and Institutions Code for dealing with dipsomaniacs could be followed in amendments to Chapter 4. However, it is to be noted that the maximum period during which such persons may be detained is fixed, in most instances, at two years. There should be an unlimited provision and the law should be so enacted as to provide for their confinement until cured. A separate state institution should be created in which confinement of this type of individual could be accomplished.

It is a well-known fact that in our state penitentiaries these individuals confined therein are continuing to practice their acts of sexual degeneracy upon other inmates. This has presented a serious problem to those charged with the responsibility of operating our penal institutions.

After all, gentlemen, our public health programs for years have required that persons who were carriers of contagious diseases be isolated from society, and this as we well know is a protective measure. They are quarantined and are not released until they are no longer contagious. The same attitude should be adopted in dealing with the sex degenerates. You make this law broad enough to include every known sex degenerate, and simple enough to handle it as indicated by the procedure set up for dealing with the habitual inebriates and there will be an immediate exodus of the vast army of sex degenerates who are now making California their home, and for those who remain we will have a suitable means of confining them.

The medical profession and the psychiatrists are to be complimented, of course, on their continued efforts to control this problem as with all other problems with which they do not have the answer, such as cancer, and it is not my intention to minimize or criticize their accomplishments in this field. It is to be hoped that they will eventually find a solution to the problem.

The establishment of a state institution, where all sex degenerates may be confined and be given such treatments as are known to medical science and psychiatrists, will provide a proving ground for their further research in this field, and when the time comes that positive cures can be accomplished that fact will be demonstrated from the results accomplished in such an institution.

Until then, gentlemen, it is essential that sex degenerates be confined in institutions from which there is no possibility of parole or release. As the matter now stands, courts are accomplishing nothing, either for the benefit of the sex degenerate or for society.

**STATEMENT OF SUPERIOR JUDGE CHARLES W. FRICKE
OF LOS ANGELES**

CHAMBERS OF THE SUPERIOR COURT
LOS ANGELES, CALIFORNIA, December 7, 1949

*Judiciary Interim Committee
California Legislature
State Building, Los Angeles 12, California*

Re: *Handling of Sex Misdemeanants*

Gentlemen :

The sex offender who commits the more serious type of sex offense and is charged with a felony quite frequently has a record of previous misdemeanor sex convictions in the justice's or municipal court where the offense charged, being merely a misdemeanor, can result in only a comparatively short jail sentence. There is good medical reason to believe, however, that a competent psychiatric examination would in many of these cases disclose insanity, mental deficiency or abnormality, degeneracy or a definite tendency toward the commission of sex offenses.

A proper search of the criminal records, including those of the Federal Bureau of Investigation at Washington, D. C., would, in a fair number of these cases, disclose prior convictions of the accused of sex offenses. In present practice such records are not furnished the trial judge.

It is suggested that it might be advisable to provide by law :

1. That no person convicted of a sex offense be sentenced or placed on probation until the court has been furnished with the records, if any, as to the defendant's prior criminal record.

2. That, upon conviction of a sex offense, the defendant be examined by a psychiatrist and, if found to be a person who is likely to commit similar offenses in the future, that the court shall order that proceedings be initiated to place the defendant in an institution such as a hospital for the insane, to be there detained until the likelihood of further sex offenses by him no longer exists.

Very truly yours,

CHAS. W. FRICKE

Division 6, Part 1, Chapter 4, Sections 5500 et seq. of the Welfare and Institutions Code provides for proceedings leading to the commitment of sexual psychopaths to a state hospital. Under the definition (sec. 5500) the term sexual psychopath means any person "who is affected, in a form predisposing to the commission of sexual offenses and in a degree constituting him a menace to the health and safety of others, with any of the following conditions: (a) Mental disease or disorder; (b) psychopathic personality; (c) marked departures from normal mentality." While there has been no final interpretation of Section 5500, classification (a) seems to contemplate cases of diseased and disordered minds which do not, however, come up to the standard required by the defense of insanity, and class (b) is well understood. While class (c) is so phrased that it might include cases where there is a marked departure from normal mentality above the normal, it must be construed as including only those cases in which we have a subnormal mentality, since the entire subject is directed to abnormalities.

Under Section 5501, as amended in 1949, the sexual psychopath provisions are applicable only in cases where a person is charged with crime and "after adjudication of the charge."

Nature of Crime Charged

The language of Section 5501 "charged with a crime" was "intended to mean charged with a crime having some relation to the type of offenses referred to in Section 5500" and if no such relation exists, the denial of proceedings under the sexual psychopath law is proper. (*People v. Haley*, 46 Cal. App. 2d 618, 624.)

Since the general word "crime" is used, this includes cases of misdemeanor as well as felonies and, since an "adjudication" includes both an acquittal as well as a conviction, the legislature evidently intended to include criminal cases in which the issue of guilty or not guilty has been determined one way or the other and to exclude all other cases.

Commencement of the Proceeding—Discretion of the Court

Section 5501 provides that the proceeding shall be begun by the filing of an affidavit setting forth fully the facts upon which the allegation that the person is a sexual psychopath is based. When necessary the court may issue a warrant for the apprehension of such person. The section provides that when such an affidavit is filed "the court may adjourn the proceedings or suspend the sentence and proceed as provided by this chapter." This language indicates that the proceeding may be initiated even after sentence, and the use of the word "may" makes it a matter of discretion whether, upon the affidavits filed the court will proceed under the sexual psychopath statute. As said in *People v. Haley*, 46 Cal. App. 2d 618, 622, "the court has a sound discretion under Section 5501, supra, to determine from the affidavits filed and the evidence adduced whether the petitioner is in fact a sexual psychopath as defined by the preceding section of that code. The section clearly infers that the court possesses that discretion, for the court may adjourn the criminal proceeding only when it appears by affidavit to the satisfaction of the court that such person is a sexual psychopath * * *. It is not mandatory that the court shall adjourn the criminal proceeding when the affidavit is filed * * *. Unless there is an abuse of that discretion the ruling of the court in that regard may not be disturbed on appeal." Where the unequivocal and uncontradicted showing is made that defendant falls within the statute a denial by the court of a hearing is an abuse of discretion. (*People v. Barnett*, 27 Cal 2d 649.) Where of three physicians appointed by the court two expressed an opinion that defendant was a sexual psychopath and one was of the opinion that he was a sex pervert the appellate court held that the trial judge was not bound to accept the numerical preponderance of the experts and his decision that defendant was not a sexual psychopath but a sex pervert was affirmed. (*People v. Parrish*, 75 Cal. App. 2d 907. Note: The trial court and the appellate court here recognize that a sex pervert is not necessarily a sexual psychopath. Under Section 5500 a sex pervert to fall within the definition of sexual psychopath must also come within classes (a), (b), or (c) set forth in that section.)

Not An Adjudication of Insanity

The finding by a court that a defendant is a sexual psychopath is not an adjudication that the defendant is insane nor does the sexual psychopath law so contemplate. (*People v. Tipton*, 90 A. C. A. 115.)

Section 5502 contains interesting provisions which are not entirely clear. It provides that "if the person is found by the court not to be a sexual psychopath the superior court shall return the person to the court in which the case originated for disposition." This language would seem to indicate that, where the criminal case is pending in another court the sexual psychopath proceeding shall be in the superior court and

may mean that even though the case be pending in a criminal department of the superior court the Legislature intended that sexual psychopath proceedings should be filed in the civil division of the court, an intent further indicated by Section 5501 which provides that the affidavit shall be in substantially the same form as the affidavit in a proceeding to have a person declared a mental incompetent. However, since the law does not exclude the criminal departments it is obviously better that sexual psychopath proceedings be conducted there.

Section 5512 presents a mechanical problem. It provides that if the judge believes that the person is a sexual psychopath he shall sign an order that the person be "committed to the Department of Mental Hygiene for placement in a state hospital for the care and treatment of the insane." Under this provision the court is required to commit the person to the Department of Mental Hygiene, a department of the State Government and not a place, the placement of the psychopath being left up to the Department of Mental Hygiene. This leaves it up to that department to not only designate the hospital but to at least indicate the procedure for transferring the psychopath to the hospital nominated by the department. The statute does not authorize the court to designate, or commit to a particular hospital until the department has so acted.

The fourth paragraph of Section 5512 is confusing, as it applies to a person found by the hospital authorities to be a sexual psychopath and yet provides for the court making an order for the return of the psychopath and a hearing (see also paragraph 5). Just why there should be a further hearing is not set forth in the section and it would seem that, having been found by the court and the hospital to be a sexual psychopath, that person should remain in the hospital and not be returned into court. Sections 5517 and 5518 seem to cover what shall become of the person who has been committed and placed in a state hospital, the procedures there set forth not involving a court hearing until the person has been returned to court. These last named sections evidently apply to persons who have been in the hospital a substantial length of time whereas Section 5512 relates to proceedings to follow the report of the superintendent of the hospital within 90 days after the patient has been received. It is obvious why (see paragraph 3) a person who is found not to be a sexual psychopath should be returned to court within the 90-day period but it is not clear why a person who is found to be a sexual psychopath should be returned after the superintendent's 90-day report.

Mentally Abnormal Sex Offenders

In 1949 Chapter 4.5, following the sexual psychopath law, was added to the code.

Section 5600 contains an involved and dubious definition. It eliminates all persons mentally ill or mentally defective, clearly eliminating insane persons, and still includes within the definition a person who evidences "an utter lack of power to control his sexual impulses" and has "uncontrolled and uncontrollable desires." Can there be such a person unless he is mentally ill or mentally defective? The authorities on mental and nervous diseases and neurology seem to agree that, unless there is mental defect or mental illness, sex impulses can be controlled.

Section 5600 limits the persons who may initiate such a proceeding to the parent, spouse or child of the person or the person himself. This limitation makes the law unavailable to other persons and allows the sex offender to remain at large, at least so far as this remedy is concerned, unless the person himself or his family initiate the proceeding. Experience shows that the sex offender is most unlikely to himself seek a remedy or a commitment because of his condition and that the immediate family are about the last persons to be convinced that they have a sex offender in the family circle and do nothing about it when they do know.

The proceeding generally bears a close resemblance to that in cases of sexual psychopathy and may lead to the person's placement in a state hospital for not exceeding two years (Section 5604) and the hospital superintendent may at any time discharge such person or give him a leave of absence from the hospital on such conditions as he deems proper. This hardly seems protective as to the interests of society. Mentally abnormal sex offenders possessed of uncontrollable impulses to attack others should, when once placed in an institution, remain there until they are no longer a menace. This is particularly true since under Section 5607 the law applies only to persons against whom no criminal charge has been filed and persons against whom a criminal charge has been made which has been prosecuted to a final judgment.

This law does not, as does the sexual psychopath law, provide for the effect and relationship of this special proceeding with reference to the conviction of the person of a sexual crime and it looks very much as though this is a law which will permit a habitual sex offender to evade punishment for a sex crime of which he has been convicted. The law (see Section 5601) seems intended "for the welfare of such person" rather than the protection of society.

Another criticism of the law is that no notice of such proceeding need be given to the prosecuting attorney who convicted the defendant nor is any provision made for permitting opposition to the proceeding. Apparently the only parties are the sex offender himself and the person who filed the petition, with no one to represent society or the general public. The law looks very much like a statutory provision for the protection of dangerous sex perverts.

STATEMENT OF HAROLD W. SCHWEITZER

Presiding Judge, Criminal Divisions, Municipal Court of Los Angeles City

Pursuant to your request, I appear before you this day to present the viewpoint of a judge of the Los Angeles Municipal Court on the subject of the enforcement and the adequacy of the laws pertaining to sex crimes. I want it clearly understood that the opinions I express herein are personal and do not necessarily represent the views of the members of the municipal court.

The place of the municipal court in the handling of sex cases is often overlooked. Excluding from consideration rape and prostitution cases, we find that in 1948, approximately 95 percent of the complaints filed in Los Angeles charging the commission of sex crimes were disposed of as misdemeanor cases in the Los Angeles Municipal Court. This number was greater than the total of all sex perversion cases filed in all other courts in California combined. During the current year, while serving as the presiding judge of the criminal calendar division of the municipal court, an average of 10 sex perversion cases per day have been disposed of in my court alone. The fact that so large a number of cases involving sex perversions are handled as misdemeanors is often overlooked by the Legislature and our people generally. Typical of this oversight is illustrated by the fact that the Los Angeles County Grand Jury just completed an investigation on sex crimes, sent recommendations to the Governor, and yet that investigation did not include any consideration of misdemeanor sex perversion cases, which as I have said, constitute approximately 95 percent of the total perversion cases committed in Los Angeles.

It is worthy to note that in almost every instance the only difference between a misdemeanor sex crime and a felony is a matter of degree; the intent to commit a felony is usually present and the defendant has the same potentialities as the felon sex deviate.

Few people have any conception of the nature and extent of sex crimes. Because of our innate and inherent smugness, sex has always been discussed in a hush-hush manner, and because of decency, the newspapers only mention occasional cases. In 1948, there were 104 felony complaints and 2,188 misdemeanor complaints on sex offenses (excluding all rape and prostitution cases) filed in Los Angeles, resulting in 54 felony convictions and 1,929 misdemeanor convictions. Sixty-eight of these defendants were convicted of crimes against children, 131 of indecent exposure and 1,670 of unnatural sex acts. Few people realize that the defendants in these cases came from all walks and stations of life, that they are of all ages, and from both sexes. Sex abnormality is no respecter of persons; we find sex deviates in the best of families, regardless of background, education or occupation. It strikes like any disease, and usually without warning.

Yesterday you heard the opinions of some outstanding medical experts. You received almost as many different opinions as you had witnesses. The only conclusions that you were able to reach were:

- (1) That the sex criminal is a medical problem;
- (2) That the sex deviate should be institutionalized, treated by competent medical personnel, and not released to society until he is either cured or is no longer a menace to the health and safety of others;

- (3) That medical experts are not in agreement with reference to the diagnosis, care and treatment of sex criminals; and
- (4) That jail does not cure but aggravates the pervert's condition so that upon release he is usually more of a menace than upon confinement.

These principles are recognized generally by the Sexual Psychopathic Act (Sec. 5500, et seq., Welfare and Institutions Code), but as will be pointed out later, there are serious difficulties in the application of that law.

It is easy for the public to demand the sterilization and life imprisonment of all sex perverts but our penal laws generally are predicated upon the premises of punishment and rehabilitation. As I have heretofore stated, approximately 95 percent of the cases of sex perversion prosecuted in Los Angeles are misdemeanors only, and the maximum punishment for any of them is six months in jail and a fine of \$500. The judge in each case is confronted with an extremely difficult problem of weighing the potential danger of each pervert. Should he be confined for six months and then released as a greater menace to society, or should he be placed on probation, under the close supervision of probation authorities? With regard to probation, it is worthy to note that even though there be some weaknesses or abuses in our probation and parole system, probation or parole, as the case might be, is not a matter of leniency, but is supervisory control over an individual who is trying to reestablish himself in society. Both the public and the individual get the benefit of supervision during the difficult period or readjustment. With regard to sex cases, conditions are usually imposed on defendants to secure all necessary medical attention and guidance.

Now passing on to a discussion of some specific sex laws, Governor Warren recently stated that because only a few hundred convicted sex criminals had registered under the state law (P. C. 290), it appeared to him that the law was not being enforced. Undoubtedly there are a considerable number of sex criminals who have not registered with the state authorities, but to me the explanation is that in Los Angeles most sex criminals are prosecuted under a law that is not included in the State Registration Act. In 1948 alone, 1,670 persons were convicted in the Los Angeles Municipal Court of Penal Code 647.5 (Vag. Lewd). Almost without exception, each defendant was participating in a homosexual or other unnatural sex act. A considerable number might have been convicted of a felony (P. C. 286 or 288a). Each of those defendants is required to register as a sex criminal under Los Angeles Municipal Code Section 5238d but not under the state law. Examination of the type of offenses listed in Penal Code 290 indicates clearly to me that the Legislature contemplated the registration of these "vag. lewds."

Penal Code 647.5 refers to an "idle, or lewd, or dissolute person, or associate of known thieves." As will be noted, it is worded in the disjunctive, and includes types of offenses which should not properly be designated as sex crimes. Actually, however, the number of these nonsex cases is small, only 34 in Los Angeles in 1948.

It is recommended that Penal Code 290 be amended to include therein persons convicted of being a lewd or dissolute person under Penal Code 647.5. A specific reference to the type of charge will eliminate

the registration requirement as to the few persons convicted under the other offenses mentioned in Penal Code 647.5.

Penologists and medical experts have concluded that many crimes of violence, not enumerated in Penal Code 290 as sex crimes, are committed by sexual psychopaths for the purpose of sexual gratification; examples are many of the pyromaniacs who commit arson, sadists who commit an assault with a deadly weapon, battery, and even the Peeping Tom. Although these cases to which I refer are not numerous, when they do occur, such defendants should certainly be considered as sexual criminals and handled accordingly. Authority should be given to courts to order such defendants to register under Penal Code 290, and that section should be amended to compel such persons to comply with such order.

As to the Sexual Psychopathic Act (Sec. 5500 et seq., Welfare and Institutions Code), this law is an example of progressive legislation; it recognizes the need for institutionalization, with medical treatment, for sexual psychopaths, as distinguished from the usual incarceration for other criminals. Section 5500 of the law defines a sexual psychopath as "any person who is affected, in a form predisposing to the commission of sexual offenses, and in a degree constituting him a menace to the health or safety of others, with any of the following conditions:

- (a) Mental disease or disorder.
- (b) Psychopathic personality.
- (c) Marked departures from normal mentality."

Section 5501 of the Welfare and Institutions Code provides generally for the initiation of a proceeding if "* * * it appears by affidavit to the satisfaction of the court that such person is a sexual psychopath." The affidavit is very similar to a criminal complaint. Relatives, friends, law enforcement officers, jail physicians and others, however, are reluctant to sign such affidavit. The court has no authority to initiate a proceeding on its own motion. As a result, such proceedings are seldom commenced.

Section 5047 of the Welfare and Institutions Code pertains to the petition filed in cases of mentally ill persons, and provides that no person filing such petition "shall be rendered liable thereby either civilly or criminally." No similar provision is included in the Sexual Psychopathic Act; the reasons favoring such a provision are identical in both proceedings, and the inclusion of such a provision in the Sexual Psychopathic Act will remove a major objection to its use. I therefore recommend the inclusion of a nonliability provision in Section 5501 of the Welfare and Institutions Code, similar to that now contained in Section 5047, Welfare and Institutions Code.

The legislators who enacted the Sexual Psychopathic Act either did not have full information on the number of "unnatural" sex crimes committed daily or they did not intend that the law apply to more than a very few of the number, because they failed to make adequate provisions for the care and treatment of the large number of sexual psychopaths that we have at large. Our institutions are overcrowded and understaffed. Furthermore, the proceedings under this act are cumbersome, and require, following the completion of a criminal trial, a separate and complete trial on the psychopathic issue. As heretofore stated, an average of 10 cases of sex perversion is handled in my

court alone each day and I have serious doubts that the psychopathic department of the superior court is prepared to conduct trials in each of these cases on the psychopathic issue, or could handle them without disrupting the entire court. These objections deprive us of the benefit of this excellent law in most cases.

A suggested means of streamlining the procedure under the act would be to incorporate therein a provision that upon a second or succeeding conviction of any sex crime referred to in Penal Code 290, as amended to include Penal Code 647.5, a finding shall be made that the defendant is a sexual psychopath and the defendant shall be forthwith committed to the Department of Mental Hygiene for observation, treatment and care as prescribed by the Sexual Psychopathic Act. Such a provision of law would simplify superior court procedures by eliminating entirely the trial in the psychopathic court, and at the same time, accomplish the purpose of the law. Following a second or subsequent conviction, there also appears to be no valid reason for filing an affidavit, pursuant to Section 5501, Welfare and Institutions Code; the criminal court should be empowered to refer the case to the psychopathic court on its own motion. I further recommend that this procedure be mandatory, principally for rehabilitary purposes.

To insure the success of the Sexual Psychopathic Act, adequate facilities for the diagnosis, confinement, treatment and rehabilitation of sex criminals must be provided. We have no such facility today. In connection therewith, and as the medical experts pointed out to you yesterday, we have many types of sex deviates. Some are dangerous and require maximum supervision; others require little or no supervision. Each type requires special attention and treatment. Such an institution should be established in the immediate future, and should be exclusively for sex deviates.

Coupled with this institutionalized care, further medical research must be undertaken; witness the serious conflict in opinions within the medical profession. Such research could best be handled on a national scale, possibly under the supervision of the U. S. Public Health Service. Perhaps money could be obtained from a private research foundation. In any event, the problem is so vast and the expense of research so great that it must be undertaken with public funds, and our Legislature should make every effort to inaugurate such a program forthwith.

Public hysteria at times like these demands sterilization of sex criminals. Our present law provides for sterilization in the case of the carnal abuse of a female under 10 years of age (Penal Code 645), and in certain cases where an inmate of a state prison gives evidence of degeneracy (Penal Code 2670). Medical science is divided on the value of sterilization of sexual psychopaths; however, I feel that this doubt should be resolved in favor of society. As both a punitive and preventive measure, I recommend that Penal Code 645 be amended to authorize the sterilization of any person convicted of Penal Code 288, namely, a lewd and lascivious sex act with a child under 14 years of age, the requirement of sterilization to be discretionary with the trial court.

Recently Judge Byron J. Walters of the municipal court advocated a complete medical clinic, operated under the control of the municipal court, to assist the municipal court, exclusively, in connection with diagnosis and prognosis of sex deviates. Although such a staff would be helpful, I do not believe that such a proposal is the economical solution. I am very fearful of the trend of governmental agencies to expand their own facilities rather than share facilities with other agencies. What our courts need, and I include such civil courts as divorce and probate courts as well as criminal courts, is a diagnostic facility, possibly operating under the Department of Mental Hygiene. Such a facility should be provided in the larger metropolitan areas of the State. It would be an impartial agency for psychiatric investigations, and use could be made of it in every case involving a psychopathic question. In view of the wide divergence of opinion on sexual psychiatric problems, a neutral source of opinion is especially important. In addition to its general use, in criminal cases, its use would be within the spirit of the mandatory probation referral requirement set forth in Penal Code 1203. Also it could assist in the rehabilitary work of parolees and probationers. It would be available for the court's use under Penal Code 288.1, which provides generally for a mandatory report of a psychiatrist in cases where the victim was under 14 years of age.

Judge Vernon Hunt of the municipal court has suggested as preventive therapy the establishment in each county of a facility of the county hospital, or it might be a part of the diagnostic clinic just discussed, for use as a psychiatric center, staffed with doctors, psychiatrists and chaplains where indigent persons with sexual problems might obtain some guidance and assistance. The inclusion of a chaplain as a member of a three-man team is interesting, and stems from the excellent result Alcoholics Anonymous members have received by way of spiritual guidance. There is no doubt that there is need in most counties for a free psychiatric center, to be operated as an out-patient service in connection with other county medical facilities. At the present time there is no public psychiatric agency for indigents and they cannot afford the services of private psychiatrists.

It has been a pleasure to appear before you. I hope that my comments and recommendations will be helpful in your study. I do not intend to be presumptuous, but allow me to inject a word of caution. The sex problem is serious and it has been overlooked too long. However, this does not mean that the Legislature should permit itself to be stampeded into drastic action. The subject must be thoroughly and carefully studied. Beware of the individual who presumes to know the answers because, as you learned yesterday, the medical fraternity is far from being in agreement within its own ranks. We must support a research program on the treatment of sex deviates, and since the medical profession is in agreement that such persons should be institutionalized until cured or free of potential menace, we must have adequate facilities for their confinement.

STATEMENT OF JUDGE W. TURNEY FOX

Superior Court Judge, Los Angeles County

Suggestions re Improvement of Laws Dealing With Sex Offenses, Their Administration, and Other Related Matters

1. Redraft the definition of sexual psychopath so that it will be understandable and definite (Sec. 5500, W. and I. Code). This was a recommendation of Governor's Conference on Mental Health (P. 72-9-a Final Report).

In view of the numerous amendments to this law passed by the Legislature earlier this year, which went into effect last October 1st, more frequent use of this law should now be made.

2. Redraft the definition of "mentally abnormal sex offender" (Sec. 5600, W. & I. Code). The definition is now entirely too restrictive. It should be broadened and simplified so that it will be easier to bring persons who indulge in abnormal sex acts within its provisions.

3. Amend the "Mentally Abnormal Sex Offender" Law so that the district attorney may file a petition in court to have persons who indulge in abnormal sex acts examined and committed to the Department of Mental Hygiene for placement in a state hospital for supervision, care and treatment. The present restrictive definition and voluntary feature of the law makes it impracticable and likely to be seldom used. The procedural set-up might in general be patterned after that now provided for the mentally ill—the right to trial by jury should, of course, be preserved. This would not be a criminal proceeding.

4. The "Little Lindbergh" Law (Sec. 209, Penal Code) should be amended so as to provide for the death penalty, or life imprisonment without possibility of parole, at the discretion of the jury trying the case, where a child is kidnaped for the purpose of an illegal sex act and suffers bodily harm.

5. When a child is killed by a person who is guilty of committing lewd or lascivious acts (Sec. 288, P. C.) upon it, the offense should be made murder in the first degree, without the necessity of the prosecution proving premeditation. This is now the law where the killing is committed in the perpetration or attempt to perpetrate arson, rape, robbery, burglary or mayhem (Sec. 189, P. C.).

6. Make mandatory the registration (Sec. 290, P. C.) of persons convicted of sex offenses when convicted, and require them to report periodically—say, every three months—to the law enforcement officer with whom they register, until they are able to produce a certificate from a reputable psychiatrist that the person is no longer a menace to the health and safety of others.

7. Fingerprint all persons found guilty of sex crimes, even though the offense is only a misdemeanor.

8. Appropriate a substantial amount of money for research in the field of abnormal sex behavior.

9. The Probation Department of Los Angeles County and other major counties should be provided with a psychiatric clinic through which all sex offenders should go so that the courts, both municipal and superior, should have the benefit of psychiatric reports in handling all such cases.

STATEMENT OF DON REDWINE

City Prosecutor, City of Los Angeles

*Judiciary Interim Committee**California State Assembly*

GENTLEMEN: I appreciate the opportunity of appearing before your committee to add the contribution of the Los Angeles City Attorney toward the solution of a problem which has caused our office, together with all prosecuting authorities throughout the State of California, the expenditure of a tremendous amount of time and thought and which has been one of our major difficulties throughout past years.

I realize that your committee is hearing reports from the representatives of the medical profession, the police department and the judges, in addition to other recommendations and reports and, therefore, in our report and such recommendations as we may offer, I will attempt insofar as possible to eliminate duplications.

The City of Los Angeles probably has as many prosecutions, at least of a misdemeanor nature, involving sex crimes or crimes that might eventually lead to sexual disorders, as the balance of the State of California. This is caused in part by the large population and partly, I believe, by an efficient police department appreciating and realizing the danger to society involved.

For a number of years our office has been in almost constant contact with Captain Bolling and Lieutenant England of the Police Juvenile Division and at their instance certain ordinances, and state laws also, have been enacted tending to prevent persons from coming into contact with or being exposed to situations and conditions which might eventually lead to sexual disorders or abnormal sexual behavior.

From the information which I have at hand, it appears that the City of Los Angeles is as far or further advanced than any city in legislation of this type and nature. Among local legislation of this character I might mention ordinances which prohibit the possession of lewd pictures within 300 feet of a school or playground, or any place where children congregate; and the display of nude pictures in news or magazine stands or theater lobbies.

This office in the past, at the instance of the Los Angeles Police Department, has prosecuted a number of magazine distributors for selling or possessing lewd, obscene and indecent pictures and stories and I am informed that at the present time several off-color magazines have a special expurgated edition which is sent only to Los Angeles in order to escape prosecution under such ordinances.

We have also prosecuted a number of cases under our city ordinance for operating indecent shows which tend to corrupt the morals of youths and others or which plays deal with sex degeneracy or perversion.

A number of years ago Los Angeles passed a so-called "Convict Registration Ordinance" which not only requires all persons convicted of a felony since January 1, 1921, to register with the Chief of Police, but specifically enumerates, as presently worded, a number of misdemeanors involving sexual abnormalities and requires those convicted of such misdemeanors to register. The list now includes, to the best of my knowledge, all sex misdemeanor crimes that this office is called upon to prosecute.

Our ordinance also requires registration by those persons convicted of sexual offenses even though such persons have had their convictions set aside and expunged by virtue of Section 1203.4 of the Penal Code.

In 1947, Section 290 was added to the Penal Code of the State of California requiring registration throughout the State, following in general terms our city ordinance but lacking certain provisions contained in our city ordinance which we feel to be necessary for proper identification and control of this class of offender.

For instance, the largest number of our sex crimes or cases involving sexual perversion are prosecuted under subdivision 5 of Section 647 of the Penal Code (Vag. Lewd). Although required under our city ordinance, the state law, as presently written, does not require registration for violation of this Penal Code section. It requires registration for "any offense involving lewd and lascivious conduct under Section 702 of the Welfare and Institutions Code."

It is our opinion that Section 290 of the Penal Code should require registration for all convictions under Section 702 of the Welfare and Institutions Code and also for that portion of Subdivision 5 of Section 647 of the Penal Code upon a conviction of being a lewd or dissolute person. Section 290 of the Penal Code should definitely contain a provision requiring registration upon a conviction even though a defendant is on probation or parole and he should not be relieved of the duty of registering merely because his record has been expunged under Section 1203.4 of the Penal Code.

The question of the necessity of registration under our city ordinance after convictions involving sex offenses where the defendants record has subsequently been expunged has already arisen between this office and the Los Angeles County Probation Office and that office has been advised that in our opinion registration under such circumstances is required. The state law should be clarified so that there would be no doubt that registration is required in this type of case.

There appears to be a great difference of opinion among prosecutors, some judges, police and the medical profession as to the proper method of the treatment, incarceration or handling of defendants in cases involving sex perversion or sex crimes but I think you will find, almost without exception, that these four groups are of the opinion that the large majority of sex crimes and sex abnormalities constitute a grave and constantly increasing menace to society and that these abnormal people should be segregated either by incarceration in jail, commitment to institutions or by some other method to prevent contamination of normal people, both adults and children, which can only be done by association and contact with normal people.

This office in the past has prosecuted many thousands of cases, one recent case in particular, involving some 25 perverts attending a party, which is not out of the ordinary, where they were attempting to and did entice and induce young boys into committing acts of sexual degeneracy.

The records presented to your committee by the police department will indicate a constant increase in crimes of this character. This is due, I believe, to several factors: (1) the natural increase in the population of the City of Los Angeles; (2) the more efficient work and increased number of police officers attached to this type of operation; and (3) the

general public having become more and more conscious of the evils and dangers of this type of individual and cooperating to a greater extent in the apprehension and conviction of such persons.

No matter whether these abnormal people are to be incarcerated in jail, confined to a mental institution, segregated from the general public, or given some kind of treatment, as a prerequisite to punishment or involuntary treatment, it is necessary that evidence and testimony be taken before some court, body or board.

One of the difficulties encountered by this office, and I am satisfied by most law enforcement offices throughout the State, is the reluctance of women, and especially young girls, to testify and the reluctance of mothers and fathers to allow or permit their minor children to testify regarding sex offenses. Therefore, it appears that one of the primary steps in eradicating this menace is an educational program presenting to the general public the danger to their health and safety, and that of their children, by permitting these offenders to remain at large and unpunished, and impressing upon them the importance, even though it generally is embarrassing and humiliating, of reporting such offenses and furnishing the necessary information to the proper authorities and the importance of appearing in court and testifying against such defendants in order to do their share toward the public good.

It is a known fact to prosecutors, police and medical authorities that certain types of abnormal persons tend to congregate in groups at certain known locations. Realizing this fact, there recently has been enacted an ordinance in the City of Los Angeles attempting to correct this situation by prohibiting "known lewd, immoral or dissolute characters, sexual perverts and persons having been convicted of being a lewd and dissolute vagrant" from loitering or remaining in any place of business after notice by the management. The ordinance also prohibits the manager of such a place of business from allowing such perverts to loiter or remain in his establishment. Bearing in mind the fact that your committee is attempting not only to determine the proper method of handling perverts but also, I am sure, attempting to eradicate this trouble at its source, it might be advisable to seriously consider a state law along the lines of our city ordinance regulating the congregation of such perverts on a state-wide basis, at least in places of public resort where an easy access to new material may be available.

Our office has been very successful in the prosecution of various types of misdemeanor offenses involving sexual perversion. Along an educational program it might be suggested that the general public, if they have not already been advised, be made fully aware of the fact that these conditions do exist. Even now, in spite of the publicity given to sex crimes, we have certain people on our jury panel who are unable to believe that an accused made an immoral advance to a member of the same sex, especially if such member, as is usually the case, is a police officer.

This office is unable upon such short notice to furnish a list breaking down the number of complaints involving sex offenses but in the last six months we have prosecuted some one thousand cases involving some

type of sex offense. It is our understanding that such records will be furnished your committee by other agencies requested to appear before you.

It seems to be the consensus that incarceration alone is not the answer to this problem in at least some cases. Your committee is undoubtedly as familiar as I am with the provisions of the state law under the Welfare and Institutions Code relating to sexual psychopaths. Undoubtedly this is a big step on a state level to effect a solution to this problem. We are heartily in accord with such a program. The 1949 amendment simplifies to a large extent the procedure to be followed in the commitment of sexual psychopaths. The proper, efficient operation under this section would necessarily require the expenditure of a large amount of state funds for institutions and personnel. The apprehension, conviction and incarceration of all criminals, including sex offenders, is now a heavy burden on the city, county and state but in the over-all picture, taking into consideration that under this act sexual psychopaths would be incarcerated and receive treatment, the amount of money expended therefor would undoubtedly be justified for the benefit of the public health, welfare and safety.

No doubt there will be presented to your committee in the course of your hearings, recommendations that the penalty in certain penal sections violated, be increased, and that certain of these sections be made felonies and incarceration be made mandatory without the right of probation or a suspended sentence. In considering the advisability of following such recommendations, it should be taken into consideration that sexual crimes consist of as large a number of varied acts as possibly do traffic violations. All types and conditions of people are involved. It is impossible to include all violators in an over-all provision and remove discretion from the court as to the sentence to be imposed for the good of society.

If incarceration is the answer to this problem, it is the certainty and not the severity of a sentence that will act as a deterrent to other violators.

As you are aware, the procedure in a felony trial is far more cumbersome than procedure in a misdemeanor trial. Unless an indictment is filed by the grand jury, it is necessary that a preliminary hearing be held. This not only delays the proceeding, but gives the defendant an opportunity to discover and receive a transcript of any testimony taken at the preliminary hearing, which, if the matter is tried in the superior court, will naturally be taken advantage of by his counsel, and possibly reduce the chances of conviction for the offense committed.

A number of violators of the misdemeanor sections under scrutiny should not be confined in the state penitentiary. If such is the case, the facts surrounding their arrest would, in a majority of cases, be sufficient to justify a prosecution under existing felony statutes.

It has been the experience of law enforcement agencies in the past that if the penalty is too severe, based on the actual situation in each case, the jury will not find the defendant guilty, even though his actions may bring him within the literal terms of the statute under which he is being prosecuted.

The misdemeanor statutes involved at the present time have a maximum penalty of six months in jail, and it is recommended that this maximum penalty be increased to one year. This would still leave the offense in the misdemeanor category and would allow the court, under conditions that appear to it to justify the same, to commit the defendant to jail upon conviction for a term more nearly commensurate with his crime.

In conclusion, I wish to again thank the committee for this opportunity of appearing before you and trust and hope that out of their findings and investigations, there will be developed a solution to a problem which is now very seriously affecting society as a whole.

Respectfully presented,

RAY L. CHESEBRO

City Attorney

By DONALD M. REDWINE

Assistant City Attorney

STATEMENT OF R. R. HODGKINSON

Chief of Police, Newport Beach

Assemblyman Smith's invitation to appear at this conference requested that I bring along statistics on sex crimes in general. However, I felt that the conference would concentrate on crimes against children, and I have confined myself to data on those. I hope I am correct in the belief that the problem which confronts this conference centers on that age group who are incapable of defending themselves.

Law enforcement officers agree to a man that crimes against children, more commonly known to us as Section 288, are the most difficult to prosecute of all which come to our attention. There are several reasons for this. I should like to enumerate some, in the hope that through education, publicity, legislation and enforcement, the prosecution of these cases might become more effective. In the first place, the victim is usually so young that juries will not accept their testimony without effective corroboration. Several of our cases have had to be dismissed because of this factor. Another handicap is the fact that immature minds do not retain details for a sufficient length of time to enable the victim to testify convincingly. It is true that we have recently passed legislation which expedites the trial, but even now the interim between the occurrence and the time when the victim relates it to the jury is long enough for important and convincing details to be forgotten. Another handicap is the fact that many parents are reluctant to subject their children to the humility of testifying in court in fear of future psychological consequences. Another handicap, and I consider this of extreme importance, is the constant danger of falsely accusing some individual of molesting a child. Those who have raised children fully realize that some children, particularly little girls, have vivid imaginations. Attempts to warn them and instruct them, if not worded judiciously but overstressed, tends to create certain psychological factors. There are also physical factors, which are not at all uncommon, that operate to stimulate and increase the imagination and unfortunately, some children just plain lie. All of this operates to make the evaluation more difficult for the investigating officer.

Newport Beach has an estimated population of 20,000; of this figure I estimate that one-half are permanent year-round residents. Of the remaining 10,000 about one-half, or 5,000, are those who could be called casual visitors; they are in our city from one to thirty days. We also have in our city five separate business sections and four separate United States Post Offices, and all are separated one from the other by some part of Newport Bay. This separation makes every fellow citizen a stranger to a great many others; consequently, those who are summer visitors or week-enders could be citizens. It would, therefore, appear that our city has a geographical problem. Our department conducts a check of obvious casualties. Fortunately, neither the results of that nor the number of reported child molestations reveal any special factors. I include Newport Beach's infrequency of these crimes for such value as that fact may have for students of this type of criminal.

In the past three years we have had only 19 molesting cases reported to our department. This includes reports from parents of children having been spoken to by men in automobiles with invitations to take rides; in such cases usually the automobile is driven away without any description

or license number being obtained. The 19 reports also include those from people who have become suspicious of individuals on the beach and where we were unable, after investigation, to find any cause for action. The three-year report record is as follows :

1947-----	8 cases reported-----	3 arrests-----	2 convictions
1948-----	5 cases reported-----	2 arrests-----	2 convictions
1949-----	6 cases reported-----	1 arrest -----	1 conviction

Your letter asked for a statement as to our system in the keeping of records. This is done in a standard routine manner with the entire report being given a serial number. File cards are filled out for each person mentioned in the report and the usual breakdown or crime classification cards are written up. Each file card contains the case number and the breakdown card on which the suspects' names appear (if we have a suspect), and contains a brief resume of the occurrence. These cards serve as a list of known or probable offenders in our community. Information from other departments also is placed on a file card in this same file.

While the public mind, recently stirred, is on the subject of sex offenses against children, it would appear to be an appropriate time for members of our profession again to reiterate our instructions to parents and children, stressing the importance of obtaining immediately descriptions, automobile license numbers and the names and addresses of any witnesses. I also stress the immediate questioning of the child carefully and calmly by a parent with a witness present and the importance of writing down the questions and answers at once; also, the importance of summoning the police without delay. We should impress the public with the importance of full cooperation as far as testimony and court appearances is concerned.

I would like to recommend a form of education, the method of which should be devised by those better informed than myself, but which I think is needed as much as legislation and enforcement is needed, both for children and parents. If the responsibility of avoiding occurrences before they happened were placed squarely upon the shoulders of the parents and the parents were supplied with the necessary information and methods of instruction, I believe that trouble with strangers could be avoided before it begins. Many mothers and fathers allow children to reach adolescence in complete ignorance of the fact that those who dwell in this world with us are not all "nature's noblemen." All is not sweetness and light and the sooner the child finds it out the sooner he will be properly equipped to live his life in safety.

STATEMENT OF OAK K. BURGER

Member of Los Angeles Police Department's Scientific Investigation Division (crime laboratory) and instructor of Criminal Investigation and Criminology Los Angeles State College.

LOS ANGELES STATE COLLEGE

LOS ANGELES 27, CALIFORNIA, December 8, 1949

To: Subcommittee of the Judiciary Interim Committee of State Assembly.

Purpose

To suggest what part, if any, behavior research equipment such as so-called lie-detector, etc., might play in the investigation of persons suspected of deviant sexual conduct.

Present statutes appear to cover most known sex offenses. There is however, an apparent lag between the number of crimes reported, the arrests which follow, and the ultimate convictions. I am not qualified to determine precisely why this disparity follows but the fact that it does is evident in the statistics. Illustrative of this point are the figures involving those steps for three "sex category" crimes. These figures are from the Los Angeles police statistician's office and may be found on pages 31, 60, 68 through 72 (arrest tables), 102 through 106. Copies of the said statistics accompany this report.

The three crimes reported in 1948:

	Reported	Arrests	Complaints	Convictions
1. Crimes against child, 288 P. C.-----	632	316	81	40
2. Sex perversions, 288a P. C.-----	448	399	15	7
3. Sodomy, 286 P. C.-----	109	85	6	4

These figures indicate that at least in these three areas of sexual offenses considerably more releases are effected than complaints issued. There are several explanations for this situation, the fact that in many instances the prosecuting attorney doesn't feel that the child victim-witness qualifies as court witness, that in some instances parents do not wish to prosecute, and in a great number of cases investigating officers are unable to obtain any admission or confession from the suspect because, (a) unable to do so in interview; (b) suspect writes out of custody before a reasonable interrogation has been attempted; (c) these suspects are educated to realize that if they remain silent and/or deny everything that the case against them will fail for lack of evidence.

Note the figures on sexual pervert reports, arrests, and convictions: Four hundred and forty-eight reported, 399 arrests followed and only 15 complaints, followed by seven convictions.

The figures on crimes against children indicate that about 25 percent of the arrests are followed by complaints and that only 50 percent of the complaints evolve to convictions. Here in many instances the child witness did not qualify to testify and absence of other evidence or corroboration made prosecution unfeasible.

The figures on sodomists reveal that of the 85 cases involving arrest a total of six complaints followed. Here again we have the probable explanation that without corroborating evidence the testimony reduces to that of an accomplice and present statutes are not prosecuted on that type of testimony.

Yet these men are definite threats to the youngsters in parks, school grounds, etc.

How can behavior research equipment help change this situation?
By assisting the investigating officer in the following ways:

(1) To determine truth of original report (in those cases where there is doubt as to integrity of the accuser.)

(2) To help determine whether the accused is actually involved.

(3) In those instances where a man is obviously guilty to help obtain an admission or confession.

(4) Where a man is determinable as a sexual deviate even though he may be innocent of the matter immediately under inquiry, so that such individual may be identified as possible offender in future instances.

(5) In those cases where it is possible to determine that an accused individual is totally innocent through combination of the interview and investigational activity stemming from information interview obtained, thereby clearing an individual.

This approach is particularly efficacious when it is obtained through someone not definitely associated with police reference, or where the interview may be independent of the police presence. Such interviews often act as oral-emotional expression outlets and through semi-counselling techniques many facts may be obtained which would be impossible under other influences or conditions.

STATEMENT OF SIDNEY ZAGRI

California Citizens' Committee for Mental Hygiene, Inc.

Executive Secretary and Member of the Board of Directors of the California Citizens' Committee for Mental Hygiene, Inc.; Member of the Program Committee of the Governor's Conference on Mental Health; Consultant to the Panel on Institutional Treatment and Care, Governor's Conference on Mental Health; Member of the Mental Hygiene Committee, Federation of Community Coordinating Councils of Los Angeles County; Legislative Representative for California Citizens' Committee for Mental Hygiene, Inc.; Member of Committee on Physical and Mental Health of Civic Center Coordinating Council; Member of Wisconsin Bar, L.L.B., University of Wisconsin.

- I. Basic aims of legislation.
 - A. Provisions for realistic community security.
 - B. Treatment with the hope of restoration of the sex offender.
- II. Implementation of such goals must include:
 - A. Extensive program of research into the causes of sex crimes.
 - B. Amendment of Sexual Psychopathic Act making it mandatory that all persons convicted of a sex crime be screened by a board of psychiatrists and penologists to determine whether treatment might restore the individual to relative normalcy.
 - C. Expansion of the facilities of the Department of Mental Hygiene to afford treatment, not mere custodial care.
- III. California Sexual Psychopathic Law compares favorably with progressive legislation in the field now in effect in other states. It is very much like the Pennsylvania law which has been recommended as a model by the special Committee on Psychiatrically Deviated Offenders of the Group for the Advancement of Psychiatry.
 - A. Difficulty has been that it is permissive, not mandatory, and the act has not been used except in rare cases.
 1. In Los Angeles City 3,838 sex crime arrests during the first 10 months of 1949 alone, of this number there were 304 crimes against children and the sexual psychopath law, which permits the court to order a special hearing before a board of psychiatrists to determine whether the convicted defendant is a sexual psychopath was used in only three cases.
 2. Only 77 sexual psychopaths were admitted in the State Department of Mental Hygiene during this period—1949, and 78 during the period of 1948. Since the law has been in effect the admissions have been at the rate of 40 to 50 per year.
- IV. Mental hygiene facilities must be made adequate so that the law can function properly.
 - A. In 1949-50, there were a total of 165 positions of physicians employed by the State Department of Mental Hygiene for a total population of 39,267 or a ratio of one doctor to 243 patients.
 - B. Support Tallman's Budget requesting an increase of 15 percent or \$5,000,000, 75 percent of which will be spent for increased personnel for treatment of patients.
- V. Further study of problem should be made and Legislature should appropriate funds for the purpose of additional study of the problem.

STATEMENT OF S. D. DECKER

Chief of Detectives, Pasadena Police Department, to : Judiciary Interim
Committee Subcommittee, re . Sex Crimes

In a world where living has become most complex, where nerves are keyed to a higher pitch : where spiritual values have been entirely forgotten ; where religion has been displaced by pseudo-intellectual and pseudo-scientific conglomeration of half-baked ideas which individuals are pleased to call their "philosophies of life," in a world where there are no ethics except that of "not getting caught" ; where there is no set principle of right or wrong ; and when children are brought into the world and educated according to the principle that a child should be permitted to express its own personality without restriction ; where discipline and self-restraint and consideration for the rights of others are neglected as old-fashioned and too difficult ; in a world where the philosophy that asserts that "I will try anything once" is considered a satisfactory attitude for the young and inquiring mind ; in a world where there is too much idle time, there has developed a startling and dangerous increase in sex perversion.

Sex perversion of course includes many types which manifest themselves in the form of homosexuality, exhibitionism, and so on down through the categories, until we reach the dangerous sadist whose frequent terminal outbursts direct the attention of the world to the fact that sex perverts do exist, then the mangled form of some child or woman focuses the public attention upon the work of this particular type of sex pervert.

All too often we lose sight of the fact that the homosexual is an inveterate seducer of the young of both sexes, and that he presents a social problem because he is not content with being degenerate himself, but is ever seeking for younger victims. I have come to the firm belief that the sex pervert is an individual of whom society should take note. I am sure that he is seldom insane in any sense which would permit him lawfully to be incarcerated in an insane asylum : I am sure that he is just as much a criminal as is the burglar or murderer. I am also convinced that the present day jails and penitentiaries provide no place for his punishment or rehabilitation. He should be placed in a special institution where proper kind of study and rehabilitory work can be done.

For years Pasadena has vigorously prosecuted all sex offenders and in some instances have received unfavorable criticism when someone of prominence is involved. (Such as the suicide of a very prominent doctor). For several years the late Hon. Frank C. Collier, judge, Pasadena branch of the superior court, made an intensive study of the sex cases that came before him, and sincerely tried to ascertain the cause, and the best method of punishment, cure and rehabilitation. For years he was liberal in granting probation with regulations that the subject receive medical and psychiatric care.

In 1927 a defendant was convicted of violation of Section 288 P. C. and was placed on probation, to take treatments. (This subject had two prior 288 P. C. convictions.) In October, 1933, this subject again was convicted of 288 and Judge Collier sentenced him to San Quentin, but suspended execution of this sentence on condition that the defendant freely and voluntarily submit to complete castration at his own expense,

which he did and was placed on three years' probation which was satisfactorily completed.

This was Judge Collier's first castration case. From 1937 to 1948 inclusive, 46 other convicted sex offenders, ages 26 to 76 years, received this same treatment (castration). Probation officers kept a very close check on each subject to note if there was any noticeable change in their physical makeup, with negative results.

Judge Collier's confidential files contain many letters of appreciation from these defendants thanking him for his kindness to them and many stated that they had been completely cured of their unnatural sex desires. To my knowledge, not one of these 47 sex criminals, has ever been reported as a repeater.

Of the 47 cases, our records show that only two have had subsequent arrests since their operations—both were charged with violating their probation and were sentenced to San Quentin, neither case was a sex violation.

Records of the Pasadena Police Department show the following arrests for sex offenses for the period 1946 to 1949, inclusive:

	1946	1947	1948	1949
Felony arrests -----	6	24	9	10
Convictions -----	3	16	8	9
Misdemeanor arrests -----	75	48	41	31
Convictions -----	63	42	40	29
Records of 1948-1949				

Penal Code Section 311 (indecent exposure) are the most prevalent. Sentences ran from \$10 fine to \$250 fine and 30 days suspended. Maximum sentence on violation Section 288 (lewd conduct with minor child) was 10 years probation. One received 90 days county jail. Maximum sentence 288a was six months, five years probation. There were no penitentiary sentences.

Recommendations

1. I strongly recommend that legislation be enacted legalizing "castration" in certain sex crimes. (Such as 288 and 288a.) Judge Collier's experience proves the effectiveness of this positive treatment. Similar laws have been in use for years in Europe

2. Recommend separate penal institutions to deal with sex offenders, where proper study and treatment can be given.

3. Enact legislation making it mandatory that all parole officers, or probation officers must report to the police department in the city, where every parolee or probationer is residing (This report should include a brief history of the subject, with whom he is living, where he is working, and the type of crime of which he was convicted.) Any change of address, or violations should be reported immediately. (If subject resides in unincorporated territory, report should be made to the sheriff.)

We recently had a case where a man was arrested on a misdemeanor charge and was granted probation, claimed that he had never been arrested before. When his kickback was received from the F. B. I. it was found that he was on parole from San Quentin. His parole officer was in Los Angeles and knew nothing of his arrest.

I believe that this report should be required in all cases regardless of the crime for which subject was convicted. Ex-convicts are not required to register while on parole.

4. Recommend that Section 288 of the Penal Code be amended changing the age from 14 to 16 years.

5. Recommend that legislation be enacted which would permit persons charged with sex crimes against youth to be convicted on the testimony of the victim alone.

6. Recommend legislation forbidding publishing the names, addresses or any identification of victims (or their parents or relations) of sex crimes. (Murder excepted.) If such a law is not constitutional suggest that the Governor hold a meeting with the California Newspaper Publishers Association to obtain a voluntary "gentleman's agreement" that they will refrain from publishing names or identification of victims of sex crimes.

Publicizing names of victims of sex crimes is damaging to those victims, makes it difficult for law enforcement officers to obtain evidence on such crimes, and causes parental reluctance to having children appear as witnesses in sex prosecutions. Many more cases would be reported to the authorities if parents knew that they would be protected

7. Recommend that all court hearings be held in private, where juveniles are involved.

8. Encourage better cooperation from parents in all stages of investigation and to get over the attitude of feeling sorry for sex offenders. It is generally conceded that lack of discipline in childhood and youth generally contributes to delinquency in adults. Under the social code in which we live responsibility for the child's training is a parental responsibility. When the parents fail, it becomes the responsibility of the state. The school and the church could do a great deal more in educating the child regarding our social code. Parents should be instructed of their responsibilities in these matters by giving closer supervision and knowing where their children are at all times, and who their associates are. Only through careful observation and study can abnormal sex tendencies be detected. Teachers should be educated to recognize those tendencies and proper action taken as soon as discovered, possibly through public clinics

9 Recommend that a program of public education be conducted through speakers bureaus, radio, and newspapers, to educate the public in the serious responsibility of serving as a trial juror. I feel that this has been seriously neglected in the past.

10 I recommend quick, sure, and positive punishment of all sex offenders, with no leniency shown by the courts such as reducing felonies to misdemeanors and releasing defendants on small bail. With more stringent requirements in all probation and parole cases. With this assurance from the courts, I am sure all law enforcement officers would be inspired to apprehend every sex crime violator.

STATEMENT OF REV. E. C. FARNHAM

General Secretary, Southern California Council of Protestant Churches, and the Church Federation of Los Angeles.

(For 25 years serving in like capacity, 12 in present position, with particular concern and responsibility for the Protestant churches in relation to the community and community organization and activity. Member Los Angeles County 1948 Grand Jury, member board of directors Los Angeles Welfare Council and Los Angeles Welfare Federation.)

The councils of Protestant churches, operating in numerous cities in California, composed of officially named delegates of member churches and denominations, are concerned with the application of Christian principles and standards to all aspects of community life and relationships. They are concerned not only with the correction of unhappy or unsound moral and social conditions, but even more with the prevention of such conditions through understanding, acceptance, and application of wholesome and sound moral, social, and spiritual laws and principles.

Our Protestant churches share with all others the sense of horror and shock over the revolting sex crimes which have shown tendency toward increase in recent weeks. We join with other elements of society in calling for prompt and vigorous and sane measures of protection against their recurrence. As a responsible element in our social structure, we humbly accept our share of guilt for any sins of omission which may have contributed to this unhappy situation; and we stand ready to undertake our share of the remedy.

Our churches do not claim to be specialized agencies for dealing with sex crimes. But our churches do deal with persons of all types, and with the underlying problems and motives, as well as conduct of people. Throughout its existence, the church has been concerned with persons, with social relationships, and with the moral, social, and religious foundations of conduct. The churches work constantly against the background or upon the foundation of personal and social ethics, having the long range and permanent good of individuals and society constantly in view. Ever present is the concern that individuals achieve moral stature, social acceptability, and full spiritual selfhood. It is out of this experience that we presume to speak in relation to this particular matter, in which there is departure from personal and social righteousness. The treatment of the abnormal must always be against the background of the normal.

With this premise, we cannot support the proposal of some that the death penalty should be prescribed for all involved in sex crimes. Nor can we support the proposal that surgery be used, except it be upon the advice of experts in the fields of physical, mental, and emotional disturbance. Such measures savor of vengeance, a recourse which belongs to God. We must concern ourselves with prevention, cure, and redemption.

We are impressed that society's defense against this threat to social security may be likened to defensive measures in a football game. The defense team involves three elements, the first line, the secondary line, and the "safety."

The member of the team playing "safety" in the instance of sex crimes is obviously our maximum facility, the penitentiary. I would commend our penal system as now established in California and make plea that its program of rehabilitation have the fullest understanding and support by our citizens and by the Legislature.

Our first line of defense is, in the nature of the case, of first importance. The team members include the home, the church, the school, the recreational and character building institutions, the social welfare agencies, our community chests, and the other socially responsible organizations. Those of us who become greatly wrought up over the sudden flare-up of sex crimes—and we all should be wrought up—are certainly inconsistent if we do not exercise similar concern for the regular team members on the first line of defense. Refusal to support home, church, school, community chest raises serious question as to our sincerity in dealing with this particular problem. We must know that marital trouble in the home, whether concealed or overt, is a threat to the emotional stability of the children of the home and out of this situation may come the sex criminal of a few years hence. There must be more concern for the instructional and inspirational processes of the church by which youth are rooted in sound principles of conduct. The innovation being undertaken by the churches of most faiths, in response to permissive laws adopted by our Legislature permitting release of pupils from public schools to receive religious instruction and nurture, deserves wider understanding and support by the public. Our schools should be aided in adding clinical services for children. Our community chests should have the hearty and generous financial support of every citizen.

These are the first line of defense, and they are most important to our whole problem. The fact that the enemy gets through the line means that we must study and strengthen that line. At this point, I call attention to what we must regard as a traitor playing on this first line of defense. I mean the present farcical system of control of liquor dispensing. Alcoholism, by this I mean easy indulgence, is a close ally and inciter of sex crime; and yet we permit a system of dispensing control to operate as an accepted part of our social structure which in the very nature of the system is an open invitation to defeat in control of sex crimes. Our team cannot win as long as this enemy is allowed to play on the front line. A drastic change in method of control of liquor dispensing must be found if we are to do a good job of defeating this present enemy.

The secondary line of defense is possibly the point of most immediate action. This involves the police, law enforcement, the courts, and other processes prior to the penitentiary. There should be a methodical checking of every member of this part of the team and of the processes employed. There must be a more careful "follow through" with known cases of delinquency. Our taxpayers must be willing to incur the expense of improved processes and increased facilities at this line of defense, if we are to avoid tragic consequences.

I would make four suggestions in this connection. First, that suitable legislation be undertaken by which every county would be empowered, and the larger counties be required, to set up clinical facilities

adjunct to the court by which every person arrested on a morals charge would be subjected to clinical examination by competent experts in psychiatry and medicine, with diagnosis and prescription for the guidance of the court in disposing of the case. Secondly, that the State build suitable institutions for the custody, treatment and, if possible, the cure of persons who may be committed by the court as a result of the prescription of the clinical advisors. Third, that we give larger understanding and support to the rehabilitative programs as now set up in county and state custodial institutions. Fourth, that necessary legislation be adopted whereby state and county custodial and rehabilitative institutions be permitted to employ professionally trained and qualified religious counsellors as staff workers.

STATEMENT OF ELIZABETH M. D. LEWIS

Juvenile Protection Chairman, California Congress of Parents and Teachers, Inc.

December 9, 1949

The California Congress of Parents and Teachers has long been aware of the seriousness of this problem and has for many years urged authorities to take action to bring about better protection for children. A few years ago, when our members were aroused anew by the Gluskoter murder, the State Board of Managers proposed the formation of a state-wide committee of legal, medical and law-enforcement experts to study all phases of the problem, with the hope that the study would result in more adequate laws. But we were a voice crying in the wilderness: We had neither the authority nor the money to convene such a committee. We thereupon asked the Governor's California Youth Committee to appoint such a committee, but they found themselves unable to carry out our request. A year or so later, the Governor's Crime Commission on Juvenile Justice reported that there was general dissatisfaction with the results obtained in disposing of cases involving sex crimes and that in order to deal effectively with sex offenders, there was need for an extensive study which would include medical phases of the problem and possible treatment as well as the merely punitive aspects. Their proposal was embodied in Senate Bill No. 429, which asked for an appropriation of \$50,000 for a study. The California Congress of Parents and Teachers strongly endorsed this bill and was greatly disappointed when the bill died in committee.

Then, when the Glueft murder took place, during a meeting of the Board of Managers of the Congress, the board unanimously voted to send a letter to Governor Warren with two requests: (1) The inclusion in his budget of a sum sufficient to enable a study to be made; (2) consideration of the sex crime problem at a special session of the Legislature. The State Juvenile Protection chairman received unanimous support, also, from the board for her motion that the congress ask for the cooperation of other organizations in urging immediate action.

The plea for cooperation from other organizations brought immediate results. The request to the Governor was endorsed by the Los Angeles County Youth Committee, the Southern California Juvenile Officers Association, Southern California WCTU, several other women's groups, 24th District American Legion, and parents' councils in private schools. We are therefore pleased that Governor Warren has called a special session, and that he held, on December 7th, a conference of law-enforcement chiefs.

We are further encouraged by the appointment of your special sub-committee, and by the fact that, in contrast to four years ago, when our congress received no response from officials for our plea for action, there are now moves on the part of many official groups at all levels, state-wide, county and municipal.

We have advised our local units that in addition to state-wide action there is much that can be done within counties and municipalities. We have urged them to confer with their local law-enforcement chiefs to discover the status of the problem in their own communities.

We wish to make it clear to your committee, that we, being lay citizens, do not set ourselves up as experts. We can give no opinions about the medical or psychological aspects of the problem. Our sole interest is to protect children from a very prevalent danger. We request action on the part of authorities so that our children may go about in their communities in safety and without fear.

We realize that the problem is so complex that there is no simple solution. At present, most people seem to be concerned almost entirely with what should be done after an offense has been committed, so are considering the questions of laws, their enforcement, bail, parole, psychiatric examinations, medical treatment, institutions, life imprisonment where no cure is possible, and so on.

We feel that there are other phases to consider. There will have to be a change in attitudes all along the line. Juries and judges need to be more severe; arresting officers, district attorneys and lawyers must stop reducing charges from felonies to misdemeanors; and the public must be educated to cooperate with law enforcement in the apprehension of sex offenders by showing willingness to sign complaints (when the facts can be substantiated) and to testify.

However, in our juvenile protection work in the California Congress we have always emphasized the importance of prevention. The basic answer probably lies in early and adequate sex education in home and school. Certain maladjustments could be avoided or recognized in time for something to be done about them.

But education is slow and prevention through education will never be absolute. Still, children must be protected from the sex pervert. This means that parents must teach their children safety. Just as we caution our children against touching flame or petting strange dogs, so must we warn them to keep away from strangers who offer them candy or money or who try to lure them into cars. We must teach them, too, to tell us immediately when any older person takes any liberties with their person. Solution must come from a long, careful, comprehensive study. We endorse this most strongly.

As a congress, we shall not "let up" in our efforts, but shall "stick by" the problem until satisfactory action has been taken.

We wish to assure your committee and the State Legislature as a whole that you will have the wholehearted support and cooperation of the California Congress (largest group in the State whose sole object is child welfare about three-fourths million members) in whatever constructive measures you propose to bring about an amelioration of the present intolerable situation.

STATEMENT OF ROBERTA CHAPMAN

Young Women's Christian Association Metropolitan Teenage Director ; Supervising
Thirteen Teenage Directors in Ten Areas of Los Angeles

The YWCA believes that its best contribution in the problem of sex crimes can be made in five ways:

1. Through regular club work help girls develop normal, healthy attitudes toward sex
 - a. Lectures and discussions under qualified leaders
 - b. Well supervised and chaperoned dances and parties
2. Through making available authoritative literature on the subject in clubs and through the Health Education Department. We have very good libraries on the subject, many of the books and pamphlets having been published by our national publishing house, the Woman's Press, and the American Social Hygiene Association.
3. Counseling service available to girls through
 - a. Teenage and young adult staff
 - b. Health counseling by doctors who give health examinations in the Health Education Department
 - c. Individual Services DepartmentCases which the staff is not equipped to handle are referred to case work agencies.
4. Through the recently organized young wives work. Psychiatrists maintain that many of our habit patterns are set early in life. Working with young wives can be helpful in preventive work in the coming generation.
5. Public Affairs Committee working for better housing standards to eliminate the deplorable conditions that go with overcrowding.

Members of the YWCA staff have listed several ways where they have seen either the existing laws or law enforcement very weak:

1. The present practice of trying cases in open court many times is worse than the original experience. Parents are often unwilling to allow their children to go through that experience.
2. Magazines carrying lurid and obscene pictures available on many news stands add to the problem.
3. At present it is difficult to catch offenders. It is almost necessary for the authorities to see them in the act. The girls on at least one playground recently have been annoyed by a man who exhibits himself but have never been able to notify the authorities in time to catch him.
4. Under existing laws, little can be done about common law marriages and yet they have a great influence on the children involved.
5. There doesn't seem to be sufficient patrolling around schools, particularly junior high schools when they close. Older boys loafing around are a great attraction for the younger girls.
6. Often when children are reported missing, there seems to be no hurry in tracing them.

7. In homes where there is language difficulty, it is often confusing for the police to talk to them about a problem from one angle and a social work agency from another. It would be better if the two could work through the problem with the family together.
8. The notoriety given sex crime cases puts them into an entirely false light. It is often very suggestive and tends to glamorize the whole thing to some people.

It would be helpful if we could have the following legislation to improve present laws:

1. Change court procedure so that sex crime cases are conducted in private and children are not in the room when adults' problems are aired.
2. Laws prohibiting the printing of pictures, names and addresses of juveniles involved in crimes.
3. More stringent laws on publishing and/or selling books and magazines containing lurid and indecent pictures.
4. More stringent laws governing teenage dances so that older boys and men cannot attend with younger girls.
5. Laws to protect older men, too, so that they cannot be exploited by those with a grudge or fears.
6. Places made available for men to go for treatment and/or confinement who are registered sex deviates.

STATEMENT OF SHERIFF E. W. BISCAILUZ ON THE SUBJECT OF SEX
CRIMES, GIVEN BEFORE THE SUBCOMMITTEE OF THE
JUDICIARY INTERIM COMMITTEE

Law enforcement has a two-fold responsibility; the detection and apprehension of sex offenders and prevention of offenses.

There is no basic difference in the investigation of sex offenses from investigation of any other serious offense. Metropolitan departments have made it a practice to have special details handle murder, burglary, robbery, etc. Recently, many departments have created a special detail to handle sex offenses. The only problem faced by administrators is lack of sufficient personnel, and when that problem is met, law enforcement will be in a better position to discharge its responsibility of detection and apprehension.

The additional responsibility of preventing offenses entails a two-phase program. First, adequate patrol of high hazard areas. This is accomplished by concentrating patrols in those areas. Second, an educational program directed toward citizens, schools, and children. The purpose of such a program is to condition children in their conduct toward strangers, together with educating parents as to their responsibility regarding prosecution.

I wish to make it clear that law enforcement disclaims responsibility for treatment of convicted offenders. We have no responsibility to protect the sex offender from the enticement of a six-year-old child or against the problems of our complex society. Our responsibility is to the decent good people in society; protecting them against the advances of the sex offender.

In commenting on the cooperation existing between law enforcement and the courts, prosecuting bodies, parole and probation, may I state that there must be a meeting of the minds in final disposition of sex cases, and the only way to arrive at this meeting of minds is by closer liaison and a complete understanding on the part of all such agencies regarding their mutual interests and problems.

During the past few weeks we have all heard a great deal of talk about the apprehension and confinement of sex offenders. As the sheriff of this county, it is my duty to be concerned with all of these matters. If present laws governing sex offenses are inadequate, then I should, to the best of my ability, suggest means by which this inadequacy might be eliminated.

What do I feel may be the shortcomings of present legislation?

First: Offenders who choose children as their victims can be charged with a misdemeanor and upon conviction receive a light sentence in the county jail, or a fine, or both.

This provides the offender with the opportunity of pleading guilty to a misdemeanor, even when the original charge is a felony—a practice which amounts to a circumvention of the felony statute. (288 Penal Code.)

Second: When these offenders are convicted under the misdemeanor charge and sentenced, the lower court does not have the available institutions, hospitals, or asylums in which to place the individual. They can only sentence to the county jail, which fact denies to the offender, all of the aids authorized by law to be dispensed by the higher courts.

Third: Sex offenders are dangerous, and especially so when they focus their attention upon little boys and girls in our communities. Six months in the county jail and/or a fine is not an adequate disposition of these cases. The touch of the sex pervert is poisonous, and the final result of a youngster's falling into the hands of such perverts is, in almost every case, tragic. True, we have not always to face a brutal murder, but the impact of such an experience upon a child's mind can very often lead to a life of perversion and sex delinquency. Knowing these facts, I repeat, six months in the county jail and/or a fine is not an adequate disposition.

It is my opinion that the ordinary jail or prison facilities fall short in providing proper personnel and equipment to adequately care for sex offenders. It is unfair, both to the individual involved and the institution, if that institution is not set up to meet the requirements of the individual. I believe the State of California should build an institution for the sole purpose of confining, for a lifetime if necessary, and treating, with the goal of curing and rehabilitating these sex offenders. I further believe this institution must be available to all offenders who prey upon little children.

In conjunction with recommending possible legislation to help the situation in California, wherein sex offenses are concerned, may I say this: Many persons today are deeply interested in this subject, persons who are trained to study and analyze what we have and what we may need in the way of legislative action and statutory provisions.

I am reluctant to enter my voice into the chorus being raised at the present time, but I do feel that a complete study of the possibility and practicability of having our Penal Code provide that all sex offenses against children under 14 years of age shall be considered felonious.

Such a statute would obliterate the practice of reducing felonies to misdemeanors. It will assure the offender of all of the legal aids for confinement and treatment. It would provide a greater equity in the matter of sentence and thus serve as a more effective deterrent.

Attached to this report, a copy of which has been given your committee, are statistical tables showing facts and figures about sex offenses and offenders in Los Angeles County.

Sex Offenses Reported to Los Angeles County Sheriff's Office

<i>Year and Month</i>	<i>Total</i>	<i>Forcible rape</i>	<i>Statutory rape</i>	<i>Crimes against children</i>	<i>Indecent exposure</i>	<i>Sex perversion</i>	<i>Crime against nature</i>	<i>Incest</i>	<i>Seduction</i>
1948 -----	907	177	106	250	316	42	7	8	1
January -----	80	15	10	21	30	4	-	1	-
February -----	67	13	7	20	22	3	1	1	-
March -----	86	17	8	23	29	7	-	2	-
April -----	35	13	10	15	23	-	3	-	1
May -----	97	22	11	28	30	3	-	3	-
June -----	81	17	11	19	27	6	-	1	-
July -----	73	10	10	30	17	4	1	1	-
August -----	69	16	6	18	25	3	1	-	-
September -----	87	16	8	21	36	6	-	-	-
October -----	72	14	8	21	28	1	-	-	-
November -----	68	9	10	22	22	4	1	-	-
December -----	62	15	7	12	27	1	-	-	-
11 months of 1949 -----	877	191	111	226	307	29	7	5	1
January -----	77	17	11	18	29	2	-	-	-
February -----	48	8	5	13	17	2	2	1	-
March -----	71	16	8	25	18	3	-	-	1
April -----	77	19	9	17	30	2	-	-	-
May -----	75	21	8	20	22	1	1	2	-
June -----	81	12	10	23	33	3	-	1	-
July -----	86	17	3	29	32	4	-	1	-
August -----	82	23	10	11	31	5	1	1	-
September -----	82	15	14	15	36	2	-	-	-
October -----	96	19	18	29	26	1	3	-	-
November -----	102	24	15	28	33	4	-	-	-

Arrest of Sex Offenders by Los Angeles County Sheriff

<i>Year and month</i>	<i>Total</i>	<i>Rape</i>	<i>Crimes against children</i>	<i>Indecent exposure</i>	<i>Sex perversion</i>	<i>Crime against nature</i>	<i>Incest</i>	<i>Seduction</i>	<i>Adultery</i>
1948 -----	548	235	178	67	46	10	11	1	-
January -----	46	23	14	1	7	-	-	1	-
February -----	50	23	12	5	6	2	2	-	-
March -----	47	17	17	3	8	-	2	-	-
April -----	36	10	15	8	-	3	-	-	-
May -----	59	21	21	7	6	-	4	-	-
June -----	39	16	10	9	3	-	1	-	-
July -----	70	37	21	9	1	1	1	-	-
August -----	47	20	14	6	6	1	-	-	-
September -----	33	9	14	3	4	3	-	-	-
October -----	53	27	19	4	3	-	-	-	-
November -----	37	14	13	7	2	-	1	-	-
December -----	31	18	8	5	-	-	-	-	-
11 months of 1949 -----	523	250	169	61	31	6	1	3	2
January -----	41	15	17	3	6	-	-	-	-
February -----	21	10	6	1	2	2	-	-	-
March -----	40	20	12	6	1	-	-	1	-
April -----	54	21	19	10	3	-	-	1	-
May -----	43	18	17	4	3	-	-	1	-
June -----	46	21	13	7	5	-	-	-	-
July -----	43	20	17	6	-	-	-	-	-
August -----	75	38	19	7	9	2	-	-	-
September -----	45	23	15	5	1	1	-	-	-
October -----	49	25	15	8	-	1	-	-	-
November -----	66	39	19	4	1	-	1	-	2

Disposition of Los Angeles County Sheriff's Office Sex Offender Arrests

<i>Charge</i>	<i>Released, no complaint requested</i>	<i>Released to other authorities</i>	<i>Convicted of this or a lesser offense</i>	<i>Acquitted or dismissed</i>
Total, 1948 -----	57	24	398	102
Rape -----	35	16	173	50
Crimes against children--	13	7	130	35
Indecent exposure -----	3	-	48	8
Sex perversion -----	5	-	30	7
Crime against nature --	-	-	8	-
Incest -----	1	-	9	2
Other sex offenses -----	-	1	-	-
Total, 11 months of 1949--	52	18	297	76
Rape -----	34	12	124	37
Crimes against children--	11	4	113	26
Indecent exposure -----	4	1	35	6
Sex perversion -----	2	1	20	7
Crime against nature----	-	-	3	-
Other sex offenses -----	1	-	2	-

STATEMENT OF RICHARD A. McGEE

Director, Department of Corrections, State of California

STATE OF CALIFORNIA, DEPARTMENT OF CORRECTIONS

SACRAMENTO, 14, January 18, 1950

*Hon. Ralph M. Brown, Chairman**Assembly Interim Committee on Judicial System and Judicial Process**Modesto, California*

DEAR MR. BROWN: Concerning testimony given before the Sub-Committee to Investigate Sex Crimes of your Assembly Interim Committee on Judicial System and Judicial Process in San Francisco on January 14th, I am enclosing, at your request, a copy, for each member of the committee, of "Sex Offenders in California Prisons, 1945-1949" and also of an article prepared by myself on the same general subject matter in 1937.

I made certain recommendations at the hearing which for your convenience I will summarize here:

1. The staffs of the Bureau of Criminal Statistics and of the Division of Criminal Identification and Investigation of the Department of Justice should be augmented so as to permit the complete collection of data on sex offenders from the local law enforcement agencies. This data should be collected on a case basis and each arrest reported should be followed through to disposition so that a clear picture may be established for the first time of exactly how many offenses of this type occur and how they are dealt with by the various local agencies. Until this is done, it is my opinion that we are working in the dark and making an effort to cure a social ill without knowing either the nature of the disease or the extent of it. I would recommend, in this connection, that the committee discuss this matter with the heads of the two agencies mentioned above, namely, Mr. Ronald Beattie and Mr. George Brereton.

2. There is a need for medical research in the fields of psychiatry and biochemistry. The direction of this research should be, first, toward identifying potential offenders before offenses are committed, and, second, toward developing better methods of differential diagnosis for purposes of separating the dangerous offenders who should be institutionalized from the less dangerous who can be controlled and handled successfully under community supervision. Finally, the research should attempt to find cures and, if not cures, at least methods of physical and mental treatment which will result in control of the potential offender without the necessity of institutionalization.

3. Laws and machinery should be provided to insure the complete registration of all misdemeanor offenders who have molested or attempted to molest children. This can only be brought about if everyone of these individuals is fingerprinted and the fingerprints filed and classified in the State Bureau of Identification. Registration is only a partial answer to the problem and serves primarily as a tool in the hands of the police in apprehending suspects. Even here, it is not too effective because statistics presented indicate that more than half of the sex offenders sent to prison have no previous police records.

4. It is recommended that the committee take a strong position on the question of local law enforcement agencies issuing "floaters" in sex cases. This is a vicious practice in any event but it is inexcusable in connection with sex offenders. It is a common practice in cases of indecent exposure, Peeping Toms, and similar offenses, in which no actual physical violence is involved, to convict these individuals on a misdemeanor charge and then suspend sentence on the condition that the offender leave the jurisdiction. This has exactly the opposite effect from that desired because, instead of placing these persons under competent supervision so that some local agency will know at all times where the individual is living and how he is conducting himself, he is only foisted upon another community where, because of his anonymity and because of his transient condition, he is more likely than not to commit another offense. The community which issues the "floater" is likewise the victim of "floaters" from other communities. If there ever was a sample of official stupidity, the equivalent to the ostrich burying his head in the sand, this is one of the best.

5. There should be provided in connection with the probation departments in the major counties special sex clinics wherein the personnel would be carefully selected and trained in these peculiar problems. Experience with these offenders would lead us to believe that a great many of them can be adjusted by counseling and community supervision so that they can continue in the community as self-supporting citizens without being a menace to the life and welfare of others.

6. For those serious cases who have been convicted of felonies and who are committed to prison, it is recommended that a large proportion of them be confined in a separate institution. The Department of Corrections Medical Facility, authorized by the Legislature in 1945, should be activated immediately and no delay should be countenanced in the construction of the permanent institution at Vacaville. This institution is not designed exclusively for sex offenders but several hundred of them should be confined, studied, and treated in this facility. The Navy prison at Terminal Island is available on a lease basis for the temporary and immediate activation of this institution and the Department of Corrections is recommending that the State take advantage of this opportunity.

7. Some state agency or agencies, possibly the State Department of Education, should take the initiative in the preparation of materials of an educational nature to be used in police training courses, teacher training institutes, nurses' training and by social workers. Much of the hysteria and maladministration in connection with this whole problem has its root in the fact that very few of the persons charged with the responsibility for dealing with the welfare of children have any adequate understanding of what the problem is or what the defenses against it may be.

Very truly yours,

RICHARD A. MCGEE
Director of Corrections

This brief study of sex offenders in California State prisons is based on detailed statistical information on all male prisoners committed to the California prisons and incarcerated in these prisons since the beginning of the year 1945. The first section of the report shows the trend of commitments to prison from January 1, 1945, through the month of November, 1949. The second section presents an analysis of the characteristics of sex offenders received from court and is based on all prisoners admitted from the first of 1945 through June 30, 1949. The third section indicates the sentence and time served of sex offenders who have been released from California prisons on parole. This information covers all prisoners paroled from the first of 1945 through October, 1949.

Persons committed to prison for commercialized sex offenses, as pandering, are omitted from the study.

I. Trend of Commitments of Sex Offenders to Prison

The number of new prisoners committed to the California prisons from the superior courts of the State on felony charges involving sex offenses during the four years and eleven months from January 1, 1945, through November 30, 1949, was 1,078 men or 8.8 percent of the total new prisoners received during the period. This information by year is shown in Table I.

The total number of sex offenders is made up of three subgroups: 377 who were committed for rape under Penal Code Section 261; 470 committed for lewd and lascivious conduct with children under 14 years, Penal Code Section 288 (this class of cases will be referred to as L. and L. cases in this report for convenience and brevity); and 231 committed for other sex offenses, which includes 58 commitments for sodomy, Penal Code Section 286; 120 commitments for sex perversion, Penal Code Section 288a; 51 commitments for incest, Penal Code Section 285, and two commitments for the offense of annoying or molesting children, Penal Code Section 647a.

It is noted that in 1945, 11.2 percent of all men committed to prison were sex offenders. This percentage decreased very slightly each succeeding year until 1949 which shows a slight increase over the 1948. Still the 1949 percentage is less than the percentage of sex offenders for the whole five-year period. On the whole, rape accounts for about 3 percent of all commitments, L. and L. for about 4 percent, and other sex offenses about 2 percent. A decline through the whole period in relative number and proportion of rape offenses is indicated. There has been but small variation in the annual percentage of L. and L. offenses, although this percentage rose very slightly in 1949. The fact that many sex acts involving children may be charged under either Penal Code Section 261, rape, or Penal Code Section 288, L. and L., together with the fact that there has been a small increase in L. and L. and a decrease in rape, may indicate a tendency to make greater use of the L. and L. in prosecution than of rape.

II. *Characteristics of Sex Offenders Committed to Prison*

Detailed information on adult males committed to California prisons during the four and one-half year period from January 1, 1945, through June 30, 1949, is presented in the next six tables which show county or area from which committed, race, age at admission, marital status, recidivism, and intelligence rating.

There are some striking variations in the proportion of sex offenders committed from certain areas as compared to the proportion of all offenders (Table II). Los Angeles County, which contributed 34 percent of the total commitments during this period, accounted for less than 22 percent of the sex offenders. Alameda County and the seven San Joaquin Valley counties also sent a smaller proportion of sex offenders to prison than they did of all offenders. On the other hand, the other areas of the State furnished more than their proportionate share of sex offenders. The nine Southern California counties, aside from Los Angeles, accounted for almost one-fourth of all the sex offenders committed, but only 17.4 percent of all offenders. Likewise, the seven counties in the San Francisco Bay region, apart from San Francisco and Alameda Counties, committed a relatively greater proportion of sex offenders.

Concerning the type of offense, it is interesting to note that the 10 Sacramento Valley counties sentenced proportionately twice as many L. and L. cases as rape cases, whereas the seven San Joaquin counties and the other 22 counties of the State committed a much larger proportion of rape cases than of L. and L. cases.

Race

The racial composition of offenders received in prison (Table III) indicates that during the period covered 64.4 percent of all commitments were white, 12.7 percent were Mexican, and 20.7 percent negro. There are some notable differences from these in the racial make-up of those committed for sex offenses.

The white group showed a relatively low proportion committed for rape and a very high proportion for L. and L. and other sex offenses. The Mexican group had a very high proportion committed for rape. The negro group, on the other hand, showed low proportions in all types of sex offenses, actually having only 6 percent of the total L. and L. cases.

Age at Admission to Prison

Considerable variation in age is indicated among the sex offense groups and between sex offenders and all other offenders committed to prison. Table IV shows that the median age of all offenders committed was 29.3 years while for sex offenders it was 36.7 years. Within the sex offender groups, there is a wide divergence between those committed for rape and those committed for other sex offenses.

The median age for those committed for rape was 27.3 years, while this age was approximately 41 years both for L. and L. and other sex offenses, a difference of nearly 14 years. Obviously, it is a much older group that is engaged in the latter types of offenses. This same observation restated is that over 41 percent of all those committed for rape were under the age of 25 years at the time of admission to prison. Less than 10 percent of the L. and L. cases and only 11 percent of the other sex cases were under the age of 25 when committed.

Table I—Sex Offenses by Year
 Adult Male Prisoners Received by California Prisons From Superior Courts
 January 1, 1945, Through November 30, 1949

<i>Offense</i>	<i>Total 4 yrs. 11 mos.</i>		<i>1945</i>		<i>1946</i>		<i>1947</i>		<i>1948</i>		<i>1949 11 mos.</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total received	12,258	100.0	1,939	100.0	2,215	100.0	2,727	100.0	2,852	100.0	2,525	100.0
Total sex offenders	1,078	8.8	218	11.2	204	9.2	238	8.7	204	7.2	214	8.5
Rape	377	3.1	75	3.9	85	3.8	93	3.4	68	2.4	56	2.2
Lewd and lascivious conduct	470	3.8	94	4.8	70	3.2	103	3.8	101	3.6	102	4.1
All other	231	1.9	49	2.5	49	2.2	42	1.5	35	1.2	56	2.2

Table II—County or Area From Which Committed and Sex Offenses
 Adult Male Prisoners Received From Court
 January 1, 1945, Through June 30, 1949

<i>County or area of commitment</i>	<i>Total commitments</i>		<i>Total sex</i>		<i>Rape</i>		<i>L. and L. conduct</i>		<i>Other sex</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total	11,158	100.0	972	100.0	345	100.0	421	100.0	206	100.0
Southern California	5,743	51.5	447	46.0	163	47.4	193	45.9	91	44.2
Los Angeles County	3,801	34.1	211	21.7	83	24.1	88	20.9	40	19.4
Nine others	1,942	17.4	236	24.3	80	23.2	105	25.0	51	24.8
San Francisco Bay Region	2,237	20.0	230	23.7	75	21.7	110	26.1	45	21.8
San Francisco County	873	7.8	88	9.1	24	7.0	41	9.7	23	11.1
Alameda County	634	5.7	40	4.1	17	4.9	17	4.0	6	2.9
Seven other counties	730	6.5	102	10.5	34	9.8	52	12.4	16	7.8
Balance of State	3,178	28.5	295	30.3	107	31.0	118	28.0	70	34.0
Sacramento Valley, 10 counties	884	7.9	102	10.5	22	6.4	54	12.8	26	12.6
San Joaquin Valley, 7 counties	1,642	14.7	116	11.9	48	13.9	37	8.8	31	15.1
Rest of State, 22 counties	652	5.9	77	7.9	37	10.7	27	6.4	13	6.3

Table III—Race and Sex Offenses
Adult Male Prisoners Received From Court
January 1, 1945, Through June 30, 1949

<i>Race</i>	<i>Total commitments</i>		<i>Total sex</i>		<i>Rape</i>		<i>L. and L. conduct</i>		<i>Other sex</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total -----	11,158	100.0	972	100.0	345	100.0	421	100.0	206	100.0
White -----	7,181	64.4	694	71.4	189	54.8	344	81.7	161	78.1
Mexican -----	1,420	12.7	156	16.0	93	26.9	43	10.2	20	9.7
Negro -----	2,313	20.7	99	10.2	52	15.1	25	6.0	22	10.7
Other -----	244	2.2	23	2.4	11	3.2	9	2.1	3	1.5

Table IV—Age at Admission and Sex Offenses
Adult Male Prisoners Received From Court
January 1, 1945, Through June 30, 1949

<i>Age in years</i>	<i>Total commitments</i>		<i>Total sex</i>		<i>Rape</i>		<i>L. and L. conduct</i>		<i>Other sex</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total -----	11,158	100.0	972	100.0	345	100.0	421	100.0	206	100.0
Under 20 -----	583	5.2	43	4.4	32	9.3	5	1.2	6	2.9
20-24 -----	3,061	27.4	163	16.8	111	32.2	35	8.3	17	8.2
25-29 -----	2,250	20.2	127	13.1	63	18.3	50	11.9	14	6.8
30-34 -----	1,599	14.3	107	11.0	46	13.3	40	9.5	21	10.2
35-39 -----	1,268	11.4	137	14.1	29	8.4	71	16.9	37	18.0
40-49 -----	1,624	14.6	230	23.6	46	13.3	115	27.3	69	33.5
50-59 -----	572	5.1	101	10.4	11	3.2	61	14.5	29	14.1
60 and over -----	201	1.8	64	6.6	7	2.0	44	10.4	13	6.3
Median age -----	29.3	-	36.7	-	27.3	-	40.8	-	41.0	-

Marital Status

Information on marital status has its limitations, as it records only the status of the prisoner at the time of commitment and does not disclose the relative degree of family and marital stability or instability which may have occurred in each offender's case. Nevertheless, these limited data on marital status do show some interesting facts regarding sex offenders.

In Table V it is seen that more men classified as divorced, separated, or widowed are to be found in the L. and L. cases; and, on the other hand, more single or married men are rape cases. For the group of 206 cases of other sex offenses, those classed as single predominated.

Recidivism

Considerable information on prior criminal record of all persons committed to California prisons is kept in the statistical system. This information (Table VI) points out for sex offenders the number of persons committed to prison who had no record of a prior commitment to any penal institution, those who had a record of prior commitment to jail or a juvenile institution, those that had one prior commitment to prison, and those who had two or more prior commitments to prison.

From the data in Table VI, it is seen that the sex offenders are on the whole a group with much less recidivism than are the other types of offenders. In fact, the proportion of persons committed to prison for sex offenses who had no prior record of commitment is over 50 percent, whereas for all men committed it was only 26 percent.

Intelligence

During the four and one-half year period covered by this section of the study, nearly everyone received at prison was tested for an intelligence rating. The tests used and the conditions under which the tests were administered have not always been consistent, so that too much reliability should not be placed on information relating to the specific intelligence ratings. However, for a large group of cases and for the main intelligence classifications, it is believed that the ratings do have general value.

Table VII presents the information on intelligence rating for the sex offenders as well as for all offenders. For the total sex offender group there is very little difference in the intelligence ratings recorded as compared with the results for all offenders. However, as between the types of sex offenders, it is to be noted that those committed for L. and L. and other sex offenses show a definitely higher intelligence rating than those committed for rape.

Table V—Marital Status and Sex Offenses
Adult Male Prisoners Received From Court January 1, 1945, Through June 30, 1949

<i>Marital status</i>	<i>Total commitments</i>		<i>Total sex</i>		<i>Rape</i>		<i>L. and L. conduct</i>		<i>Other sex</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total	11,158	100.0	972	100.0	345	100.0	421	100.0	206	100.0
Single	4,143	37.2	336	34.6	120	34.8	123	29.2	93	45.1
Married	3,703	33.2	377	38.8	160	46.4	153	36.4	64	31.1
Divorced	1,637	14.7	134	13.8	32	9.3	71	16.9	31	15.0
Separated	1,298	11.6	81	8.3	24	6.9	41	9.7	16	7.8
Annulled	81	0.7	8	0.8	4	1.2	3	0.7	1	0.5
Widowed	296	2.6	36	3.7	5	1.4	30	7.1	1	0.5

Table VI—Recidivism and Sex Offenses
Adult Male Prisoners Received From Court January 1, 1945, Through June 30, 1949

<i>Recidivism</i>	<i>Total commitments</i>		<i>Total sex</i>		<i>Rape</i>		<i>L. and L. conduct</i>		<i>Other sex</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total	11,158	100.0	972	100.0	345	100.0	421	100.0	206	100.0
No prior	2,918	26.1	507	52.2	184	53.3	227	53.9	96	46.6
Misdemeanor or previous juvenile	4,149	37.2	260	26.7	105	30.5	102	24.2	53	25.7
1 prison	2,296	20.6	139	14.3	46	13.3	60	14.3	33	16.0
2 or more prison	1,795	16.1	66	6.8	10	2.9	32	7.6	24	11.7

Table VII—Intelligence and Sex Offenses
Adult Male Prisoners Received From Court January 1, 1945, Through June 30, 1949

<i>Intelligence</i>	<i>Total commitments</i>		<i>Total sex</i>		<i>Rape</i>		<i>L. and L. conduct</i>		<i>Other sex</i>	
	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>	<i>Number</i>	<i>Percent</i>
Total	11,158	--	972	--	345	--	421	--	206	--
No rating	226	--	13	--	3	--	6	--	4	--
Total rated	10,932	100.0	959	100.0	342	100.0	415	100.0	202	100.0
Superior, 120 and over	826	7.5	80	8.3	18	5.3	41	9.8	21	10.4
High average, 110-119	1,897	17.4	137	14.3	40	11.7	63	15.2	34	16.8
Average, 90-109	4,829	44.2	434	45.2	140	40.9	204	48.2	90	44.6
Low average, 80-89	1,955	17.9	177	18.5	79	23.1	60	14.5	38	18.8
Borderline, 68-79	929	8.5	87	9.1	40	11.7	32	7.7	15	7.4
Defective, under 68	496	4.5	44	4.6	25	7.3	15	3.6	4	2.0

III. *Sentence and Time Served in Prison Before Parole for Sex Offenders*

Information on sentence and time served is available for all sex offenders paroled from January 1, 1945, through October 31, 1949, a period of four years and ten months. Table VIII shows the distribution of persons released on parole for the first time for these factors and for type of sex offense. For each offense and for both time served before parole and for sentence there is shown the median (the middle case of the distribution, 50 percent of the cases being lower and 50 percent higher) and the range of values for the middle 80 percent of the cases. Inasmuch as there are always a few extraordinary cases, it has been found that the range of the middle 80 percent, omitting the 10 percent at both ends, presents a very usable comparison of distributions.

For those committed for rape the median sentence was 10 years and for the middle 80 percent the sentence ranged from 5 to 20 years. The median time served before parole was 36.3 months, and for the middle 80 percent ranged from 18 to 91 months. The assault to rape cases although having different statutory limits show sentences and periods of time served very similar to the rape cases. On the other hand, L. and L. cases have larger sentences and also periods of time served. The median sentence in L. and L. cases was 12 years. The range of the middle 80 percent was from 7 to 20 years. The median time served by L. and L. cases was 44.4 months. It will be noted that incest cases showed sentences as severe as the L. and L. cases and more time served before parole. Offenders charged with sodomy and sex perversion had both the shortest sentences and time served before parole. This would be expected as the statutory range for these offenses is considerably lower than for rape, L. and L., and incest.

Table VIII—Sentence and Time Served in Prison Before Parole for Sex Offenders
 January 1, 1945, Through October 31, 1949
 (Sentence in Years and Time Served in Months)

<i>Item</i>	<i>Rape</i>		<i>Assault to Rape</i>	<i>L. and L. Conduct</i>		<i>Sodomy</i>	<i>Sex Perversion</i>	<i>Incest</i>
	<i>Number</i>	<i>Percent</i>		<i>Number</i>	<i>Percent</i>			
SENTENCE IN YEARS								
Statutory limits -----	0-50	—	0-20	1-Life	—	1-10 yr.	1-15 yr.	0-50 yr.
Total -----	234	100.0	45	336	100.0	43	92	40
Less than 5 years -----	14	6.0	—	1	0.3	4	8	—
5 years -----	17	7.3	4	12	3.6	9	12	—
6 years -----	23	9.8	3	12	3.6	4	8	—
7 years -----	15	6.4	6	17	5.0	5	11	2
8 years -----	21	9.0	6	29	8.6	5	11	—
9 years -----	8	3.4	2	7	2.1	2	3	—
10-14 years -----	75	32.0	18	167	49.7	14	31	21
15-19 years -----	32	13.7	4	57	17.0	—	8	14
20 years and over -----	29	12.4	2	34	10.1	—	—	3
Median -----	10	—	10	12	—	7	8	12
Range middle 80% -----	5-20	—	6-15	7-20	—	5-10	5-14	10-18
TIME IN PRISON BEFORE PAROLE IN MONTHS								
Total -----	234	100.0	45	336	100.0	43	92	40
12-23 months -----	48	20.5	9	24	7.1	11	21	—
24-35 months -----	63	26.9	13	64	19.1	14	29	10
36-47 months -----	42	17.9	7	98	29.2	9	14	10
48-59 months -----	30	12.8	9	66	19.6	5	13	10
60-71 months -----	13	5.6	3	30	8.9	3	6	3
72-83 months -----	13	5.6	—	17	5.1	—	4	4
84-95 months -----	7	3.0	2	9	2.7	1	1	—
96 months and over -----	18	7.7	2	28	8.3	—	4	3
Median -----	36.3	—	37.0	44.4	—	30.3	32.5	46.5
Range middle 80% -----	18-91	—	20-67	25-86	—	19-58	19-71	31-81

**SUMMARY OF REGISTRATION SUBMITTED BY FRED N. HOWSER,
ATTORNEY GENERAL**

Under Section 290 Penal Code, by County and City

Table A—290 PC Registrations (By County and City) Received as of 11-16-49

Alameda	31	Riverside	6
Oakland	60	Sacramento	13
Alpine	0	San Benito	0
Amador	0	San Bernardino	8
Calaveras	0	San Diego County	22
Colusa	0	San Diego City	39
Contra Costa	9	San Francisco	91
El Dorado	0	San Joaquin	11
Fresno	12	San Mateo	35
Humboldt	2	Santa Barbara	31
Imperial	0	Santa Clara	21
Inyo	1	Santa Cruz	12
Kern	5	Shasta	2
Kings	0	Sierra	0
Lake	0	Siskiyou	0
Lassen	0	Solano	0
Los Angeles County	108	Sonoma	0
Long Beach	48	Stanislaus	0
Los Angeles City	102	Sutter	1
Madera	2	Tehama	0
Marin	7	Trinity	0
Mariposa	0	Tulare	3
Mendocino	2	Tuolumne	0
Merced	1	Ventura	2
Modoc	0	Yolo	1
Mono	0	Yuba	4
Monterey	15	Outside of California	
Napa	5	Ohio	1
Nevada	0	Oklahoma	1
Orange	4	Nevada	1
Placer	0		
Plumas	0	Total	719

Table B—290 PC Registrations Submitted

POLICE DEPARTMENTS			
	<i>To date (12-1-49)</i>		<i>To date (12-1-49)</i>
Alameda	2	Belvedere	0
Albany	5	Benicia	0
Alhambra	7	Berkeley	7
Alturas	0	Beverly Hills	3
Alviso	0	Biggs	0
Anaheim	0	Bishop	0
Angels Camp	0	Blue Lake	0
Antioch	0	Blythe	0
Arcadia	0	Brawley	0
Arcata	0	Brea	0
Arroyo Grande	0	Brentwood	0
Atherton	0	Burbank	4
Atwater	0	Burlingame	4
Auburn	0	Calexico	0
Avalon	0	Calipatria	0
Azusa	2	Calistoga	0
Bakersfield (see Kern County combined bureau)	0	Capitola	0
Banning	0	Carmel	0
Barstow	0	Ceres	0
Beaumont	0	Chico	0
Bell	1	Chino	0
Belmont	0	Chowchilla	0
		Chula Vista	0

Table B—290 PC Registrations Submitted—Continued

	<i>To date (12-1-49)</i>		<i>To date (12-1-49)</i>
Claremont	0	Hercules	0
Cloverdale	0	Hermosa Beach	1
Clovis	0	Hillsborough	0
Coachella	0	Hollister	0
Coalinga	1	Holtville	0
Colfax	0	Huntington Beach	0
Colma	0	Huntington Park	0
Colton	0	Imperial	0
Colusa	0	Indio	0
Compton	3	Inglewood	5
Concord	0	Isleton	0
Corcoran	0	Jackson	0
Corning	0	Kensington Police Protection District, Berkeley	0
Corona	0	Kerman	0
Coronado	2	King City	0
Corte Madera	0	Kingsburg	0
Covina	0	Laguna Beach	0
Crescent City	0	La Habra	0
Culver City	0	Lakeport	0
Daly City	0	La Mesa	0
Davis	0	Larkspur	0
Delano	0	La Verne	0
Dinuba	0	Lemoore	0
Dixon	0	Lincoln	0
Dorris	0	Lindsay	0
Dos Palos	0	Live Oak	0
Dunsmuir	0	Livermore	0
El Cajon	1	Livingston	0
El Centro	0	Lodi	0
El Cerrito	2	Lompoc	1
El Monte	0	Long Beach	62
El Segundo	0	Los Angeles	112
Elsinore	0	Los Banos	0
Emeryville	0	Los Gatos	0
Escondido	0	Loyalton	0
Etna	0	Lynwood	3
Eureka	2	Madera	0
Exeter	0	Manhattan Beach	0
Fairfax	0	Manteca	0
Fairfield	0	Maricopa	0
Ferndale	0	Martinez	0
Fillmore	0	Marysville	4
Firebaugh	0	Maywood	2
Folsom	0	Mendota	0
Fort Bragg	1	Menlo Park	0
Fort Jones	0	Merced	0
Fortuna	0	Millbrae	0
Fowler	0	Mill Valley	0
Fresno (see Fresno County, combined bureau)	0	Modesto (see Stanislaus County, combined bureau)	0
Fullerton	0	Monrovia	1
Galt	0	Montague	0
Gardena	0	Montebello	1
Gilroy	0	Monterey	0
Glendale	15	Monterey Park	0
Glendora	0	Morgan Hill	0
Gonzales	0	Mountain View	0
Grass Valley	0	Mount Shasta	0
Greenfield	0	Napa	5
Gridley	0	National City	0
Guadalupe	0	Needles	0
Gustine	1	Nevada City	0
Hanford	0	Newman	0
Hawthorne	1	Newport Beach	2
Hayward	2	North Sacramento	0
Healdsburg	0		
Hemet	0		

Table B—290 PC Registrations Submitted—Continued

	<i>To date (12-1-49)</i>		<i>To date (12-1-49)</i>
Oakdale	0	San Luis Obispo	0
Oakland	34	San Marino	0
Oceanside	3	San Mateo	5
Ojai	0	San Pablo	0
Ontario	3	San Rafael	0
Orange	0	Santa Ana	3
Orange Cove	0	Santa Barbara	24
Orland	0	Santa Clara	0
Oroville	0	Santa Cruz	0
Oxnard	0	Santa Maria	1
Pacific Grove	0	Santa Monica	4
Palm Springs	0	Santa Paula	0
Palo Alto	2	Santa Rosa	0
Palos Verdes Estates	0	Sausalito	0
Parlier	0	Seal Beach	0
Pasadena	6	Sebastopol	0
Paso Robles	0	Selma	0
Patterson	0	Shafter	0
Perris	0	Sierra Madre	0
Petaluma	0	Signal Hill	3
Piedmont	0	Soledad	0
Pinole	0	Sonoma	0
Pismo Beach	0	Sonora	0
Pittsburg	1	South Gate	2
Placentia	0	South Pasadena	0
Placerville	0	South San Francisco	2
Pleasanton	0	Stockton (see San Joaquin County, combined bureau)	0
Plymouth	0	Suisun	0
Pomona	0	Sunnyvale	0
Point Arena	0	Susanville	0
Porterville	0	Sutter Creek	0
Portola	0	Taft	0
Port Hueneme	0	Tehachapi	0
Red Bluff	0	Tehama	0
Redding	1	Torrance	2
Redlands	0	Tracy	1
Redondo Beach	3	Trinidad	0
Redwood City	5	Tulare	0
Reedley	0	Tulelake	0
Rialto	0	Turlock	0
Richmond	3	Tustin	0
Ripon	0	Ukiah	0
Rio Vista	0	Upland	0
Riverbank	0	Vacaville	0
Riverside (see Riverside County, combined bureau)	0	Vallejo	0
Rocklin	0	Ventura	0
Roseville	0	Vernon	0
Ross	0	Visalia	0
Sacramento	11	Walnut Creek	0
Saint Helena	0	Wasco	0
Salinas	0	Watsonville	3
San Anselmo	0	Weed	0
San Bernardino	2	West Covina	0
San Bruno	1	Westmoreland	0
San Carlos	0	Wheatland	0
San Clemente	0	Whittier	1
San Diego	38	Williams	0
San Fernando	0	Willits	0
San Francisco	101	Willows	0
San Gabriel	0	Winters	0
Sanger	0	Woodlake	1
San Jacinto	0	Woodland	0
San Joaquin	0	Yreka	0
San Jose	18	Yuba City	0
San Juan Bautista	0		
San Leandro	0	Total	549

Table B—290PC Registrations Submitted—Continued

SHERIFFS' OFFICES			
	<i>To date</i> <i>(12-1-49)</i>		<i>To date</i> <i>(12-1-49)</i>
Alameda	42	Plumas	0
Alpine	0	Riverside	6
Amador	0	Sacramento	3
Butte	0	San Benito	0
Calaveras	0	San Bernardino	6
Colusa	0	San Diego	20
Contra Costa	3	San Francisco (See San Fran-	
Del Norte	0	cisco Police Department)	0
El Dorado	0	San Joaquin	12
Fresno	12	San Luis Obispo	0
Glenn	0	San Mateo	17
Humboldt	0	Santa Barbara	6
Imperial	0	Santa Clara (See San Jose Police	
Inyo	1	Department, combined bureau)	0
Kern	5	Santa Cruz	10
Kings	1	Shasta	1
Lake	0	Sierra	0
Lassen	0	Siskiyou	0
Los Angeles	54	Solano	2
Madera	2	Sonoma	0
Marin	4	Stanislaus	0
Mariposa	0	Sutter	0
Mendocino	0	Tehama	0
Merced	0	Trinity	0
Modoc	0	Tulare	2
Mono	0	Tuolumne	0
Monterey	14	Ventura	1
Napa	1	Yolo	0
Nevada	0	Yuba	1
Orange	1		
Placer	0	Total	226
Total Sheriffs' and Chiefs of Police			775

**Table C—Summary of Sex Crimes Reported by California Sheriffs' Offices and Police Departments
1946-1949**

The material presented in the table below was specifically submitted for the Governor's Sex Crime Conference within the past four days by California Sheriffs and Chiefs of Police.

Because of the necessary time limitations and consequent lack of uniformity and completeness of the data, the information herein should be considered as a partial sampling of the sex crime situation as reflected by the records of some of the law enforcement agencies of California.

Subject to the specified limitations, it is felt that the information concerning number of arrests will be of interest; despite the lack of information from all law enforcement agencies in California, it represents the most accurate summary currently available to this division.

	1946	1947	1948	1949	Totals	Combined sheriff's offices and police departments 1946-49
Sheriff's offices (30 out of 58 counties reporting)						
All sex crime arrests-----	594	784	676	763	2,817	18,725
Felony arrests-----	368	473	402	459	1,702	8,390
Misdemeanor arrests-----	226	311	274	304	1,115	10,335
All sex crime convictions-----	284	362	315	402	1,363	4,903
Felony convictions-----	168	208	171	238	785	1,668
Misdemeanor convictions-----	116	154	144	164	578	3,235
Police departments (43 out of 305 cities reporting)						
All sex crime arrests-----	3,571	3,563	4,457	4,298	15,908*	
Felony arrests-----	1,581	1,812	1,814	1,472	6,688*	
Misdemeanor arrests-----	1,990	1,751	2,643	2,826	9,220*	
All sex crime convictions-----	1,024	917	922	665	3,540*	
Felony convictions-----	203	242	244	190	883*	
Misdemeanor convictions-----	821	675	678	475	2,657*	

* Includes data from one department not segregated by year which was added to final totals.

NOTE

1 Some sheriff's offices specified reporting included statistics for police departments within the same county, either partially or covering all items listed above. Accordingly an effort was made to avoid duplication of these items and accounts for some variance in arrests and convictions credited to agencies reporting.

2 Table includes arrests in the City of Los Angeles but does not include convictions in that jurisdiction.

3. Data is included for eight cities in Los Angeles County but does not include figures summarizing the entire county.

4. In most instances, information for 1949 covers the period January 1st to December 1st.

DISCUSSION ON THE CALIFORNIA LAWS FOR SEXUAL PSYCHOPATHS AND MENTALLY ABNORMAL SEX OFFENDERS SUBMITTED BY ATTORNEY GENERAL FRED N. HOWSER

Sexual Psychopaths

Chapter 4, Division 6, Part 1 of the Welfare and Institutions Code, Sections 5500-5518, deals with sexual psychopaths.

These sections provide that a sexual psychopath is any person who is affected, in a form predisposing to the commission of sexual offenses, and in a degree constituting him a menace to the health and safety of others with any of the following conditions: Mental disease or disorder; psychopathic personality; marked departures from normal mentality.

Sections 5501 and 5502 provide for a hearing on the allegation of sexual psychopathy. This allegation is made by affidavit to the judge when a person has been charged with a crime. The hearing is had only after adjudication of the charge and after it appears to the satisfaction of the court that there is probable cause for believing the defendant is a sexual psychopath. The court may then adjourn the proceeding or suspend the sentence and proceed with the hearing. If, after the hearing, the

court finds there is sufficient cause to believe the person is a sexual psychopath, he must make an order committing the person to the Department of Mental Hygiene for placement in a state hospital designated by the court for an indeterminate period, but if after examination and hearing the judge is in doubt, he must order the person to be committed to the Department of Mental Hygiene for placement in a state hospital designated by the court for observation and diagnosis for a period not to exceed ninety days and the order must also provide that the superintendent shall report to the court his diagnosis and recommendations concerning such person within the ninety-day period. The superintendent must within ninety days examine the person and forward to the committing court a report, diagnosis and recommendation.

If the superintendent reports to the court that the person is not a sexual psychopath, the person is returned to the court for further disposition of his case, but if he reports that the person is a sexual psychopath and would benefit by treatment in a state hospital which is not available in a penal institution to which the person would otherwise go, the court then orders the return of the person to court and may accept the report of the superintendent, if verified, in lieu of testimony of court-appointed psychiatrists, or may consider the report as additional evidence.

A further hearing is then held and the court may then make an order committing the person to the department for placement in a state hospital designated by the court for an indeterminate period.

If a person has been committed as a sexual psychopath, and if the superintendent believes that the party has recovered and is no longer a menace to the health and safety of others, or if the superintendent believes that the person will not benefit by further care and treatment in the hospital and is not a menace to the health and safety of others, or if the superintendent believes that the person has not recovered and is still a menace to the health and safety of others, the superintendent and Director of Mental Hygiene must certify their opinion to the committing court including a report, diagnosis and recommendation concerning the person's future care, supervision or treatment.

If the opinion of the superintendent and director is that the person has recovered or will not benefit by further treatment and is not a menace to the health and safety of others, the person must be returned to the court for further proceedings under the criminal charge. After considering all the evidence, the court may place the person on probation for a period of not less than five years if the criminal charge permits probation and the person is otherwise eligible. But if the opinion of the superintendent and the director is that the person is not recovered and is a menace, the person must be returned to court and if the court is satisfied that the person has not recovered and is still a menace, the court must order the recommitting of the person for an indeterminate period to the Department of Mental Hygiene for placement in a state institution for the care and treatment of such sexual psychopath. At this hearing the person shall be entitled to present witnesses in his own behalf, to be represented by counsel and to cross-examine witnesses against him.

Hearing on alleged sexual psychopathy, i.e., the original hearing, is upon notice given to the relatives of the apprehended person and the judge appoints not less than two nor more than three psychiatrists with specific qualifications to make a personal examination. These psychiatrists

must file with the court a written report of the results of that examination, together with their conclusions and recommendations. They must also testify at the hearing. The alleged sexual psychopath is entitled to a jury trial and to representation by an attorney.

By a 1949 amendment (Welfare and Institutions Code, Section 5518) an institutional unit may now be set up on the grounds of state institutions to be used for the custody and treatment of sexual psychopaths. Persons who have been recommitted shall be delivered to such institutional units or institutions and shall remain there until they are no longer a menace to the health and safety of others whereupon they may be released as set forth above.

Mentally Abnormal Sex Offenders

Another 1949 amendment to the Welfare and Institutions Code adds Sections 5600-5607 dealing with mentally abnormal sex offenders. A mentally abnormal sex offender is defined as any person who is not mentally ill or mentally defective, and who, by an habitual course of misconduct in sexual matters, has evidenced an utter lack of power to control his sexual impulses and who, as a result, is likely to attack or otherwise inflict injury, loss, pain or other evil upon the objects of his uncontrolled and uncontrollable desires.

Proceedings under these provisions are instituted by a petition made only by the parent, spouse or child of the person affected or the person himself. The petition must allege that the person named therein is a mentally abnormal sex offender in need of care and treatment, must ask that provisions be made for the welfare of such person, and must state the reasons for believing the person is a mentally abnormal sex offender and in need of care; it must be accompanied by the written consent of the person himself voluntarily requesting an examination and a hearing by the court, and must also be accompanied by a written statement of at least one medical examiner stating that in his opinion the person is a mentally abnormal sex offender and recommending the examination of such person.

Hearing is then had after notice to the person under the same rules which govern the hearing for sexual psychopaths. After examination and hearing, the judge may either order that the person be committed to the Department of Mental Hygiene for placement in a hospital designated by the court for a period not to exceed two years or he may dismiss the petition. The superintendent of the state hospital may at any time after admission discharge such person or grant him a leave of absence upon such terms and conditions as he deems proper. Proceedings under this chapter may not be filed by or in behalf of any person against whom a criminal charge has been made unless the charge has been prosecuted to final judgment.

STATEMENT OF A. ALAN POST

Legislative Auditor

LEGISLATIVE BUDGET COMMITTEE, CALIFORNIA LEGISLATURE
STATE CAPITOL, SACRAMENTO, CALIFORNIA
January 13, 1950*Honorable Ralph M. Brown*
Assemblyman, Thirtieth District
Modesto, California

DEAR ASSEMBLYMAN BROWN: In accordance with your request, there are attached seven copies of a report on the Medical Facility at Vacaville, the proposed Medical Facility at Terminal Island, the proposed Atascadero State Hospital and existing mental hygiene facilities for insane persons with criminal tendencies.

This report outlines legislative authorization of the various facilities, background data relating to the purposes and history of the facilities, a statement of general program and physical properties, appropriations and expenditures to date and a classification of certain psychiatric patients. In the statement relating to the Medical Facility at Vacaville, there is a statement of the total cases in the correctional institutions who are classified as psychotic. There is also included in the report on the Medical Facility at Vacaville a table of the adult male prisoners resident in California State Prisons as of June 30, 1949, who were committed as sex offenders.

Sincerely yours,

A. ALAN POST
Legislative Auditor**Medical Facility at Vacaville***Legislative Authorization and Background Data*

The establishment of a specialized institution for prisoners who are psychiatric cases has been provided for by the passage of Sections 2680, 2681, 2682, and 2683 of the California Penal Code which authorized the former Board of Prison Directors to establish a psychopathic hospital in a suitable building within the walls of one or more of the state prisons and to equip and staff such hospital.

No specialized institution has ever been constructed pursuant to these statutes, although a psychiatrist was employed at San Quentin. At the Special Session of the Legislature in January, 1944, Section 6028 of the Penal Code was passed directing the Board of Corrections to study and make recommendations to the Legislature and the Governor concerning the establishment by or the transfer to the Department of Corrections of a state hospital for the custody, care and treatment of the criminal insane and narcotic addicts.

In June, 1944, the Governor requested the Surgeon General of the United States Public Health Service to make such a study. This study was made by Dr. Lawrence Kolb, then Chief of the Mental Hygiene Division of the United States Public Health Service, and now Medical Deputy Director, California State Department of Mental Hygiene. A report with recommendations was made by Doctor Kolb and is contained in a published report of the United States Public Health Service entitled, "Report on the Needs of California for a Psychopathic Hospital in the Department of Corrections." Included in the recommendations of Doctor Kolb is one which states that there is no need in California for a number of separate special institutions for the care of mentally abnormal adult male prisoners due to the insufficient size of the prison population and because prisoners can be better and more economically treated in a properly organized single institution. Accordingly, it was recommended that such an institution be built for males and that it should be operated by the Department of Corrections and named the Department of Corrections' Medical Center. It was further recommended that this institution

should be designed to take care of the insane, mentally deficient, epileptics, drug addicts, and a certain portion of other types of abnormal prisoners including psychopaths and sex offenders. It should also have provision for the care and treatment of prisoners with chronic physical illnesses, including tubercular prisoners. The report recommended, however, that in actual practice it would be found desirable to leave some of the insane and many other types of abnormal prisoners at the main state prisons.

The report recommended that this separate institution should provide for the care and treatment of 1,200 to 1,800 adult male prisoners who require psychiatric treatment or long-term medical care.

Since the writing of this report in 1944, there has been a rapid increase in the population of the state prisons and the Legislature has authorized the establishment of four penal and correctional institutions for adult males, in addition to the existing maximum security institution at Folsom, the close custody institution at San Quentin and the minimum custody institution at Chino. Besides the medical facility at Vacaville, the Legislature has authorized the establishment of a medium security institution at Soledad, a vocational institution for youthful offenders at Tracy and an additional medium security prison in Southern California. These institutions are planned to provide for additional capacities as indicated in Exhibit A. The Medical Facility at Vacaville is scheduled to have a capacity of 1,200 available in 1953.

All of the above cited sections of the Penal Code have since been repealed. Subsequently, the 1945 Session of the Legislature passed S. B. 198, now incorporated in Sections 5003, 6100, 6101, 6102, 6103, 6104, 6105, 6106, and 6107 of the Penal Code providing basic enabling legislation for establishing the Medical Facility in the Department of Corrections.

Section 1755.5 of the Welfare and Institutions Code permits the Youth Authority to transfer superior court cases who are wards of the Youth Authority to the Medical Facility or to the reception center at Chino without having the effect of changing the youths' status with respect to their criminal record.

Section 6101 of the Penal Code provided that the Medical Facility should be located in the northern part of the State, and accordingly, a site for the Medical Facility was purchased near Vacaville.

Two matters of consideration which were put forth at the time it was determined the Medical Facility should be located in Northern California were: (1) That a Northern California reception center should be provided to balance the Southern California reception center to be established at Chino, and (2) that the institution would be advantageously located near the medical school of the University of California.

Appropriations and Expenditures

The Budget Act of 1945 appropriated \$300,000 for the purchase of a site and in 1947, the State acquired the main portion of the land near Vacaville, one and one-half miles south of U. S. Highway 40. Additional smaller adjoining parcels were acquired in the spring of 1948 bringing the total acquired to 910 acres. Of the \$300,000 appropriated, \$264,217.91 has been expended for acquisition of a site.

The 1950-51 Budget is requesting \$10,395,702 for construction of the major portion of the Medical Facility.

The 1949-50 Budget provided \$14,040 for the initial support including the employment of a superintendent to assist with the planning of the new facility and to deal with certain phases of the existing problem at Folsom and San Quentin.

Proposed General Program and Physical Facilities

The proposed Medical Facility at Vacaville is designed to: (1) Relieve overcrowding in the prisons, (2) relieve the problem of an excessive number of medical cases in the existing prisons, and (3) provide an improved treatment program for those segregated in the new institution.

The Medical Facility is planned to provide for care and treatment of all chronic medical cases and mentally deranged, defective and psychopathic individuals under the jurisdiction of the Department of Corrections. Segregation of inmates is planned as follows:

(1)	Psychotics -----	600
(2)	Epileptics -----	75
(3)	Sexual psychopaths -----	150
(4)	Drug addicts -----	75
(5)	Tuberculars -----	75
(6)	Acute medical and surgical -----	100
(7)	Chronic alcoholics and psychoneurotic -----	125
(8)	Workers -----	100
Total -----		1,300

The buildings are planned to have maximum security fences and guard towers enclosing the building group. There will be included a reception center identical to that to be established in Southern California except that the capacity shall be increased to 450 in two outside and three inside cell blocks. The reception center shall receive all newly convicted felons committed to the Adult Authority in Northern California, including youths over 18 who are not juvenile court cases. All parole violators will be returned to the reception center. The main function of the reception center will be reception, diagnosis and classification and the average stay will be 60 days. The construction will be permanent in nature, to be of reinforced concrete.

The present schedule for planning and construction calls for two and one-half to three years after appropriation of capital funds.

Ratio of Mental Cases in Prison Population

The percentage of total penal cases who can be classified as psychotic is subject to psychiatric definition. It is the estimate of the Department of Corrections that an analysis of the present prison population as it passes through the guidance center indicates that approximately 15 percent of the total group have a mental or physical condition which would warrant their being segregated and treated in a special medical institution. The Department of Corrections, however, states that if all chronic alcoholics, drug addicts, psycho-neurotics and aggressive criminal psychopaths are included in the classification of mental cases, the proportion would be closer to 85 percent. The department, however, does not propose that it is either necessary or desirable to segregate all of the latter classes in a medical type institution such as Vacaville.

The Department of Corrections has established a classification system which is comprised of several procedures. First, there is a classification committee established in each institution which operates under the provisions of the Department of Corrections' Classification Manual. Secondly, there is a guidance center or diagnostic and psychiatric clinic located at San Quentin as provided for in Section 5079 of the Penal Code. Upon admittance, prisoners are retained under the jurisdiction of the guidance center for 60-80 days.

**Adult Male Prisoners Resident in California State Prisons as of June 30, 1949
Who Were Committed as Sex Offenders**

	<i>Total</i>	<i>Rape</i>	<i>L & L conduct</i>	<i>All other</i>
Total -----	907	302	427	178
San Quentin -----	537	197	248	92
Chino -----	92	24	51	17
Folsom -----	198	60	93	45
Soledad -----	30	11	12	7
Lancaster -----	2	1	1	0
Guidance Center -----	48	9	22	17

**Planned Capacities of Institutions and Camps Showing Emergency (Temporary) Capacities
as of June 30, 1950 to 1956 (Also October 31, 1949)
(Revised December 20, 1949)**

		Location	1949 (10-31-49)	1950	1951	1952	1953	1954	1955	1956
California Institution for Men.....	Permanent.....	Chino.....	668	668	1,068	1,068	1,068	1,068	1,068	1,068
	Emergency.....	Chino.....	632	632	332	332	332	332	332	332
California State Prison.....	Permanent.....	Folsom.....	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750
	Emergency.....	Folsom.....	997	1,050						
California State Prison.....	Permanent.....	San Quentin.....	2,750	2,750	2,750	2,750	2,750	2,750	2,750	2,750
	Emergency.....	San Quentin.....	1,846	1,810	1,150	745	585	825	497	592
California State Prison.....	Permanent.....	Soledad.....			1,500	1,500	1,500	1,500	1,500	1,500
	Emergency.....	Soledad.....	701	700	400	400	300	300		
California Vocational Institution.....	Permanent.....	Tracy.....				1,200	1,200	1,200	1,200	1,200
	Emergency.....	Lancaster.....	518	555	555					
California Institution for Women.....	Permanent.....	Corona.....				310	350	360	370	375
	Permanent.....	Tehachapi.....	170	170	170					
	Emergency.....	Tehachapi.....	146	150	160					
Medical Facility.....	Permanent.....	Vacaville.....					1,200	1,200	1,200	1,200
	Emergency.....	Terminal Island.....			700	700				
Southern California Prison.....	Permanent.....								1,200	1,200
Total institutions.....	Permanent.....		5,338	5,338	7,238	8,608	9,818	9,828	11,038	11,043
	Emergency.....		4,870	4,897	3,297	2,177	1,217	1,457	497	592
Camps—12 months.....	Permanent.....		490	850	850	850	850	850	850	850
5 months.....	Emergency.....		53	115	115	115	115	115	115	115
(Monthly average for 12 months)										
Totals, Permanent facilities.....			5,828	6,188	8,088	9,458	10,668	10,678	11,888	11,893
Totals, Temporary facilities.....			4,923	5,012	3,412	2,292	1,332	1,572	612	707
Estimated population.....			10,751	11,200	11,500	11,750	12,000	12,250	12,500	12,600

Camps	Permanent		Emergency
Road—Burnt Ranch.....	61	San Quentin.....	-----
Modoc.....	56	San Quentin.....	-----
Angelus Crest.....	125	Chino.....	-----
San Diego.....	125	Chino.....	-----
Forestry—Rainbow.....	60	Chino.....	-----
Minnewawa.....	60	Chino.....	-----
6 Camps @ 60.....	360	3 San Quentin.....	-----
	—	2 Soledad.....	-----
Total.....	850	1 Chino.....	-----
5 Forestry—Federal @ 55.....	-----	-----	275 (5 months)

Medical Facility—Terminal Island*Legislative Authorization and Appropriation*

The Department of Corrections is proposing, as of July 1, 1950, the establishment of a temporary Medical Facility at Terminal Island with a capacity of 750. Included in the budget of the Medical Facility at Vacaville is \$57,406 to be made available during the period from May 1 to June 30, 1950, in order to set up a small unit at Terminal Island as soon as the Navy vacates the existing facility on April 30, 1950. This appropriation is proposed for the purpose of maintaining the plant in operating condition and preparing for transfer of the total population of 750 during July to October, 1950.

Included in the proposed budget for the Fiscal Year 1950-51 will be an estimated \$832,367 for support. Final adjustments to be made by the Department of Finance are not yet available. There will be offsetting savings against this appropriation in the budgets of Folsom and San Quentin Prisons amounting to approximately \$270,508 making a net increase in cost of \$551,759 for 1950-51.

General Program and Physical Facilities

The Medical Facility at Terminal Island will house mentally or physically ill prisoners. Only a comparatively few of the inmates will be classified as insane. A large percentage of the population of the Medical Facility will be ill with tuberculosis. It is estimated that approximately 130 beds out of a total of 750 will be allocated for this category. The majority of the population will be mentally ill in terms of the definition given by the medical consultant to the Department of Corrections as follows: "Only a comparatively few of its inmates are frankly psychotic (insane) which, of course, is a marked point of difference from a mental hospital. And only a comparatively negligible portion of these comparatively few insane patients are of the deteriorated, quiet, harmless, tractable, 'backward' type, who need little or no custodial supervision. To the contrary, it is typical of insanity among prisoners, that their delusions and hallucinations are colored by their past and present environment and associations and, therefore, are in much larger part persecutory and apprehensive than is the case in mental hospitals. This, of course, makes them much more dangerous and difficult to manage."

The Department of Corrections proposes that there shall be a program of occupational therapy provided for at this facility with occupational therapy technicians. Custodial personnel are to be provided with a classification of medical technical assistants which is a combination of a prison guard and hospital attendant classification.

The Medical Facility at Terminal Island, although permanent in construction, will serve as a temporary state institution which will be returned to the United States Navy. This facility was built by the United States Bureau of Prisons in 1938 as a federal correctional institution for short-term prisoners. It was transferred to the Navy in 1942 to accommodate the wartime increase in military prison populations. The United States Department of Defense plans to place all military prisoners in

the custody of the Army or in the custody of the United States Bureau of Prisons, and the Navy does not propose to operate national disciplinary barracks during peacetime. The Navy, however, will desire the return of this facility on short notice in the event of military mobilization. If the Navy does in time relinquish title to this property, the United States Bureau of Prisons is desirous of securing it and the Director of the United States Bureau of Prisons has advised the State Department of Corrections that he believes the institution will be needed as a federal prison in three years. It is the plan of the Department of Corrections that the population at Terminal Island will be moved to the permanent facility at Vacaville before the Terminal Island property is returned to the Federal Government.

Character and Type of Inmates

It is the tentative plan of the Department of Corrections to provide for the following disposition of the prison population:

(1) Tubercular cases	130
(2) Effeminate homosexuals	72
(3) Acute hospital cases	56
(4) Insane and acutely disturbed (special isolation and segregation)	42
(5) Acute mentally disturbed (temporary detention)	5
(6) Frankly psychotic	150
(7) Sex offenders and other miscellaneous classifications, including epileptics and acute psycho-neurotics	265
(8) Federal prisoners on contract	30

Atascadero State Hospital

Appropriation and Background Data

Chapter 145 of the Statutes of 1946 established the original \$154,000,000 Unified Construction Program. Included in this original program as part of the appropriation made to the Department of Mental Hygiene was \$6,133,200 for an institution for the criminally insane to be located at Atascadero. Later, the 1947 Session of the Legislature increased the amounts for projects set up in the \$154,000,000 Unified Construction Program by 50 percent for increased costs. This increased the amount programmed for the hospital at Atascadero to the present figure of \$9,199,800.

On October 17, 1946, a 1,191 acre site was purchased at Atascadero for \$160,000. This acreage includes 200 acres of grain under irrigation, 141 acres suitable for grain and pasture, 750 acres of range land, and 100 acres of wasteland. The latter 100 acres of wasteland is largely the river bed which runs through the property.

There is also a main-line railroad that runs midway through the property parallel to its long axis, approximately 2,000 feet from the proposed site of the main buildings. A hill will conceal the railroad from view of the hospital.

General Program and Physical Facilities

The Assistant Superintendent at Napa State Hospital, Dr. Rood, was appointed Superintendent at Atascadero with the Department of Mental Hygiene's understanding that he would study the latest thinking

as to the needs of a maximum security mental hospital and incorporate those needs into the buildings as the plans progressed. Dr. Rood visited various institutions in the southwest and in the east to secure additional information as to basic features of maximum security hospitals and subsequently wrote a report which has guided the over-all design of the institution. The existing plan for the hospital has been prepared by a private designer and incorporates the various operations of the institution as visualized by Dr. Rood and the Department of Mental Hygiene.

The job of converting the design to blueprint drawings for construction is a function of the Division of Architecture. On December 16, 1949, the Director of Public Works approved the request from the Division of Architecture to proceed with the plans. It is anticipated that the Division of Architecture will complete the first section of the plans by May or June, and that construction will start by August. Because of the location of the hospital, the work cannot be done as a single job but must be constructed by sections. The latest estimate by the Department of Mental Hygiene is that this hospital will open two years from now, or in December, 1951.

Originally, the plans as visualized by the Department of Mental Hygiene called for a 1,300-bed institution. The present plans are for a 1,140-bed institution with services for 1,500 patients. There will be approximately 300 employees according to present plans, plus 100 for expansion.

From the architectural standpoint, the following units will be incorporated in the over-all plan :

- (1) Administration Unit;
- (2) Entrance Unit;
- (3) Hospital Unit;
- (4) Clinic Unit;
- (5) Dining Unit;
- (6) School and Recreation Unit;
- (7) Gymnasium;
- (8) Occupational Therapy Unit;
- (9) Industrial Unit;
- (10) Mental Case Unit;
- (11) Psychopathic Unit;
- (12) Locked Dormitory;
- (13) Open Dormitory;
- (14) Traffic Corridor;
- (15) Laundry and Linen Supply Unit;
- (16) Maintenance Shops, Shed and Yard;
- (17) Warehouse and Service Yard;
- (18) Residences;
- (19) Power House;
- (20) Garages.

The project shall also include a firehouse, sewage disposal unit, water softener and farm buildings. If there are funds available, a fire reservoir will be added.

Character and Type of Inmates

The patients will be ambulatory males over 16 years of age, except for a few psychopaths, with the patient population divided as follows:

<i>Unit</i>	<i>Patients</i>
1. Hospital and admission unit.....	120
2. Three mental case units at 160 each.....	480
3. Psychopathic unit	240
4. Locked dormitory unit.....	200
5. Open dormitory unit.....	100
Total number of patients.....	1,140

The staffing of this institution will be similar in most respects to the other mental hospitals. An exception which is being requested is in the attendant class. The Department of Mental Hygiene hopes to establish a new classification of personnel with specifications that will be somewhere between those of an attendant in a mental hospital and a prison guard in the Department of Corrections.

Existing Mental Hygiene Facilities for Insane Persons With Criminal Tendencies*Mental Hygiene Institutions*

There are nine mental hospitals and two homes for the mentally defective under the jurisdiction of the State Department of Mental Hygiene. All of these institutions contain insane persons who could be classified as criminally inclined. The several classifications of such insane persons, with the total persons in each classification and date of tabulation, are shown as follows. The number of patients on record for all in-patient institutions is shown in the first column and the actual resident population, which excludes escapes and patients on leave, is shown in column two.

	<i>On record</i>	<i>Resident</i>
Sexual psychopaths (Oct. 31, 1949)	324	161
Psychopathic delinquents (June 30, 1949)	162	93
Criminally insane * (June 30, 1949) (Committed in accordance with Penal Code Secs. 1026, 1201, 1370)	370	338
Insane criminals † (Est.) (Penal Code 2684, 3701) ..	6	6
Youth Authority observation cases (Oct. 31, 1949)	18	14

* Found insane at time crime committed or during trial

† Found insane in prison

Sexual psychopaths are included in the population of all of the mental hospitals and homes for the defective. The total of such patients is 328 on record and 166 residents as of November 30, 1949. The disposition of these patients by institution is shown as follows:

	<i>On record</i>	<i>Resident</i>
Agnews	26	13
Camarillo	34	3
DeWitt	2	1
Mendocino	147	75
Modesto	2	2
Napa	30	17
Norwalk	17	15
Patton	29	18
Stockton	41	22
Total	328	166

The total population in the nine mental hospitals as of November 30, 1949, was 30,727, and in the two homes for the mental defectives 6,463. There were also 71 patients in the Langley Porter Clinic. This makes a total resident population in all institutions under the jurisdiction of the Department of Mental Hygiene as of November 30, 1949, amounting to 37,261. Of this resident population, 166 patients, or less than one-half of 1 percent, were sexual psychopaths.

The commitment of a sexual psychopath to a state mental hygiene institution is determined by the court in accordance with the provisions of Sections 5500-5516 of the Welfare and Institutions Code.

Maximum Security Facilities

The Department of Mental Hygiene has facilities in three state institutions which may be classified as maximum security. These maximum security wards are used to incarcerate various types of insane persons including sexual psychopaths. Not all sexual psychopaths, however, are in maximum security wards.

At Mendocino State Hospital, there is one ward which provides maximum security. This is Ward No. 12 which consists of 299 single rooms arranged in the form of a cell block surrounding an interior court. This ward is enclosed by a security fence. It has a maximum capacity of 299 inmates.

Sonoma State Home for mental defectives has three cottages or wards which are classified as maximum security. The first of these, Goddard Cottage, is for younger boys and consists of 20 single rooms and a dormitory housing 53 boys, or a total capacity of 73 inmates. Paxton Cottage is for older boys of 16 years or over and consists of 20 single rooms and two dormitories housing 12 boys and 52 boys, respectively, comprising a total capacity of 84 inmates. McDougall Cottage is for girls and consists of 10 single rooms with two dormitories housing 39 girls each for a total capacity of 88 girls.

Pacific Colony has two cottages which provide what may be classified as maximum security although not to the same extent as the cottages at Sonoma. Cottage 15 at Pacific Colony is for boys and has a capacity of 120 consisting of 39 single rooms and dormitory housing 81. Cottage 16, for girls, provides a capacity of 56 and consists of 16 single rooms and a dormitory housing 40 girls.

**STATEMENT ON KERN COUNTY BY H. V. GRAYSON,
CHIEF OF POLICE, BAKERSFIELD**

(From Kern County Bureau of Identification, Sheriff's Office)

	<i>Total arrests</i>	<i>Pending</i>	<i>State insti- tution</i>	<i>Jail</i>	<i>Jail and pro- bation</i>	<i>Pro- bation</i>	<i>Fine</i>	<i>Released on bail</i>	<i>Dis- missed</i>	<i>Changed to another crime</i>
1946—9,716 total bookings										
261 Rape -----	34	--	3	1	1	10	--	5	9	5
285 Incest -----	3	--	2	--	--	--	--	1	--	--
286 Crime against nature -----	1	--	--	--	--	--	--	--	--	1
288 Crimes against children -----	17	--	4	1	--	--	--	3	1	8
288a Sex perversion -----	6	--	1	--	--	1	--	--	--	4
311 Lewd conduct -----	21	--	--	7	--	1	5	8	--	--
647a Molesting children -----	4	--	--	2	--	--	--	--	2	--
CDM Contributing delinquency minor	36	--	--	--	4	4	1	19	7	1
1947—10,017 total bookings										
261 Rape -----	34	--	4	2	--	6	--	6	11	5
285 Incest -----	1	--	1	--	--	--	--	--	--	--
286 Crime against nature -----	--	--	--	--	--	--	--	--	--	--
288 Crimes against children -----	18	--	2	2	--	1	--	5	3	5
288a Sex perversion -----	7	--	--	2	--	1	--	2	--	2
311 Lewd conduct -----	42	--	--	19	1	2	3	16	1	--
647a Molesting children -----	1	--	--	1	--	--	--	--	--	--
CDM Contributing delinquency minor	63	--	--	6	1	5	1	17	29	4
1948—10,378 total bookings										
261 Rape -----	32	--	2	6	3	--	--	7	10	4
285 Incest -----	1	--	--	--	--	--	--	--	1	--
286 Crime against nature -----	--	--	--	--	--	--	--	--	--	--
288 Crimes against children -----	15	--	3	2	2	1	--	3	2	2
288a Sex perversion -----	6	--	1	--	--	--	--	--	1	4
311 Lewd conduct -----	20	--	--	11	--	1	1	6	1	--
647a Molesting children -----	1	--	--	1	--	--	--	--	--	--
CDM Contributing delinquency minor	61	--	--	10	3	8	2	17	15	6
1949—9,708 total bookings to 12-4-49										
261 Rape -----	37	4	2	6	3	3	--	4	10	5
285 Incest -----	2	--	1	1	--	--	--	--	--	--
286 Crime against nature -----	2	--	--	--	--	--	--	--	--	2
288 Crimes against children -----	18	2	3	1	1	--	--	6	2	3
288a Sex perversion -----	6	--	2	--	--	--	--	--	4	--
311 Lewd conduct -----	34	--	--	16	1	2	3	10	2	--
647a Molesting children -----	6	--	--	4	--	--	--	1	1	--
CDM Contributing delinquency minor	62	2	--	7	3	13	1	12	21	3

STATEMENT ON ALAMEDA COUNTY ON SEX OFFENSES

Offenses	Complaint or indictment filed	Guilty			Sentences					
		Plea	Court	Jury	Acq.	S. Q.	Co. J.	Prob.	Y. A.	St. Hos.
1946										
702 W. and I.-----	10	7	--	*1	2	--	3	4	--	--
288 P. C.-----	14	8	1	4	1	5	6	7	--	1
288a P. C.-----	6	4	--	1	1	2	--	2	--	1
Att. rape -----	8	3	--	1	4	--	--	--	1	3
Rape -----	28	19	3	3	3	5	10	15	1	2
* One fine of \$500.										
1947										
702 W. and I.-----	11	5	2	3	1	--	6	6	--	--
288 P. C.-----	21	10	2	7	2	3	6	11	--	5
288a P. C.-----	6	4	--	1	1	1	--	3	--	1
Att. rape -----	3	2	--	--	1	--	--	2	--	--
Rape -----	27	19	4	2	2	3	10	23	--	--
286 P. C.-----	5	2	3	--	--	1	3	3	1	--
1948										
702 W. & I.-----	36	19	5	2	10	--	6	20	--	--
288 P. C.-----	30	21	3	5	1	3	12	13	1	--
288a P. C.-----	4	2	1	1	--	--	1	3	--	--
Att. rape -----	7	6	--	--	1	--	1	6	--	--
Rape -----	18	10	4	2	2	3	6	6	1	--
1949										
702 W. and I.-----	11	7	1	1	--	--	3	5	--	--
288 P. C.-----	31	14	4	4	1	6	5	6	2	1
288a P. C.-----	9	3	--	3	--	1	--	1	3	--
Att. rape -----	6	3	1	1	--	1	1	2	--	--
Rape -----	21	15	1	2	--	3	8	5	1	--
Incest -----	1	1	--	--	--	--	1	--	--	--

NOTE: In the 1949 figures there 21 cases either awaiting trial or sentence.

CALIFORNIA SEX OFFENSES, 1947-49

Reported to the Bureau of Identification and Investigation
January 1, 1947—June 30, 1949

Prepared by

BUREAU OF STATISTICS, DEPARTMENT OF JUSTICE

Ronald H. Beattie, Chief

Fred A. Knoles, Deputy Chief

December 6, 1949

Under a 20-year-old statute each sheriff and chief of police is required to furnish to the California Division of Criminal Identification and Investigation a report of each felony committed within his jurisdiction. Reports received under the statute are intended to serve a dual purpose; they are intended to aid in the apprehension and prosecution of offenders and to furnish knowledge of the volume, nature and distribution of felonious crimes within the State. The first purpose is served through the use made of these reports in the Identification and Investigation Division in the maintenance of a *modus operandi* file; the second purpose is served through the use of the same reports in the Bureau of Statistics of the Department of Justice. Here, the offenses are classified and the data are recorded on punch cards so that statistical summaries and analyses can be readily made of this information.

A large number of the law enforcement agencies in the State have reported felony crimes consistently and completely. However, the fact that other agencies have not furnished these reports with consistency and completeness makes the total information reported of limited use in the establishment of crime levels and trends within the State.

Commencing in 1946, a renewed effort was made to obtain more complete crime reports and develop the basis for better criminal statistics in the State. After one year of experimentation the revised system of classification was put into regular operation commencing with the year 1947. Fairly complete data have been reported by a large number of agencies and have been compiled for the years 1947, 1948, and the first half of the year 1949.

Under the California law there are a number of felonious offenses which arise out of undesirable sexual behavior. Of these, rape and lewd and lascivious conduct with a child under 14 years of age are most likely to be reported through the police to the Division of Criminal Identification and Investigation as soon as known. Some other offenses of the perversion type are not consistently reported particularly when arrests are made at the time of the discovery of the offenses. From compiled summary data covering felonies during the calendar years 1947, 1948, and the first six months of 1949, the following figures have been prepared. They represent all of the reports that have been made during this period of time. Although incomplete, it is hoped that they are representative of the situation during the period.

Table I summarizes the reports of rapes during the five half-year periods. It will be noted that the highest number reported was during the first half of 1949 although the increase is not great. However, the fact that at least two major reporting areas; namely, the sheriff's office in Los Angeles County and the Berkeley Police Department, did not

Table I
Rape Offenses Reported to the Division of Criminal Identification and
Investigation by California Law Enforcement Agencies

January 1, 1947, to June 30, 1949

Reporting agencies	1st half 1947	Last half 1947	1st half 1948	Last half 1948	1st half 1949
Total	645	733	721	722	789
Los Angeles County	402	491	453	486	552
Sheriff	1	14	47	35	110
Burbank	2	3	1	2	3
Glendale	—	—	—	—	1
Long Beach	25	25	31	27	22
Los Angeles	364	434	357	392	399
Santa Monica	—	9	5	6	7
Other cities	10	6	12	24	10
San Francisco	45	66	45	35	54
Alameda County	80	56	83	73	55
Sheriff	8	7	9	3	6
Alameda	—	—	1	—	1
Berkeley	—	—	—	11	7
Oakland	72	47	65	58	39
Other cities	—	2	8	1	2
Kern County	1	1	1	1	1
Orange County	14	4	4	6	4
Riverside County	7	7	16	8	8
San Bernardino County	—	—	2	1	9
San Diego County	32	37	25	15	26
Sheriff	3	12	2	1	12
San Diego	29	24	23	14	14
Other cities	—	1	—	—	—
Contra Costa County	2	4	1	4	14
Sheriff	2	3	—	1	2
Richmond	—	1	1	1	12
Other cities	—	—	—	2	—
Sacramento County	8	19	24	23	12
Sheriff	—	3	11	6	5
Sacramento	8	16	13	17	7
Other cities	—	—	—	—	—
Fresno County	14	5	10	11	13
Sheriff	5	4	3	10	8
Fresno	9	1	7	1	5
Other cities	—	—	—	—	—
San Joaquin County	10	12	13	26	19
Sheriff	9	11	11	12	14
Stockton	1	1	2	14	4
Other cities	—	—	—	—	1
All other counties	30	31	44	33	22

report consistently on this particular offense for the whole period has materially contributed to the larger number reported for the first half of 1949. If the reports from these two areas are omitted from the total reports, the state totals for rape are as follows:

First half of 1947	644
Second half of 1947	719
First half of 1948	674
Second half of 1948	676
First half of 1949	672

If the total rape offenses reported are indicative of the amount of crime of this type there is in the State, it would appear from the above figures that there has been no increase whatever in rape offenses in the last 18 months. In fact, inasmuch as the state population has been steadily increasing, it would appear that there has been a very slight decrease in the total number of rape cases which might have been expected.

Table II presents summary information relating to the reports of lewd and lascivious conduct with a child that were received during the five half-year periods. From the totals shown in the table, it will be noted that there was a drop in the number reported during the first half of 1948 and a rather substantial increase in the number reported during the next two six-month periods. There were three major reporting agencies which obviously did not consistently report this offense during the two and one-half year period. These were the Sheriff's Office of Los Angeles County, the Berkeley Police Department and the San Francisco Police Department. If the reports from these three agencies are omitted from the totals, we have the following summary :

1st half of 1947 -----	351
2d half of 1947 -----	321
1st half of 1948 -----	244
2d half of 1948 -----	343
1st half of 1949 -----	296

These figures, while demonstrating an unexplained drop in the number of this type of offense during the first half of 1948, do not show any increase during the last two six-month periods as compared with the earlier figures. In fact, during the first half of 1949 there was a decrease in the number of reports of this type of offense as compared with the last half of 1948.

It is recognized that many offenses against children are not reported because of the desire on the part of the parents to avoid unpleasant publicity. However, it can be assumed that although reporting of this type of crime will never be complete, an increase in actual occurrences would be reflected in an increased number which are reported to police agencies. A much better evaluation of the relative effectiveness and completeness of law enforcement could be made if the factual materials relating to crimes were available.

Table II

L and L Offenses Reported to the Division of Criminal Identification and Investigation by California Law Enforcement Agencies

January 1, 1947, to June 30, 1949

<i>Reporting agencies</i>	<i>1st half 1947</i>	<i>Last half 1947</i>	<i>1st half 1948</i>	<i>Last half 1948</i>	<i>1st half 1949</i>
Total	369	326	288	425	430
Los Angeles County	258	241	194	283	299
Sheriff	15	—	28	44	84
Burbank	1	1	1	1	5
Glendale	—	—	—	—	1
Long Beach	28	56	17	31	20
Los Angeles	201	175	133	182	166
Santa Monica	4	—	3	2	14
Other cities	9	9	12	23	9
San Francisco	3	5	16	29	43
Alameda County	18	21	21	31	25
Sheriff	4	4	4	14	10
Alameda	2	—	1	—	3
Berkeley	—	—	—	9	7
Oakland	12	17	14	2	5
Other cities	—	—	2	6	—
Kern County	1	1	—	1	—
Orange County	3	2	—	5	1
Riverside County	5	6	7	9	4
San Bernardino County	2	—	—	2	2
San Diego County	32	34	16	24	9
Sheriff	7	2	—	4	2
San Diego	25	32	16	19	7
Other cities	—	—	—	1	—
Contra Costa County	2	3	—	3	14
Sheriff	—	2	—	1	2
Richmond	2	—	—	1	11
Other cities	—	1	—	1	1
Sacramento County	9	—	10	8	8
Sheriff	5	—	2	2	3
Sacramento	4	—	8	6	5
Other cities	—	—	—	—	—
Fresno County	5	1	2	1	3
Sheriff	4	1	2	1	3
Fresno	1	—	—	—	—
Other cities	—	—	—	—	—
San Joaquin County	6	—	1	6	2
Sheriff	6	—	—	2	1
Stockton	—	—	1	4	1
Other cities	—	—	—	—	—
All others	25	12	21	23	20

ACKNOWLEDGMENTS

The subcommittee wishes to express its appreciation to the many persons who contributed to this report by their appearance at hearings, their expression of opinions, their correspondence, and their research on various aspects of the study.

- | | |
|--|--|
| Abrahamsen, David B., M.D.
Department of Psychiatry
Columbia University
New York City, N. Y. | Cheneco, William V.
Deputy Chief Probation Officer
Court of General Sessions
New York City, New York |
| Anderson, John M.
Supt., Methodist Hospital
Gary, Indiana | Clarke, Miss Dorris
Chief Probation Officer
Magistrates Court
New York City, New York |
| Anderson, Hon., Leslie
Judge, Municipal Court
Minneapolis, Minnesota | Coakley, J. Frank
District Attorney
Alameda County, California |
| Bailey, K. Grosvenor, D O.
President, American College of Neuro-
psychiatrists
Los Angeles, California | Crahan, Marcus, M.D.
Senior Physician
County Jail Division
Sheriff's Department
Los Angeles, California |
| Becker, Thomas
Director of Law Enforcement
Society for the Prevention of Cruelty
to Children
New York County, New York | Cruvant, Dr., M.D.
Psychiatrist
St. Elizabeth's Hospital
Washington, D. C |
| Biscailuz, E. W.
Sheriff
Los Angeles County, California | Cuff, Ellery
Public Defender
Los Angeles, California |
| Bohan, Hon. Owen W., Judge
Court of General Sessions
County of New York
New York City, New York | Davenport, Ed
City Council
Los Angeles, California |
| Bowman, Karl M., M.D.
Psychiatrist, Medical Supt
Langley Porter Clinic
Berkeley, California | Decker, Stanley
Chief of Detectives
Pasadena, California |
| Boyle, John
States Attorney
Chicago, Illinois | deRiver, J. P., M.D.
Police Psychiatrist
Hollywood, California |
| Brady, Owen
Chairman, Town Meeting Committee
Los Angeles, California | Dressler, David
Southern California Society for Mental
Hygiene
Los Angeles, California |
| Bricca, Tobias
Deputy Public Defender
City and County of San Francisco
San Francisco, California | Engelund, Lt. Harry
Police Department
Los Angeles, California |
| Bronner, Emil
447 South Hope Street
Los Angeles 13, California | Fantle, Kurt, M.D.
Chief Psychiatrist
City Health Department
Los Angeles, California |
| Brown, Edmund G.
District Attorney
San Francisco County, California | Farnham, Rev. F. C.
General Secretary
Southern California Council of Protes-
tant Churches
Los Angeles, California |
| Brown, Frank
Deputy District Attorney
San Francisco County, California | Finsley, Fred
Bureau of Paroles, Adult Auth.
Los Angeles, California |
| Burger, Oak K.
Police Psychologist
Los Angeles, California | Field, Alice, Mrs.
Chief Magistrates Office
New York City, New York |
| Chapman, Miss Roberta
Y. W. C. A.
Los Angeles, California | Fisher, Ralph W.
Executive Secretary
Los Angeles County Youth Committee
Los Angeles, California |
| Cherry, James J.
Director, Crime Prevention Bureau
Chicago, Illinois | Fox, Hon. W. Turney
Judge, Superior Court
Los Angeles, California |

- Fricke, Hon. Charles W.
Judge, Superior Court
Los Angeles, California
- Frym, Marcel
Criminologist
Beverly Hills, California
- Fuller, Justin, M.D.
Medical Consultant
Department of Corrections
Sacramento, California
- Gilbert, Dan
States Attorney's Office
Chicago, Illinois
- Gray, Royal, M.D.
Chief, Mental Health Unit
Department of Social Security
Division of Public Institutions
State of Minnesota
- Grayson, Horace V.
Chief of Police
Bakersfield, California
- Green, Willard M.
Examiner, Division of Probation
Department of Correction
State of New York
- Gregg, Allen, M.D.
Rockefeller Institute for Medical
Research
New York City, New York
- Guerin, Hon. Arthur S.
Judge, Municipal Court
Los Angeles, California
- Guttmacher, Manfred S., M.D.
Psychiatrist
Baltimore, Maryland
- Hacker, Frederick, M.D.
Psychiatrist
Beverly Hills, California
- Haines, William V., M.D.
Director, Behavior Clinic
Criminal Court of Cook County
Chicago, Illinois
- Halpern, Irving W.
Chief Probation Officer
Court of General Sessions
New York City, New York
- Harper, W. W.
Legal Physicist
Pasadena, California
- Hill, Miss Elsie M.
2247 Vista Del Mar
Hollywood, California
- Hodgkinson, R. R.
Chief of Police
Newport Beach, California
- Holstrom, John
Chief of Police
Berkeley, California
- Howser, Fred N.
Attorney General
State of California
- Jackson, Carl A.
Commissioner to Department of
Public Institutions
St. Paul, Minnesota
- Kavanaugh, John D.
Chief Adult Probation Officer
City and County of San Francisco
California
- Keller, James Donald
District Attorney
San Diego County, California
- Kinsey, Alfred C., Ph.D.
Professor
University of Indiana
Bloomington, Indiana
- Kunstling, Lt. Herman
Police Department
Los Angeles, California
- Lamb, Mr. Richard
1621 W. Ninth Street
Pomona, California
- Lewis, Mrs. Ralph
State Chairman, Juvenile Protection
Parent-Teachers Association
Los Angeles, California
- Long, John B.
California Newspapers Publishers
Association
Los Angeles, California
- Lynch, Hon. Thomas J.
Chief Justice
Criminal Court of Cook County
Chicago, Illinois
- Mayo Clinic
Members of Staff
Rochester, Minnesota
- McDonald, Clara, Pres.
People's Lobby of California
212 W. Third Street
Los Angeles, California
- McGee, Richard A.
Director, Department of Corrections
Sacramento, California
- McGinnis, James E., M.D.
Consulting Psychiatrist
Department of Corrections
Los Angeles, California
- McKay, Hon. William R.
Judge, Superior Court
Los Angeles, California
- McMillan, Hon. Lester A.
Assemblyman, 61st District
Los Angeles, California
- Meikle, Hon. Theresa
Judge, Superior Court
San Francisco, California
- Meltzer, Dr., M.D.
St. Elizabeth's Hospital
Washington, D. C.
- Michael Riis Hospital
Psychiatric Staff
Chicago, Illinois
- Miller, Theo K., M.D.
Superintendent and Medical Director
Napa State Hospital
Imola, California
- Morris, Hon. Clarence W.
Judge, Municipal Court
San Francisco, California
- Murphy, Captain
4332 Vista Place
La Canada, California
- Neurological Institute
New York City
New York
New York Psychiatric Institute
New York City
New York

New York Academy of Medicine
New York City
New York

Nichols, Edward
Administrative Advisor
Department of Mental Hygiene
Sacramento, California

O'Brien, William P.
Police Commissioner
City of New York
New York

Olson, Clarence, M.D.
Neurologist
Los Angeles, California

Overholser, Winfred, M.D., Sc.D.
Superintendent
St. Elizabeth's Hospital
Washington, D. C.

Ploscowe, Hon. Morris
Judge, Magistrates' Court
New York City, New York
Consultant, Mayor's Committee for
the Study of Sex Offenders, New
York City

Post, A. Alan
Acting Legislative Auditor
Sacramento, California

Quaker Emergency Relief Clinic
New York City
New York

Rael, Irving
Eastside Civic Council
Los Angeles, California

Redwine, Donald
City Prosecutor
Los Angeles, California

Reeves, Elmer W.
Administrative Assistant of
Chief Probation Officer
Court of General Sessions
New York County, N. Y.

Reider, Norman, M.D.
Psychiatrist
Mount Zion Hospital
San Francisco, California

Rickles, Nathan K., M.D.
Psychiatrist
Beverly Hills, California

Roche, Philip Q., M.D.
Psychiatrist
Chairman, Committee on Forensic Psy-
chiatry Group for the Advance-
ment of Psychiatry
Philadelphia, Pennsylvania

Roemer, Ernest W.
Attorney
Past President, Chicago Bar Associa-
tion
Chicago, Illinois

Rogers, Charles T. G.
Chief Probation Officer
San Diego County
California

Rosenberg, Barney L.
206 South Spring Street
Los Angeles, California

Sapiro, Hon. Milton
Judge, Superior Court
San Francisco, California

Schmidt, David G., M.D., M.A.
Chief Psychiatrist
San Quentin State Prison
San Quentin, California

Schneider, Mrs. Lawrence
Housewife
1712 Shenandoah Street
Los Angeles, California

Schoefeld, Col.
State Trooper
New Jersey State Police

Schwartz, Ben
Lake County Prosecutor
Crown Point, Indiana

Schweitzer, Hon. Harold W.
Judge, Municipal Court
Los Angeles, California

Scott, Hon. Robert H.
Judge, Superior Court
Los Angeles, California

Simpson, William E.
District Attorney
Los Angeles County
California

Stanton, John
Chief Trial Deputy
Lake County, Indiana

Stoddard, Alexander J.
Superintendent
Los Angeles City Schools
Los Angeles, California

Sutherland, Kenneth
City Prosecutor
Long Beach, California

Tallman, Frank F., M.D.
Director, Department of Mental
Hygiene
Sacramento, California

Tappan, Paul W.
Professor of Sociology
Technical Consultant, New Jersey
Commission on the Habitual Sex
Offender

New York University
New York City, New York

Tarjan, George, M.D.
Superintendent and Medical Director
Pacific Colony State Hospital
Spadra, California

Tenner, Robert J., M.D.
Minneapolis, Minnesota

Thompson, George N., M. D.
Clinical Professor of Neurology and
Psychology
University of Southern California
Los Angeles, California

Tryon, Arthur H.
Executive Director
Veterans Service Centers
Los Angeles, California

Veale, Frank M.
Executive Secretary
Downtown YMCA
Los Angeles, California

Wallace, John A.
Knoxville, Iowa

Walters, Hon. Byron
Judge, Municipal Court
Los Angeles, California

Welpott, Lt. Rudy
Police Department, Harbor Division
Los Angeles, California
Wheless, M.
Glendale, California
White, Mrs. Florence M.
Chairman, Citizens Committee on Sex
Crime Legislation
61st Assembly District
Los Angeles, California
Williams, David B., M.D.
Superintendent and Medical Director
Mendocino State Hospital, California
Wyers, Robert E., M.D.
Superintendent and Medical Director
Norwalk State Hospital
Norwalk, California

Yorty, Hon. Sam
Assemblyman, 64th District
Los Angeles, California
Zagri, Sidney
Executive Secretary
California Citizens Committee for
Mental Hygiene
Los Angeles, California
Ziskind, Eugene, M.D.
Assistant Clinical Professor of
Psychiatry and Neurology
University of Southern California
Los Angeles, California
Zuck, John M.
Probation Officer
Los Angeles County, California

RECOMMENDED BIBLIOGRAPHY

- APFELBERG, B., Sugar, C., and Pfeffer, A. Z., "A Psychiatric Study of 250 Sex Offenders," *American Journal of Psychiatry*, Vol. 100, pp. 762-770, 1944.
- BARRATT, Norris S., "Criminal Prosecution, Abnormal Sex Offenders, and Presentence Investigations and Sentences," *The Legal Intelligencer*, reprint of articles, September, 1948.
- BONNER, C. A., "Who and What are Sexual Psychopaths?" *Focus*, p. 104, July, 1948.
- BOWMAN, Karl M., M.D., "Psychiatric Aspects of the Problem, the Challenge of Sex Offenders," *Mental Hygiene*, Vol. XXII, No. 1, p. 10, January, 1938.
- CALDWELL, John M., "Neurotic Components in Psychopathic Behavior," *Journal of Nervous and Mental Diseases*, Vol. 99, p. 134, February, 1944.
- CASON, Hulsey, "Psychopath and the Psychopathic," *Journal of Criminal Psychopathology*, Vol. 4, No. 3, p. 552, January, 1943.
- CASON, Hulsey and Pescor, M. J., "A Statistical Study of 500 Psychopathic Prisoners," *Public Health Reports*, Vol. 61, pp. 557-574, April, 1946.
- CASON, Hulsey, "The Symptoms of the Psychopath," *Public Health Reports*, Vol. 61, p. 1833, December, 1946.
- CHORYNAK, John, "Diagnosis of Psychopathic Delinquent," *American Journal of Psychiatry*, Vol. 97, p. 1326, May, 1941.
- CLECKLEY, Hervey, "The Mask of Sanity," C. V. Mosby, 1941.
- CLECKLEY, Hervey, "The Psychosis that Psychiatry Refuses to Face," *Journal of Criminal Psychopathology*, Vol. 6, pp. 117-129, July, 1944.
- CURRAN, D. and Mallinson, P., "Psychopathic Personality," *Journal of Mental Science*, Vol. 90, p. 266, January, 1944.
- DARLING, Harry F., "Definition of Psychopathic Personality," *Journal of Nervous and Mental Diseases*, Vol. 101, pp. 121-126, February, 1945.
- DRAYTON, William, "The Cats of Society," *Philadelphia Medicine*, Vol. 45, No. 4, p. 115, September 3, 1949.
- EAST, W. Norwood, "Psychopathic Personality and Crime," *Journal of Mental Science*, Vol. 91, p. 426, October, 1945.
- EAST, W. Norwood, "Sexual Offenders—A British View," *Yale Law Journal*, Vol. 55, p. 525, 1945-1946.
- EDUCATION for Family Life in the Primary Grades, *Elementary School Bulletin* No. 13, Department of Education, State of New Jersey.
- FRANK, Jerome, *Courts on Trial*.
- FULLER, Justin K., "Diagnosis and Treatment of Mentally Abnormal Offenders," *California Youth Authority Quarterly*, Vol. 2, No. 2, Summer, 1949.
- GOTTLIEB, Jacques S., Ashby, M. C. and Knott, J. R., "Primary Behavior Disorders and Psychopathic Personality," *Archives of Neurology and Psychiatry*, Vol. 56, p. 381, October, 1946.
- GREENACRE, Phyllis, "Conscience in the Psychopath," *American Journal of Orthopsychiatry*, Vol. 15, p. 495, July, 1945.
- HAINES, William H., Hoffman, Harry R., and Esser, Robert A., "Commitments Under the Criminal Sexual Psychopath Law in the Criminal Court of Cook County, Illinois," *American Journal of Psychiatry*, Vol. 105, No. 6, pp. 422-426, December, 1948.
- HEAVER, W. L., "Psychopathic Personalities Before, During and After Hospitalization," *American Journal of Psychiatry*, Vol. 100, p. 342, November, 1943.
- HENRY, G. W. and Cross, A. A., "The Sex Offender; a Consideration of Therapeutic Principles in Dealing with Delinquency," *National Probation Association Year-Book*, 1940.
- HILL, Denis and Watterson, Donald, "Electroencephalographic Studies in Psychopathic Personalities," *Journal of Neurology and Psychiatry*, Vols. 5-6, p. 47, January-April, 1942.
- HORACK, Frank E., "Sex Offenses and Scientific Investigation," *Illinois Law Review*, Vol. 44, No. 2, p. 152, May-June, 1949.
- INQUIRY on Habitual Offenders and Their Treatment. *International Penal and Penitentiary Commission*, Vol. 14, Nos. 1-2, May, 1949.
- JOURNAL of Orthopsychiatry, October, 1944, Vol. 14, No. 4. *Group Therapy*, Round Table.
- KARPMAN, Ben, "Dream Analysis of a Constitutional Psychopath," *Psychoanalytic Review*, Vol. 33, p. 84 and p. 215, January and April, 1946.
- KARPMAN, Ben, "Psychopathic Types: The Symptomatic and Idiopathic," *Journal of Criminal Psychopathology*, Vol. 3, No. 1, p. 112, July, 1941.
- KENNEDY, Foster, Hoffman, Harry R., and Haines, William H., "A Study of William Heirens," *American Journal of Psychiatry*, Vol. 104, No. 2, August, 1947.
- KINSEY, A. C., *et al.*, "Concepts of Normality and Abnormality in Sexual Behavior," *Psychosexual Development in Health and Disease*, reprint, 1949.

- KINSEY, A. C., Pomeroy, W. B., and Martin, C. E., *Sexual Behavior in the Human Male*, Sanders, 1946.
- KOPP, Marie E., "Surgical Treatment as Sex Crime Prevention Measure," *Journal of Criminal Law and Criminology*, Vol. 28, pp. 692-706, January-February, 1938.
- KNOTT, J. R., and Gottheb, J. S., "The Electroencephalogram in Psychopathic Personality," *Psychosomatic Medicine*, Vol. 4, p. 139, April, 1943.
- LINDNER, Robert M., "A Formulation of Psychopathic Personalities," *Psychiatry*, Vol. 7, p. 59, February, 1944.
- LINDNER, Robert M., "Psychopathic Personality and Concept of Homostasis," *Journal of Criminal Psychopathology*, Vol. 6, pp. 517-522, January, 1945.
- LINDNER, Robert M., "The Rorschach Test and the Diagnosis of Psychopathic Personality," *Journal of Criminal Psychopathology*, Vol. 5, pp. 69-93, July, 1943.
- MAUGHS, Sydney B., "Psychopathic Personality, Review of the Literature, 1940-1947," *Journal of Clinical Psychopathology*, Vol. 10, pp. 247-276, July, 1949.
- MENNINGER, Karl, "Psychopathic Personality, Recognition and Classification of," *Bulletin of Menninger Clinic*, Vol. 5, pp. 150-155, September, 1941.
- MINOW, Newton, "The Illinois Proposal to Confine Sexually Dangerous Persons," *Journal of Criminal Law and Criminology*, Vol. 40, No. 2, pp. 186-198, July-August, 1949.
- NOTE, *Lobotomy: Surgery for the Insane*, *Stanford Law Review*, Vol. 1, No. 3, April, 1949, p. 463.
- NOTE, *Sane Laws for Sexual Psychopaths*, *Stanford Law Review*, Vol. 1, No. 3, April, 1949, p. 486.
- NOTE, "The Legal Disposition of the Sexual Psychopath," *University of Pennsylvania Law Journal*, Vol. 96, p. 872, 1947-1948.
- OVERHOLSER, Winfred, and Weikoven, Henry, *Commitment of the Mentally Ill*, *Texas Law Review*, April, 1946.
- PESCOE, M. J., "Abnormal Personality Types Among Offenders," *Federal Probation*, Vol. 12, No. 2, pp. 3-9, June, 1948.
- PLOSSOWE, M., "The Sexual Psychopath, Some Suggestions for Control," *Prison World*, p. 19, July-August, 1947.
- PSYCHIATRIC Institute of the Municipal Court of Chicago, *A Dynamic Era of Court Psychiatry, 1914, 1944*.
- "PSYCHIATRICAL Deviated Sex Offenders," Committee on Forensic Psychiatry of the Group for the Advancement of Psychiatry, Report No. 9, May, 1949.
- REPORT, British Medical Association and The Magistrates Association, Joint Committee on Psychiatry and the Law, "The Criminal Law and Sexual Offenders," *British Medical Journal*, March 12, 1949, Supplement, p. 135.
- REPORT, New Jersey, Commission on the Habitual Sex Offender, February, 1950.
- REPORT of the Interim Commission of the State of New Hampshire to study the causes and prevention of serious sex crimes, March, 1949.
- REPORT of the Mayor's Committee for the Study of Sex Offenses, City of New York, 1940.
- REPORT, The Governor's Conference on Mental Health, California, March 3-4, 1949.
- SELLING, L. S., "The Extra-Institutional Treatment of Sex Offenders," in *Handbook of Correctional Psychology*, edited by R. M. Lindner and R. V. Selinger, Philosophical Library, 1948.
- SHERWIN, Robert Veit, L.L.B., *Sex and the Statutory Law*, *Legal Almanac Series*, No. 9, and No. 9A.
- SILVERMAN, Daniel, "Electroencephalograph and Therapy of Criminal Psychopaths," *Journal of Criminal Psychopathology*, Vol. 5, p. 439, 1944.
- SIMONS, Donald J., and Diethelm, Oskar, "Electroencephalographic Studies of Psychopathic Personalities," *Archives of Neurology and Psychiatry*, Vol. 55, p. 619, June, 1946.
- SKEEN, John H., *Report of Commission to Study Medico-Legal Psychiatry*, Maryland, December, 1948.
- STURUP, George K., "Treatment of Criminal Psychopaths," Reprint from Report on the Eighth Congress of Scandinavian Psychiatrists, pp. 21-44.
- SUMMARY Report, Governor's Law Enforcement Agencies' Conference on Sex Crimes Against Children, Sacramento, California, December 7, 1949.
- SUTHERLAND, Edwin H., "The Sexual Psychopath Laws," *Journal of Criminal Law and Criminology*, Vol. 41, January-February, 1950.
- TAPPAN, Paul W., "The Sexual Psychopath, A Civic Social Responsibility," *Journal of Social Hygiene*, Vol. 35, pp. 354-368, November, 1949.
- TAYLOR, Stephen, "The Psychopath In Our Midst," *Lancet*, Vol. 1, pp. 32-34, January, 1949.
- TERHUNE, Physiological Psychiatry, Silver Hill Foundation, New Canaan, Connecticut.
- VAN VORST, Robert B., "An Evaluation of the Institutional Adjustment of the Psychopathic Offender," *American Journal of Orthopsychiatry*, Vol. 14, p. 491, July, 1944.
- WALLACE, John A., *The Minnesota Psychopathic Personality Act: An Examination of Its Operation in Hennepin and Ramsey Counties*, Master of Arts Thesis, University of Minnesota.

INDEX TO APPENDIX

	Page
ADMINISTRATION of State Laws on Habitual Sex Offender.....	Bet. 288-289
ALAMEDA County Statistics.....	287
BIBLIOGRAPHY, Recommended.....	296
BISCAILUZ, E. W., Sheriff of Los Angeles, statement by.....	254
BOWMAN, Dr. Karl, testimony by.....	132
BOWMAN, Dr. Karl, statement by.....	206
BURGER, Oak K., Los Angeles Police Department, statement by.....	231
CALIFORNIA Sex Offenses.....	288
COAKLEY, J. Frank, District Attorney, Alameda County, testimony by.....	153
CHAPMAN, Roberta, Y. W. C. A., Los Angeles, statement by.....	252
CRAMAN, Dr. Marcus, statement by.....	175
DECKER, S. D., Chief of Detectives, Pasadena Police Department, statement by.....	234
DRESSLER, Dr. David, testimony by.....	117
FARNHAM, Rev. E. C., statement by.....	237
FINSLEY, Fred, Chief State Parole Officer, testimony by.....	166
FOX, W. Turney, Judge, statement by.....	233
FRICKE, Judge Charles W., statement by.....	224
FRYM, Dr. Marcel, statement by.....	198
GRAYSON, H. V., Police Chief of Bakersfield, Kern County Statistics.....	286
GUERIN, Judge Arthur S., statement by.....	218
HACKER, Dr. Frederick J., statement by.....	179
HARPER, Dr. William W., statement by.....	209
HODGKINSON, R. R., Chief of Police, Newport Beach, statement by.....	239
HOLSTROM, John D., Chief of Police, Berkeley, testimony by.....	166
HOWSER, Fred N., Attorney General, statistics submitted by.....	268
HOWSER, Fred N., Attorney General, Discussion of California Laws.....	252
KERN County Statistics by Chief H. V. Grayson.....	286
KINSEY, Dr. Alfred C., testimony by.....	133
LEWIS, Elizabeth, M D., California Congress of P.-T. A., statement by.....	250
McGEE, Richard A., Department of Corrections, testimony by.....	173
McGEE, Richard A., Department of Corrections, statement by.....	181
McGINNIS, Dr. James E., statement by.....	185
McKAY, William R., Judge, statement by.....	215
NICHOLS, Ed, Administrative Advisor, Department of Mental Hygiene, testimony by.....	170
OLSEN, Dr. Clarence W., statement by.....	189
POST, A. Alan, Legislative Auditor, statement by.....	275
REDWINE, Don, City Prosecutor of Los Angeles, statement by.....	234
RICKLES, Dr. Nathan K., testimony by.....	111
SAPIRO, Judge Milton D., testimony by.....	163
SCHMIDT, Dr. David G., testimony by.....	129
SCHMIDT, Dr. David G., statement by.....	200
SCHWEITZER, Judge Harold W., statement by.....	228
STODDARD, Dr. Alexander J., statement by.....	211
TALLMAN, Dr. Frank F., testimony by.....	122
TARJAN, Dr. George, statement by.....	194
WILLIAMS, Dr. David B., testimony by.....	125
ZAGRI, Sidney, California Citizens' Committee for Mental Hygiene, statement by.....	243
ZISKIND, Dr. Eugene, statement by.....	191

MEMBERS EXCUSED

At 10.28 a.m., Mr. Collier asked for, and was granted, unanimous consent that Mr. Yorty be excused, for the balance of the legislative day, because of legislative duties elsewhere.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 7, 1950

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

The following resolution was read:

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and the Assembly.

Referred to 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. 16: By Mr. Hawkins—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, and making an appropriation.

Referred to Committee on Social Welfare.

Assembly Bill No. 17: By Messrs. Elliott, Anderson, Hawkins, Porter, George D. Collins, Condon, Fletcher, Lewis, and Thomas—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, and making an appropriation therefor.

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.—

Tidelands, Reclamation, and Development in Northern California.

Tonight, at 8 p.m.—

Subcommittee No. 4 of Ways and Means.

ADJOURNMENT

At 10.30 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 9.15 a.m., Thursday, March 9, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY

FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Thursday, March 9, 1950

The Assembly met at 9.15 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, Berry, 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, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Luckel asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God: We pause in this hour to pray, not because we think Thou art displeased if we do not praise Thee or tell Thee how wonderful Thou art.

Let us not think the Almighty wants either attention, or apostrophes of adoration.

We salute Thee, this morning, O Eternal, because we improve ourselves whenever we think of the Divine.

We know that a moment of prayer is what blooming is to the rose, a time in which the Sublime in us flowers.

As the rose needs the sun and the sky, so the mind and spirit need sacred moments to blossom in noble ways of thought and action.

May we rise by the wings of aspiration to that Higher Plane that reveals our hidden harmonies and "lets our music out."—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Clarke, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Luckel asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Rosenthal, on motion of Mr. Beck

Mr. Price, on motion of Mr. Beck.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Babbage, on motion of Mr. Reagan.

Mr. Geddes, on motion of Mr. Doyle.

Mr. Silliman, on motion of Mr. Grunsky.

MESSAGES FROM THE GOVERNOR

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

Proclamation

WHEREAS, The Legislature of the State of California convened on March 6, 1950, in extraordinary session pursuant to my Proclamation dated March 1, 1950, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit an additional subject to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated March 1, 1950, by adding the following additional purpose thereto, and thereby permitting the Legislature to legislate upon the following subject, in addition to the subjects specified in the original Proclamation, to wit:

19. To consider and act upon legislation to provide for the submission of Senate Constitutional Amendment No. 33 of the 1949 Regular Session to the voters of the State at a special election to be consolidated with the 1950 direct primary election.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this eighth day of March, 1950.

(SEAL)

EARL WARREN, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State

By CHAS. J. HAGERTY, Deputy Secretary of State

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

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

Assembly Bill No. 18: By Messrs. Thompson, Kirkwood, and Mrs. Niehouse—An act making an appropriation for the acquisition of land and the construction of buildings at San Jose State College.

Referred to Committee on Education.

Assembly Bill No. 19: By Messrs. Moss and Fleury—An act to call a special election to be held throughout the State on the sixth day of June, 1950, and to be consolidated with other state-wide elections held on the same day, and to provide for the submission to the electors of the State at such consolidated election Senate Constitutional Amendment No. 33 of the 1949 Regular Session, to take effect immediately.

Referred to Committee on Elections and Reapportionment.

Assembly Bill No. 20: By Messrs. Lowrey, Moss, Fleury, Clarke, Butters, Erwin, and Hinekey—An act to add Article 1a to Chapter 1, Division 1, of the Agricultural Code, to provide for the acquisition of land and the construction and equipment of buildings, offices, and facilities for use of the Department of Agriculture and other state and official agricultural agencies.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Concurrent Resolution No. 3: By Messrs. Lewis, Hawkins, Anderson, Elliott, Beck, George D. Collins, Condon, and Porter—Relative to finding that an economic emergency exists in this State.

Referred to Committee on Rules

ANNOUNCEMENTS

Speaker Sam L. Collins announced, on behalf of President pro Tempore Powers of the Senate, that experts on the hoof and mouth disease will address Members of the Senate today at 1 p.m.; and that Senator Powers invites all Members of the Assembly present in Sacramento at this hour to attend this important meeting; and that the members of the Committees on Agriculture and Livestock and Dairies are particularly urged to be present.

Mr. Sherwin announced that the Committee on Ways and Means will meet on next Monday and Tuesday for the purpose of completing work on the budget before the end of next week.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 5

House Resolution No. 6

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.

CONSIDERATION OF HOUSE RESOLUTION NO. 5

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.

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 6**House Resolution No. 6**

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.

Resolution read, and adopted.

ADJOURNMENT

At 9.30 a.m. on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Monday, March 13, 1950

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY

EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Monday, March 13, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, 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—76.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Evans asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

God of Our Fathers: May we be glad this morning to pledge allegiance to this Republic in gratitude for all the blessings that America has given us.

Gladly vow our devotion to these principles for which America stands among nations as the very paradise of earth, and to which millions of other nations wish to come.

We pray that all citizens in the Nation may pledge loyalty to this Republic which has mothered them, and given them and their children their liberties and their opportunity to earn their very bread and butter.

In gratitude may we teach unflinching devotion to this land that we love, this land hallowed by a heroic multitude, and that has given us the most precious treasures of earth.

God grant that we may vow by the faith of the Founders that we shall forever keep America the land of the sane and the home of the loyal.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Clarke, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Rosenthal asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr. Cooke, on motion of Mr. Beck.

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

Mr. Davis, on motion of Mr. Beck.

Mr. Hinckley, on motion of Mr. Collier.

PLEDGE OF ALLEGIANCE TO THE FLAG DEEMED GIVEN

By unanimous consent, as the pledge of allegiance to the Flag had been given this morning in the Regular 1950 (Budget) Session, Speaker Sam L. Collins deemed the pledge of allegiance to the Flag as having been given, in this session.

COMMUNICATIONS

By Speaker Sam L. Collins:

A communication from Mrs. F. A. Guliez of Los Angeles, relative to the abolishment of organized crime in California, was received, and ordered filed with the Secretary of State.

By Speaker Sam L. Collins:

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

THE DISCOVERY OF GOD IN CALIFORNIA IN 1948

O Golden State, with your Golden Gate
And your gilded twilight shore,
Your ways, they teem with golden freight,
Your hills with golden ore.

Your vales with golden grain o'erspread,
Your orchards' burdened boughs,
Your pastures green where flocks are fed
And herds, well-watered, browse,

Your golden-tinted apricot,
Your golden orange-grove,
And e'en your golden city lot
That subdividers love:

O what a golden harvest pours
From out your copious horn!
The gold of your peaks at evening speaks
To their snowy gold of morn!

With Canaan's milk and honey blest,
A "promised land" art thou.
Again God gives His people rest
And richly does endow

Then why, O latter Israel,
With all your Jordans crossed,
In your last rendezvous, pray tell,
Have you your altar lost?

O Pilgrims in the modern mood,
On your last Plymouth Rock,
O stand the way your fathers stood
And in their footsteps walk

You hasten to the "golden west"
From north and south and east;
Throughout a century of quest
Your tram has never ceased.

In eighteen-hundred forty-eight,
'Twas then that gold was found;
In nineteen-hundred forty-eight,
A drouth had cursed the ground.

'Twas then the people's elders prayed
In their assembly halls
The devastating hand is stayed
As rain in answer falls

Was it not promised one great day
Of this, our chosen race
That, if a humbled people pray
And seek their Father's face,

Then He will hear from Heaven's height
And heal their wounded land,
Forgive their sin, remove their blight
And bless their laboring hand?

O knights of empire, you have fought
O'er many a bloody trail,
Till here at last is the realm you've sought;
You've found the golden grail.

You've gamed, in frontiers far and wide,
Your two-dimensioned goal;
But, upward now, your God must guide
To the frontiers of the soul

You've found your way by many trails
To this magnetic sod;
By One alone that never fails
You'll find your way to God

Your golden years their cycle tell,
A century is done,
With golden days in mystic spell
Beneath the golden sun

But now your golden hour I see,
With golden trails untrod,
Your golden opportunity,
Discovery of God.

I see your deserts bloom and bud
Above the dusty sage
This is your century of God;
This is your Golden Age!

—Willard Dill—Dec 1, 1948

RESOLUTIONS

The following resolution was offered :

By Mr. Dickey :

House Resolution No. 8

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 :

Railway Express Agency (expressage—roll calls)-----	\$5 89
H. S. Crocker Company, Inc. (supplies)-----	6 67

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, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Landsay, Lapscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—67.

NOES—None.

ANNOUNCEMENT

Speaker Sam L. Collins announced that a breakfast meeting, and Republican Caucus, will be held at 7.30 a.m., tomorrow morning, Tuesday, March 14th, at the Hotel Sacramento.

RESOLUTIONS

The following resolution was offered :

By Mr. Dickey :

House Resolution No. 9

Resolved by the Assembly of the State of California, That the Chief Clerk be authorized to receive from the Members of the Assembly a mailing list of all bills, resolutions, and Histories of the 1950 First Extraordinary Session ; to be directed to libraries, chambers of commerce, and other public centers, and to individuals, for general inspection. This list is to be limited to five (5) names each, and shall be forwarded to the Legislative Bill Room for regular mailing. No member shall include on the list any state department or employee thereof except state colleges and universities. The Chief Clerk is further authorized to place accredited newspaper representatives on the regular mailing list as well as the Attorney General, Legislative Counsel Bureau, and the Governor's Office. That in addition to the above, the Chief Clerk shall forward to the Legislative Bill Room for regular mailing, five (5) copies of said bills, resolutions, and Histories to be mailed to the State Commander of the American Legion, or to such parties as he shall name ; and be it further

Resolved, That no additional mailing list shall be allowed or authorized, unless the sum of fifteen dollars (\$15) each is paid therefor, to the State Printer and which sum shall be credited to legislative printing and accounted for to the Legislature ; and be it further

Resolved, That the total number of bills to be printed in no event unless otherwise authorized, shall be over 2,500.

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

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

The following resolutions were offered :

Assembly Concurrent Resolution No. 4: By Messrs. Collier and Hahn—Relative to Arthur H. Samish.

Request for Unanimous Consent

Mr. Collier asked for unanimous consent to take up Assembly Concurrent Resolution No. 4, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

Mr. Dickey withheld unanimous consent.

Motion to Temporarily Suspend the Rules

Mr. Collier moved that the Rules be temporarily suspended for the purpose of considering Assembly Concurrent Resolution No. 4, at this time.

Motion died for lack of a second.

Assembly Concurrent Resolution No. 4 ordered referred to the Committee on Rules.

Assembly Joint Resolution No. 3: By Mr. Dunn—Relative to deduction, as to the federal income tax, of money spent by teachers to attend postgraduate courses.

Referred to Committee on Rules.

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

Assembly Bill No. 21: By Mrs. Niehouse, Messrs. Evans, Anderson, and Crowley—An act to repeal Sections 3088, 3088.1, 3474, and 3474.1 of the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of, and to make reimbursement for aid granted to, applicants for and recipients of aid to the blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 22: By Mr. Waters—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 23: By Mr. Waters—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 24: By Mr. Crowley—An act to amend Sections 3081 and 3470 of the Welfare and Institutions Code, relating to applications for aid to the blind.

Referred to Committee on Social Welfare

Assembly Bill No. 25: By Mr. Crowley—An act to amend Sections 111, 3076, 3078, and 3461 of the Welfare and Institutions Code, relating to aid to the blind and to the organization and powers of the State Department of Social Welfare in relation thereto.

Referred to Committee on Social Welfare.

Assembly Bill No. 26: By Mr. Crowley—An act to add Section 3079.5 to and to amend Section 3082 of the Welfare and Institutions Code, relating to the administration of aid to the needy blind and aid to partially self-supporting blind residents.

Referred to Committee on Social Welfare.

Assembly Bill No. 27: By Mr. Crowley—An act to amend Section 3084 of the Welfare and Institutions Code, relating to aid to the needy blind in respect to the maximum amount thereof, and making an appropriation therefor.

Referred to Committee on Social Welfare.

Assembly Bill No. 28: By Mr. Crowley—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Referred to Committee on Social Welfare.

Assembly Bill No. 29: By Mr. Crowley—An act to amend Sections 3047 and 3047.3 of, and to add Sections 3047.01, 3047.02, 3047.2, 3047.21, 3047.22, 3047.24, 3047.25, and 3047.27 to, and to repeal Section 3047.1 of, the Welfare and Institutions Code, relating to aid to the needy blind in respect to property qualifications of applicants and recipients.

Referred to Committee on Social Welfare

Assembly Bill No. 30: By Mr. Crowley—An act to add Section 3000 to the Welfare and Institutions Code, relating to aid to needy blind persons, and the purpose of the laws relative thereto.

Referred to Committee on Social Welfare.

Assembly Bill No. 31: By Messrs. Crowley and Tomlinson—An act to amend Section 3447 of the Welfare and Institutions Code, relating to aid to the partially self-supporting blind.

Referred to Committee on Social Welfare.

Assembly Bill No. 32: By Messrs. Crowley and Tomlinson—An act to add Section 3451 to the Welfare and Institutions Code, relating to eligibility for aid to partially self-supporting blind residents.

Referred to Committee on Social Welfare.

Assembly Bill No. 33: By Mr. Crowley—An act to amend Section 3075 of the Welfare and Institutions Code, relating to the Rules and Regulations of the Department of Social Welfare in respect to aid to the needy blind and aid to partially self-supporting blind residents.

Referred to Committee on Social Welfare.

MEMBER EXCUSED

At 10.34 a.m., Mr. Collier asked for, and was granted, unanimous consent that Mr. Hinckley be excused, for the balance of the legislative day, because of legislative business elsewhere.

ANNOUNCEMENTS

Speaker Sam L. Collins announced that, under a verbal agreement, previously made, no committee meetings are to be held which conflict with meetings of the Committee on Ways and Means, as the work of completing the budget is of primary importance.

Mr. Geddes announced that no meetings of the Committee on Finance and Insurance will be called in conflict with meetings of the Committee on Ways and Means.

Mr. Stewart announced that no meetings of the Committee on Governmental Efficiency and Economy will be called in conflict with meetings of the Committee on Ways and Means.

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

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

Assembly Bill No. 34: By Messrs. Caldecott and Brown—An act to add Section 330b to the Penal Code, relating to slot machines.

Referred to Committee on Judiciary.

Motion to Place Rush Order on Printing of Assembly Bill No. 34

Mr. Caldecott moved that a rush order be placed upon the printing of Assembly Bill No. 34.

Motion carried.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Ways and Means.

At 8 p.m.—

Ways and Means.

At 2 p.m.—

Rules.

Today upon adjournment—

Elections and Reapportionment at desk of Mr. Waters.

Ways and Means.

Tomorrow, Tuesday, March 14th, upon adjournment—

Subcommittee on Finance and Insurance.

ADJOURNMENT

At 10.38 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Tuesday, March 14, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY
NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 14, 1950

The Assembly met at 10.15 a.m.

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

Chief Clerk Arthur A. Ohnibus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Hagen, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, 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, Xorty, and Mr. Speaker—72.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Dunn asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Spirit of Nobility: In this Lenten season, when all Christendom observes the Temptation of the Christ, may we also participate in the practice of self-examination for the perfecting of our lives.

Let us remember that every one faces temptation, as even the Son of God was tempted in all points like as we are.

May we search out our faults and limitations, knowing that little sins may grow into big ones, as the "Little Foxes may spoil the vineyard."

Let us behold the disaster and sorrow that spring from the evils men commit and cause the problems that engage us as the servants of the law.

Day by day may we keep our Souls alert, knowing that the Devil of evil is ever ready to spring upon the unready.

So shall this Sacred Season increase the nobility and power of character which is our chief defense and crowning achievement —AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Erwin, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Weber asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Grant, on motion of Mr. Conrad.

Mr. Hahn, on motion of Mr. Conrad.

Mr. Cooke, on motion of Mr. Conrad.

Mr. Crichton, on motion of Mr. Stanley.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Grunsky, on motion of Mr. Smith.

Mr. Lipscomb, on motion of Mr. Smith.

Mr. Cloyed, on motion of Mr. Waters

RESOLUTIONS

The following resolution was offered:

By Mr. McCollister:

House Resolution No. 10

Relative to the standing committees of the 1950 Regular Session

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

1. Except as provided by H. R. 12, 1950 Regular Session, the standing committees of the 1950 First Extraordinary Session shall each have the same number of members as the corresponding standing committees of the 1949 Regular Session.

2. Except as provided by H. R. 12, 1950 Regular Session, the membership of each such committee shall be the same as the membership of the corresponding committee immediately prior to the convening of this session.

3. The Speaker of the Assembly is authorized to fill vacancies existing in the membership of any such committee.

Request for Unanimous Consent

Mr. McCollister 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 bills were introduced, and read the first time:

Assembly Bill No. 35: By Mr. Maloney—An act to amend Sections 2163 and 2163.2 of, to repeal Section 2163.6 of, and to add Section

2163.8 to, the Welfare and Institutions Code, relating to aid to the aged in respect to the personal property qualifications of applicants and recipients.

Referred to Committee on Social Welfare.

Assembly Bill No. 36: By Mr. Waters—An act to amend Sections 2164, 2165, 2165a. and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients.

Referred to Committee on Social Welfare.

Assembly Concurrent Resolution No. 5: By Messrs. Elliott, Anderson, and Hawkins—Relative to requesting the Governor to amend his Proclamation to include the subject of cross-filing at elections.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 14, 1950

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

Assembly Concurrent Resolution No. 1

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, March 14, 1950

MR. SPEAKER. Your Committee on Rules, to which was referred:

House 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 on file for adoption.

CONSIDERATION OF HOUSE RESOLUTION NO. 9

By Mr. Dickey:

House Resolution No. 9

Resolved by the Assembly of the State of California, That the Chief Clerk be authorized to receive from the Members of the Assembly a mailing list of all bills, resolutions, and Histories of the First Extraordinary Session; to be directed to libraries, chambers of commerce, and other public centers, and to individuals, for general inspection. This list is to be limited to five (5) names each, and shall be forwarded to the Legislative Bill Room for regular mailing. No member shall include on the list any state department or employee thereof except state colleges and universities. The Chief Clerk is further authorized to place accredited newspaper representatives on the regular mailing list as well as the Attorney General, Legislative Counsel Bureau, and the Governor's Office. That in addition to the above, the Chief Clerk shall forward to the Legislative Bill Room for regular mailing, five (5) copies of said bills, resolutions and Histories to be mailed to the State Commander of the American Legion, or to such parties as he shall name; and be it further

Resolved, That no additional mailing list shall be allowed or authorized, unless the sum of fifteen dollars (\$15) each is paid therefor, to the State Printer and which sum shall be credited to legislative printing and accounted for to the Legislature; and be it further

Resolved, That the total number of bills to be printed in no event unless otherwise authorized, shall be over 2,500.

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES**Committee on Elections and Reapportionment**

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1950

MR. SPEAKER: Your Committee on Elections and Reapportionment, to which was referred:

Assembly Bill No. 19

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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 13, 1950

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

Senate Bill No. 11

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. 11—An act to call a special election to be held throughout the State on the sixth day of June, 1950, and to be consolidated with other state-wide elections held on the same day, and to provide for the submission to the electors of the State at such consolidated election Senate Constitutional Amendment No. 33 of the 1949 Regular Session, to take effect immediately.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Fleury:

Resolved, That Senate Bill No. 11 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, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Coats, Collier, George D. Collins, Connolly, Conrad, Crowley, Davis, Dickey, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Hagen, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lowrey, Luckel, Maloney, McCarthy, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—61.

NOES—None.

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

CONSIDERATION OF SENATE BILL NO. 11

Senate Bill No. 11—An act to call a special election to be held throughout the State on the sixth day of June, 1950, and to be consolidated with other state-wide elections held on the same day, and to provide for the submission to the electors of the State at such consolidated election Senate Constitutional Amendment No. 33 of the 1949 Regular Session, to take effect immediately.

Bill read second time.

Senate Bill No. 11—An act to call a special election to be held throughout the State on the sixth day of June, 1950, and to be consolidated with other state-wide elections held on the same day, and to provide for the submission to the electors of the State at such consolidated election Senate Constitutional Amendment No. 33 of the 1949 Regular Session, 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, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Coats, Collier, George D. Collins, Connolly, Conrad, Crowley, Davis, Dickey, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Hagen, Hansen, Hawkins, Hoffman, Hollibaugh, Huxek, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lowrey, Luckel, Maloney, McCarthy, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Siliman, Smith, Stanley, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—61.

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. 37: By Messrs. Kilpatrick and Rosenthal—An act to amend Sections 1512, 1526, 1550 and 1554 of the Welfare and Institutions Code, relating to the granting of aid to needy children

Referred to Committee on Social Welfare.

Assembly Bill No. 38: By Mr. Lindsay—An act to amend Section 2117.5 of the Streets and Highways Code, relating to the Highway Users Tax Fund.

Referred to Committee on Revenue and Taxation.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Journals for Monday, March 6, 1950; Tuesday, March 7, 1950; Wednesday, March 8, 1950; and Thursday, March 9, 1950, were approved as corrected by the Minute Clerk.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Ways and Means. Subject: Consideration of budget items for support of Assembly.

Rules.

At 3 p.m.—

Interim Committee on Finance and Insurance, in Room 430.
(Members of Committee on Ways and Means, Messrs. Lipscomb and Grunsky, excused.)

ANNOUNCEMENTS

Mr. Beck announced a Democratic luncheon meeting, and Caucus, at 12.15 p.m., today, at the Hotel Sacramento.

Speaker Sam L. Collins expressed regret, on behalf of himself, and other absent Republicans, that they were not in attendance at the Republican Caucus, this morning.

ADJOURNMENT

At 10.32 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Wednesday, March 15, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY
TENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, March 15, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—75.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Crowley asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps.

Infinite Presence: In this Lenten season, we listen to the voices of aspiration that arise within us and speak to us of the deeper and greater nature we have not yet realized.

We see that the outward world of existence, of work and pleasure is but the thin surface, below which our real self dwells

May we be aware of this mystic part of our nature which is forever incomplete and unsatisfied, and which will be forever restless until it is attuned with the Infinite in whom we live and move and have our being.

Let us hear "the high yearnings that come welling and surging in", and that come from the Infinite Ocean, whence our life has sprung.

Then shall we fulfill these higher aspirations, that lead us to the greater life of the Soul —AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Evans, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Yorty asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Grant, on motion of Mr. Conrad.

Mr. Clarke, on motion of Mr. Conrad.

Mr. Crichton, on motion of Mr. Hoffman.

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

Mr. Sherwin, on motion of Mr. Stewart

COMMUNICATIONS

By Mr. Geddes:

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

Ernest R. Geddes, Assemblyman
State Capitol, Sacramento, California
Please protest Ralph Brown Bill.

POMONA, CALIFORNIA, March 14, 1950

POMONA RECREATION CENTER
JOSEPH AND FRANK MULLER

By Mr. Geddes:

Ernest R. Geddes, Assemblyman
State Capitol, Sacramento, California

POMONA, CALIFORNIA, March 14, 1950

Urge strenuous action against Brown Slot Bill which would eliminate many purely amusement games in this district.

VALLEY COIN MACHINE CO.
S. J. GRIFFIN

By Speaker Sam L. Collins:

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

THE AMERICAN LEGION, INC.
DEPARTMENT OF CALIFORNIA, ANAHEIM POST No 72
ANAHEIM, CALIFORNIA, March 14, 1950

Hon Sam Collins, State Assembly
Sacramento, California

DEAR COMRADE SAM. The Board of Directors of Anaheim Post No 72, the American Legion, request your support in the defeat of the "slot machine" bill as it now stands.

"A modified bill, excluding organizations such as ours where a part of the "earnings" are set aside for charity, would be acceptable.

Yours very truly,

C. A. SCHMITT, Adjutant

By Speaker Sam L. Collins:

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

ORANGE, CALIFORNIA, March 15, 1950

*Sam Collins, Speaker of House
State Capitol, Sacramento, California*

Modify slot machine legislation if possible. Present form will work extreme hardship on charity and welfare work.

B P O E LODGE 1475

ARTHUR H. MEYER, Exalted Ruler

By Speaker Sam L. Collins:

LAGUNA BEACH, CALIFORNIA, March 14, 1950

*Sam Collins
State Capitol
Sacramento, California*

Modify legislation if possible Present law will work extreme hardship.

LAGUNA BEACH ELKS LODGE No. 1724

By Speaker Sam L. Collins:

SANTA ANA, CALIFORNIA, March 14, 1950

*Sam L. Collins, Speaker of the House
State Building, Sacramento, California*

Pertaining to legislation on slot machines which will affect our V.F.W. Post very materially, please use your influence to modify this bill.

HOMER EDWARDS, Commander
V.F.W. Post 1680

By Speaker Sam L. Collins:

NEWPORT BEACH, CALIFORNIA, March 14, 1950

*Sam L. Collins, Speaker of the House
State Capitol, Sacramento, California*

Regarding legislation affecting every American Legion post in California please use your influence to modify this bill

WHIT M. HELMS, Commander
Newport Harbor Post 291

By Speaker Sam L. Collins:

HUNTINGTON BEACH, CALIFORNIA, March 14, 1950

*Sam Collins, Speaker of the Assembly
State Capitol, Sacramento, California*

Regarding slot machines legislation, Post No. 133 requests you attempt modification this bill.

CHARLES C. MURDY, Commander, Post No. 133

By Speaker Sam L. Collins:

HUNTINGTON BEACH, CALIFORNIA, March 14, 1950

*Sam Collins, Speaker of the Assembly
State Capitol, Sacramento, California*

Orange County Legionnaires request your influence regarding modification slot machine legislation.

CHARLES C. MURDY, Commander,
Orange County Council

By Speaker Sam L. Collins:

ORANGE, CALIFORNIA, March 14, 1950

*Sam Collins, Speaker of House
State Capitol, Sacramento, California*

With reference to legislation on machines which will affect our Legion Post. Please use your influence to modify this bill.

VERNON HELMECK, Commander
Orange Post No. 132, American Legion

By Speaker Sam L. Collins:

SANTA ANA, CALIFORNIA, March 14, 1950

Sam Collins

State Capitol, Sacramento, California

Modify legislation if possible. Present law will work extreme hardship.

SANTA ANA ELKS LODGE 794

By Speaker Sam L. Collins:

SANTA ANA, CALIFORNIA, March 14, 1950

Sam L. Collins, Speaker of the House

State Capitol, Sacramento, California

With reference to legislation on slot machines which will affect every legion post in California, please use your influence to modify this bill.

CARL PROCTOR, Commander

Santa Ana Post 131, American Legion

By Speaker Sam L. Collins:

SANTA ANA, CALIFORNIA, March 15, 1950

Sam Collins, Speaker of House of Representatives

State Capitol, Sacramento, California

Please use your influence to modify Slot Machine Law.

T. L. RANNEY, Commander
Post 555, American Legion

TABULATION

By unanimous consent, Speaker Sam L. Collins ordered the following tabulation printed in the Journal:

Figures of the Federal Government with respect to licensed slot machines in the State of California for the years given.

For Fiscal Year Ending 6/30/44

Northern California	3,934
Southern California	3,803

For Fiscal Year Ending 6/30/45

Northern California	5,045
Southern California	3,970

For Fiscal Year Ending 6/30/46

Northern California	5,105
Southern California	4,162

For Fiscal Year Ending 6/30/47

Northern California	6,008
Southern California	4,941

For Fiscal Year Ending 6/30/48

Northern California	4,123
Southern California	2,620

For Fiscal Year Ending 6/30/49

Northern California	3,031
Southern California	2,011

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Constitutional Amendment No. 1: By Messrs. Condon, Lewis, Rosenthal, Anderson, Berry, George D. Collins, Davis, Dills, Doyle, Elliott, Fletcher, Hawkins, Kilpatrick, McMillan, and Porter—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding a new article thereto to be numbered XXV, relating to the prevention and alleviation of hardship, and correction of economic maladjustment, caused by unemployment by instituting a comprehensive program of public works, making provision for the administration thereof and the issuance of bonds.

Referred to Committee on Constitutional Amendments.

ANNOUNCEMENTS

Mr. McCollister announced that a Joint Committee Session will be held in the Senate Chamber tomorrow night, Thursday, March 16th, at 8 p.m., for the purpose of holding an open hearing on Assembly Joint Resolution No. 2, and Assembly Joint Resolution No. 3, which relate to the participation of the United States in a World Federal Government, and to the rescinding of a resolution previously adopted; and that the following members of a Subcommittee on Rules will be in attendance: Messrs. McCollister, Maloney, Geddes, Dunn, and Fletcher.

Mr. Dickey announced the details of the present parking facilities for the cars of members, and explained that efforts are being made to eliminate the difficulties confronting legislators attempting to park their cars near the Capitol.

Speaker Sam L. Collins announced, on behalf of Mr. Stewart, that the Pasadena Tournament of Roses Committee will present with permission of the Assembly, a complimentary showing, for members and guests, of the motion picture taken of the recent Tournament of Roses parade and football game in Pasadena on New Year's Day.

REQUEST FOR UNANIMOUS CONSENT TO USE ASSEMBLY CHAMBER

Mr. Stewart asked for, and was granted, unanimous consent that the Pasadena Tournament of Roses Committee be permitted to use the Assembly Chamber on Thursday, March 23, 1950, for a period of 30 minutes, for the purpose of showing a motion picture to Members and guests of the Assembly.

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

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

Assembly Bill No. 39: By Messrs. Thompson and Kirkwood—An act to amend Section 4671 of the Education Code, relating to the disposition of, and payment for, school district property located in territory taken from a school district and annexed to a unified school district.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 40: By Mr. Dolwig—An act to add Section 18010 to the Education Code, relating to sewers and drains for schools, and declaring its urgency.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 41: By Mr. Collier—An act to amend Section 9905 of the Government Code, relating to influencing legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 42: By Mr. Collier—An act to add Section 9908.5 to the Government Code, relating to influencing legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 43: By Mr. Collier—An act to amend Section 9900 of the Government Code, relating to influencing legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 44: By Mrs. Niehouse, Messrs. Luckel, Thompson, and Cloyed—An act making an appropriation for the acquisition of land and the construction of buildings at San Diego State College.

Referred to Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1950

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 the recommendation: That the resolution be re-referred to Committee on Lobby Regulation, (Erwin, Chairman), for appropriate action, and that in the event said committee has ceased to function, the chairman be instructed to return resolution to the Assembly Committee on Rules.

DICKEY, Chairman

Above reported resolution ordered re-referred to the Committee on Lobby Regulation.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1950

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

Assembly Bill No. 19

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 1—Relative to commending the Board of Regents of the University of California for their action on the loyalty oath at the University of California.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 16, of the printed measure, after "prescribing", strike out "the", and insert "a".

Amendment read, and adopted.

Resolution ordered reprinted, and engrossed.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 10.30 a.m., Mr. Brown asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Judiciary upon adjournment. Subject: Consideration of Assembly Bills Nos. 1 and 34—Slot Machine Bills.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today at 8 p.m.—

Municipal and County Government, in Room 426.

Today upon adjournment—

Rules.

Judiciary. Subject: Consideration of Assembly Bills No. 1 and 34—Slot Machine Bills.

Next Wednesday, March 22d, at 8 p.m.—

Education, in Room 432.

**REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL
AND REPORT BE PRINTED IN THE JOURNAL**

Mr. Smith asked for, and was granted, unanimous consent that the following letter of transmittal, and Report of the Engineering Committee in compliance with the provisions of House Resolution No. 2, with the exception of the maps therein be ordered printed in the Journal, in 10-point type:

LETTER OF TRANSMITTAL

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA, March 6, 1950

*Assembly, California Legislature
State Capitol
Sacramento 14, California*

ATTENTION: ASSEMBLYMAN H. ALLEN SMITH

GENTLEMEN:

*Re: House Resolution No. 21, adopted December 19, 1949, Printed in
Assembly Journal of December 19, 1949 at page 267*

As an initial move, in compliance with the provisions of your Resolution No. 24, informal conferences were held in our Los Angeles Office January 19 and February 1, 1950. The participants in these conferences were representatives from the Cities of Los Angeles and Glendale; County of Los Angeles; State Department of Public Works, Division of Highways; Los Angeles County Grade Crossing Committee; and this commission. It appeared to these conferees that the first step, in developing a program to carry out the intent of your resolution, was to assemble certain fundamental data upon which to base a formal proceeding if one is to be undertaken. To this end various phases of the study were assigned to subcommittees. The report of these subcommittees is the primary basis of this report. Transmitted herewith are 100 copies of the committee's report.

I am advised by our engineer, J. G. Hunter, who acted as chairman at the conferences on January 19th and February 1st, that he discussed this method of procedure with you and that it met with your approval as an initial step to accomplish the desired results.

It is apparent from the results of the study thus far undertaken and from prior records before this commission, that the three grade crossings involved herein should, in the near future, be replaced with separations, in the interest of eliminating potential hazard to the general public having occasion to travel over the grade crossings by highway or rail, as well as removing the cause of a serious interference to the free flow of traffic, particularly highway traffic.

The question of finance seems to be the biggest problem to overcome in effecting these desired public improvements. This same difficulty was experienced in prior proceedings before this commission, which is discussed in the historical section of the report.

This commission desires to be helpful in any way it can be of service in an effort to bring about an early determination of this important matter under consideration. It would be most helpful if your governmental body

would aid in developing a plan of financing the improvement program referred to in your resolution.

Most respectfully,

R. E. MITTELSTAEDT, President

**REPORT OF THE ENGINEERING COMMITTEE IN COMPLIANCE
WITH THE PROVISIONS OF HOUSE RESOLUTION NO. 24
DIRECTING A STUDY BE MADE LOOKING TOWARD A PRO-
GRAM FOR THE CONSTRUCTION OF GRADE SEPARATIONS
WITH SOUTHERN PACIFIC COMPANY'S TRACKS AT:**

**Los Feliz Boulevard (Glendale-Los Angeles)
Glendale-Brand Boulevard (Glendale-Los Angeles)
Fletcher Drive (Los Angeles)**

House Resolution No. 24, adopted by the California Assembly, December 19, 1949, printed in Assembly Journal on December 19, 1949, page 267, provides:

"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"

"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 * * *."

This report is based upon studies conducted by representatives of the Cities of Los Angeles and Glendale, County of Los Angeles, Southern Pacific Company, Los Angeles County Grade Crossing Committee, and the staff of the Public Utilities Commission. Various phases of the study were assigned to subcommittees for investigation and report. There is shown in the appendix the personnel of the respective committees.

This study might be termed a preliminary survey to develop sufficient detail within reasonable limits of accuracy to meet the requirements of Resolution No. 24. If it is determined to proceed with the actual construction of any or all of the projects under consideration before such improvements are ready for construction, more comprehensive detailed designs and estimates of cost should be developed.

The different phases of the report, as related to the projects under consideration, will be discussed in the following order:

- 1—Prior Proceedings
- 2—Freeway and Major Highway Arteries
- 3—Estimate of Cost including Property Damage
- 4—Method of Financing
- 5—Economic Justification
- 6—Observations

Prior Proceedings

The Los Angeles County Grade Crossings Committee¹ filed a complaint with the then Railroad Commission, present Public Utilities

¹ The Los Angeles Grade Crossing Committee was organized on August 9, 1923. In its first meeting August 21, 1923, the Los Feliz Boulevard and Brand Boulevard grade crossings with Southern Pacific Company's tracks were considered the most hazardous crossings over Southern Pacific Company's tracks in Los Angeles County.

Commission, April 16 1925, Case No. 2124, requesting the commission to investigate and determine whether the interested parties, Southern Pacific Company, the Cities of Los Angeles and Glendale and the County of Los Angeles should be required to effect grade separations between the company's tracks and both Los Feliz and Glendale Boulevards. A public hearing was conducted in this matter June 16, 1925, at which time the Cities of Los Angeles and Glendale filed a joint resolution, No. 2835, requesting a study be made of all the grade crossings along Southern Pacific Company's tracks between Dayton Avenue, Los Angeles, and San Fernando Road (Turkey Crossing), Burbank; a distance of approximately 9.9 miles, involving 18 grade crossings which included the three involved herein.

The commission instituted an investigation on its own motion, Case No. 2171, September 21, 1925, for the purpose of determining whether in the interest of public convenience and safety the various grade crossings involved in said Resolution No. 2835 should be provided with additional protective devices, separated, relocated, or abolished. An engineering committee, under the leadership of the commission's staff, conducted a study of all the grade crossings referred to in that resolution. The result of this study is shown in a report dated December 18, 1929, which was submitted as Exhibit No. 1 in the hearing in Case No. 2171. The commission issued its order in this proceeding September 10, 1926 by Decision No. 17330, which provided, among other things, that:

1. The grade crossings of Los Feliz Road and Brand Boulevard be eliminated by constructing subways at each location.

2. Southern Pacific Company prepare plans and submit to parties for approval.

3. Apportionment of cost to be assessed by a suitable supplemental order

After further hearings the commission issued its Decision No. 20770, February 28, 1929. This decision shows the estimated cost of effecting grade separations at these locations to be:

Los Feliz Boulevard between \$400,000 and \$614,000.

Glendale Boulevard between \$409,000 and \$501,000.

In addition it was estimated that the cost to construct a separation between the tracks of the Southern Pacific Company and Pacific Electric Railway Company at Glendale Boulevard would amount to an additional \$57,000.

The Order of Decision No. 20770 prescribes the following apportionment of cost at each of the crossings of Los Feliz Road and Glendale Boulevard:

Southern Pacific Company	50 percent
County of Los Angeles	25 percent
City of Los Angeles	12½ percent
City of Glendale	12½ percent

Southern Pacific Company and Pacific Electric Railway Company were directed to separate grades of their tracks on a basis of 50% of the cost to each carrier

Numerous orders extending the effective date and extensions of time were issued due to the inability of the parties to finance the projects under consideration.

At the request of all the interested parties for dismissal of the proceedings, due to the fact that finances were not available, the commission, by Decision No. 27098, dated May 28, 1934, dismissed the proceedings without prejudice.

On November 13, 1928, the commission instituted an investigation, on its own motion, Case No. 2625, for the purpose of determining whether additional protection should be installed, or whether the separation of grades should be ordered at the crossing of Fletcher Drive with the main line tracks of Southern Pacific Company in the City of Los Angeles, and to apportion the cost thereof. Hearings were held in this matter, after which, at the request of both Southern Pacific Company and the City of Los Angeles, the matter was dismissed by Decision No. 25603, dated January 30, 1933.

In the docket in Case No. 2625 there is a stipulation entered into by the City of Los Angeles and Southern Pacific Company which states,

"The City of Los Angeles and the Southern Pacific Company hereby stipulate to endeavor, within a reasonable time, to jointly acquire some of the property adjacent to Fletcher Drive that will be most injuriously affected by a grade separation at the Southern Pacific Crossing."

By Application No. 16567, filed May 23, 1930, Southern Pacific Company requested permission to construct a drill track at grade across Fletcher Drive. This permission was granted ex parte by Decision No. 22607, dated June 30, 1930. There is attached to this application an indenture made on January 26, 1926, between Southern Pacific Company and the City of Los Angeles, which, among other things, specifies the following:

"This grant is made upon condition and the express agreement between the parties hereto that the Southern Pacific Company and Southern Pacific Railroad Company in said Cases Nos. 2124 and 2171 above mentioned, before the Railroad Commission of the State of California, will urge before said commission that said Fletcher Avenue as authorized to be opened by this easement have and assume the status of a highway newly opened or about to be opened and that such highway should be considered as a junior appropiator."

Freeway and Major Highway Arteries

PROPOSED PARKWAY SYSTEM

The rapid growth of Southern California and the Los Angeles Area in particular has created a traffic problem that is in dire need of solution. Traffic experts and highway engineers have long realized that the opening of new surface streets and the widening of others will not solve the problem, but that the construction of grade separated high-speed freeways or parkways are necessary.

Various public and private agencies and consulting engineers have presented reports and general over-all freeway plans. All of these reports have made contributions to the solution of the traffic problem, but in order that there would be one agreed upon freeway system with legal status through legislative action, the Los Angeles Metropolitan Parkway Engineering Committee was organized on November 4, 1943.

The committee was expanded from time to time to include representatives from all the cities of Los Angeles County. After many meetings from 1943 to 1946, an agreement was reached on a system of freeways for the Los Angeles Metropolitan Area consisting of 613 miles and estimated to cost 940 million dollars.

TEN-YEAR PARKWAY SYSTEM

Realizing that it would be impracticable to attempt to set up a financing plan for a freeway system of this magnitude, the committee agreed upon a 10-year program and selected from the over-all system a group of freeways totaling 165 miles and estimated to cost 300 million dollars. It was anticipated by the committee that by concentrating available funds upon the first priority system the job might be completed in 10 years under a financing plan which was presented to the Collier Committee and approved with modifications in the Collier-Burns Highway Bill of 1947.

The cost of freeways recently completed and others that are now under construction has far exceeded the estimates made in 1946. This is due to present real estate values and increased construction costs. Freeways have been under construction in the Los Angeles Metropolitan Area for over 10 years, about 2½ years of which was under the increased revenue provided by the Collier-Burns Act. Nineteen miles of the system has been completed to date. There remains 146 miles of the recommended 10-year plan to be completed, and recent estimates place the cost of completing the system at 584 million dollars. Obviously, the funds provided by the Collier-Burns Act will be inadequate to permit progress at the rate contemplated in the recommended 10-year plan. At the present rate of financing and construction, therefore, it will require approximately 20 years to complete the first priority group of freeways which were included in the 10-year plan.

FREEWAYS AFFECTING LOS FELIZ BOULEVARD, GLENDALE BOULEVARD AND FLETCHER DRIVE TRAFFIC

From the two maps shown in the appendix it can be seen that there are no freeways included in the 10-year plan that will affect the above-named highway arteries, but the construction of the Allesandro Parkway would definitely reduce traffic on Fletcher Drive. However, experience on other freeways has been that traffic on a paralleling surface street is reduced approximately 50 percent when the freeway is completed. From this time on, through traffic uses the freeway and local traffic increases on the surface street until finally the surface street volume becomes nearly equal and in some cases greater to that experienced before the construction of the freeway.

ALLESANDRO PARKWAY

The Allesandro Parkway is not included in the so-called ten-year plan. However, due to the importance of relieving the traffic congestion on Fletcher Drive and the necessity of eliminating the grade crossings of Fletcher Drive with both San Fernando Road and the Southern Pacific tracks, the city and state are proposing the early construction of a portion of the Allesandro Parkway, that portion from the Los Angeles River to a point near the intersection of Verdugo Road and Eagle Rock

Boulevard. The freeway agreement between the City of Los Angeles and the State is now in the hands of the city council. The freeway will be the new state route and existing Fletcher Drive will be eliminated as a state highway. Any future grade separations on Fletcher Drive would no longer be a responsibility of the State. The State has allocated some funds in the current budget for right of way on the Allesandro Parkway and it is estimated that the right of way for the section herein under consideration will be acquired in three years. It will probably be five or six years before this section of the freeway is completed.

When the remaining portions of the Allesandro Parkway are completed, an additional traffic load will be added from the Hollywood and Riverside Parkways. This increase will probably cause the parkway to be loaded to capacity, resulting in an increased use of Fletcher Drive as a local and short haul traffic street. A grade separation at the Southern Pacific tracks would make this route attractive to local traffic that would otherwise use the freeway and interfere with the through traffic.

MASTER PLANS OF HIGHWAYS

The Master Plans of Highways of the County of Los Angeles, City of Glendale, and the City of Los Angeles all show Los Feliz Boulevard, Glendale Boulevard and Fletcher Drive as important traffic arteries, placed there as natural important routes. The purpose of adopting a master plan is to have a definite plan to work towards, so that funds can be allocated as needed to secure a proper width street to carry the maximum traffic. Intersections are signalized and signals timed to secure the maximum efficiency of the street. Where a rail line interferes with the movement of traffic a grade separation would be desirable. Otherwise, the large sums of public funds expended for the opening and widening of important traffic streets are not used to full advantage, and hazardous conditions are created.

LOS FELIZ BOULEVARD

Los Feliz Boulevard is and has been for many years an important major street serving traffic between Glendale and Hollywood and the portion of Los Angeles adjacent to Western and Vermont Avenues.

According to recent counts of the Engineering Department of the City of Glendale, Los Feliz Boulevard carried over 26,000 vehicles in 24 hours at the Southern Pacific tracks. In 1923 when the grade separation was first proposed the count was 16,000.

There are three major points of traffic conflict on this street, namely, Riverside Drive, San Fernando Road and the Southern Pacific tracks.

GLENDALÉ BOULEVARD

Glendale Boulevard is also an important highway for traffic between Glendale, Pasadena, La Crescenta and contiguous county areas, and downtown Los Angeles and Hollywood. It carries over 26,000 vehicles in 24 hours at the intersection of the Southern Pacific tracks. Great expense was incurred several years ago when the bridge was constructed over the Los Angeles River and the grades separated at the Pacific Electric tracks. To make this street more effective as a traffic artery a grade separation is justified at the Southern Pacific tracks. Such an improvement should

include a separation between Southern Pacific and Pacific Electric tracks for the reason the cost of effecting such a comprehensive project would be a little different than one which separates only the two roadways of Glendale Boulevard with Southern Pacific Company's tracks, leaving the two rail lines at grade. If it should develop in the future that Pacific Electric's rail operation is discontinued over this route, the section provided for that carrier could be made a portion of the remainder of the highway at a nominal expense.

FLETCHER DRIVE

Fletcher Drive carries a large volume of traffic, a substantial portion of which is destined to points between Glendale, Pasadena, Eagle Rock, and contiguous county territory, and downtown Los Angeles and Hollywood. The street was opened in 1928 with a "temporary" crossing at grade at the Southern Pacific tracks. The crossing at grade was made over the protest of the Los Angeles County Grade Crossing Committee.

There are now three definite points of traffic conflict on the street, Riverside Drive, San Fernando Road and the Southern Pacific tracks. The traffic volume is substantially the same as that on Los Feliz Boulevard and Glendale Boulevard.

The Allesandro Parkway construction will lessen the importance of Fletcher Drive as a through traffic street.

Estimate of Cost Including Property Damage

DESIGN

Existing preliminary plans of the three proposed grade separations having been prepared many years ago it was believed desirable to review the three locations and determine the recommended design features based on present and anticipated conditions at these crossings. The proposed designs for Los Feliz Boulevard, Glendale Boulevard, and Fletcher Drive are fully illustrated in the plans which are contained in the Public Utilities Commission work file. The main features as recommended by the subcommittee will be briefly summarized herein.

FLETCHER DRIVE

The Allesandro Parkway, if constructed, will, to a certain extent, relieve the traffic congestion on the Fletcher Drive grade crossing with Southern Pacific Company's tracks. Even with this parkway it would be desirable to have a separation of grades to accommodate the traffic that will continue to flow along the present location of Fletcher Drive. Without the Allesandro Parkway, a separation is most necessary to afford the large volume of traffic safe and free access across this double track railroad with train movements at comparatively high rates of speed, and the further fact that this grade crossing is located near the throat of Southern Pacific Company's Taylor Yards. Preliminary plans for the parkway have been prepared by the City of Los Angeles in cooperation with the State Division of Highways. This section of the parkway extends from a connection with Fletcher Drive at the Los Angeles River to another connection with Fletcher Drive near Verdugo Road.

LOS FELIZ BOULEVARD

Plans for this separation are based on a two span grade separation structure 100 feet wide. Two 40 foot roadways separated by a median strip with 5 percent and 6 percent grades on the westerly and easterly approaches, respectively, have been provided in Los Feliz Boulevard. Paved $1\frac{1}{2}$ to 1 slopes are provided except at the northeasterly corner where retaining walls and a service road and connecting street are necessary to reduce property damages. A full width detour has been provided and included in the estimated cost of the project, because of the large amount of traffic using Los Feliz Boulevard and the absence of paralleling streets to which traffic might be diverted.

GLENDALE BOULEVARD

Plans for this separation are based on a two span grade separation structure 80 feet wide. Two 40 foot roadways on 5 percent approach grades have been provided. The two tracks of the Pacific Electric Railway Glendale Line have been continued under the structure in a separate right of way at a different level than the vehicular roadways because of the greater vertical clearance requirements. While approach grades of 4 percent would have been desirable for the Pacific Electric it was felt that these grades would have not been economically feasible nor practical on the northeasterly approach because of proximity to San Fernando Road. Accordingly 5 percent grades were also used for the Pacific Electric. The design selected makes possible the eventual increase of the vehicular roadway widths to 50 feet or 55 feet if at any future time the rail operation of the Pacific Electric Railway is discontinued.

Here as at Los Feliz Boulevard and for the same reasons, a full width detour has been provided to handle traffic during the construction period.

STORM DRAINS

The estimates for the Los Feliz Boulevard and Glendale Boulevard grade separations include sufficient amounts to construct adequate separate storm drains from the grade separations to the Los Angeles River. These are shown in the plan entitled "Proposed Storm Drain—Alternate B." However a better plan insofar as the overall public welfare is concerned would be to connect these grade separations to a section of the "Tropico Storm Drain System" ultimately required to furnish adequate drainage for large areas within the Cities of Glendale and Los Angeles. This arrangement is shown on the plan entitled "Proposed Storm Drain—Alternate A." The estimated cost of Alternate "B" is \$575,000 and of Alternate "A", \$1,000,000. It is recommended that at the time of construction of the grade separations every effort be made to construct this section of the Tropico Drain if this has not already been constructed. In order to do this an additional allocation from governmental agencies of the difference in cost between Alternate A and Alternate B or \$425,000 would be necessary. Estimates of storm drains for the 2 grade separations are based on Alternate "B" which is the minimum cost at which drainage could be provided for them.

ESTIMATES

Detailed estimates of the Los Feliz Boulevard, Glendale Boulevard, and Fletcher Drive grade separations are in the Appendix. No detail of the estimated costs of the Allesandro Parkway is included. The main subdivisions of cost of the four projects are as follows:

<i>Item</i>	<i>Los Feliz Boulevard</i>	<i>Glendale Boulevard</i>	<i>Fletcher Drive</i>
Right of Way-----	\$372,696	\$491,559	\$248,040
Construction -----	786,799	1,294,671	1,083,094
Engineering and Contingencies -	173,925	267,935	199,670
	<hr/> \$1,333,420	<hr/> \$2,054,165	<hr/> \$1,530,804

Allesandro Parkway (Between Los Angeles River and Verdugo Road, a distance of $1\frac{1}{2}$ miles)

Right of Way -----	\$1,900,000
Construction, including Engineering ----	4,600,000
	<hr/> \$6,500,000

Method of Financing

The representative of the Division of Highways reported that a portion of the Allesandro Freeway, adjacent to Fletcher Drive, is a state highway and is proposed for construction within a period of five years. Construction of this freeway would be financed largely by State Highway Funds, and should defer an urgent need for a grade separation on Fletcher Drive.

A resolution of the Council of the City of Glendale, adopted on February 2, 1950, provides that it would proceed in good faith to assume its reasonable proportionate share of the cost of one of the underpasses at Los Feliz Boulevard or Brand Boulevard (Glendale Boulevard), and if possible both of the underpasses, by either submitting the proposition to the voters for a bond issue at the first available election following formal order of the Public Utilities Commission, or by other appropriate means of financing as it deemed fit when the need arises.

The committee representatives of the City of Los Angeles stated that they were not in a position to make a commitment as to the city's position at this time. The procedure to secure such a statement would be through an action of the city council.

Southern Pacific representatives expressed the view that the grade separations were desirable and that the company would be willing to pay that portion of the total cost of construction predicated on net benefits to it, as determined by the Public Utilities Commission after appropriate hearings.

Representatives of the County of Los Angeles stated that, in their opinion, and without authority to commit the county, it would appear reasonable to assume that the county would be willing to contribute a portion of the cost of effecting the separations under consideration. This view was based on the fact that these improvements are of more than local importance and provide desirable routes for traffic traveling between

points outside the incorporated cities. There is shown on the accompanying map, a layout of the proposed Master Freeway Plans. It may be seen from these proposed freeways how the routes relate to the separations under consideration, from a traffic standpoint.

It is the opinion of the committee that the Cities of Glendale and Los Angeles and the Southern Pacific Company should jointly work toward the preparation of preliminary plans. Such plans should be presented at any hearing before the commission on its own motion, or on any application or case filed by an appropriate interested party. After the commission had concluded its hearings and made its order, the cost of detailed plans should be financed by securing Federal-Aid Advance Planning money which is now available to the political subdivisions for that purpose. Upon actual construction of the project, the cost of preparing such detailed plans would be apportioned in accordance with the formula established by the Public Utilities Commission, and the money borrowed for the preparation of detailed plans would be repaid to the Federal Government.

It appears that every grade separation constructed on the Southern Pacific Lines since 1935, except the one at Roseville, has been financed wholly or in part by federal funds. In response to a request for information from the City of Glendale, as to whether federal-aid funds were available to aid in financing the cost of constructing the Los Feliz Boulevard grade separation, Charles C. Morris, Division Engineer of the Bureau of Public Roads, Department of Commerce, in a communication dated December 13, 1949, stated:

“Prior to the war there were several appropriations for highways, including grade separations, without regard to location on one of the federal-aid systems. These funds have been exhausted and it is not expected that any more will be appropriated.

“The only funds now available must be expended on the federal-aid systems. As Los Feliz Boulevard is not on one of these systems, it is not eligible for federal highway aid.”

Due to the fact that the lack of federal funds for the construction of the grade separation would impose an unusual burden upon the local agencies, the sub-committee explored various possibilities of securing assistance in meeting the cost of construction. It was reported that the City of Los Angeles, County of Los Angeles, and the City of Glendale had collectively encumbered, or were in the process of encumbering, all of the state funds which were allocated to them under Chapter 20, Statutes of 1946. However, it was also reported that many cities and counties had not availed themselves of the funds made available under that act, and it appears that there will be an unexpended balance of such funds on December 31, 1951, the final date for filing application therefor. These funds could be made available by the Legislature for projects such as the Los Feliz and Glendale Boulevard grade separations.

As to the relative priority of effecting the grade separations under consideration, that is a matter which, in the opinion of the committee, should await the conclusion of a hearing before the Public Utilities Commission, at which time all pertinent factual data relative to cost, financing and public necessity can be presented and duly considered.

Economic Justification

Both the Los Feliz and Glendale Boulevard grade crossings are now protected by manually operated crossing gates over a 24-hour period. In the case of the Fletcher Drive grade crossing, it is protected by two upper quadrant wigwags and 2-train indicators, together with illuminated advance warning signs.

The towerman at the Glendale grade crossing operates both the highway crossing gates and the interlocker which governs rail movements over the grade crossing of the tracks of Southern Pacific and Pacific Electric Railway.

There is no accurate method of determining the public benefits that would accrue from the grade separations under consideration strictly from an economic standpoint. However, by assigning monetary amounts to the following items, vehicular delay, property damage, casualties and maintenance expense that would be eliminated through grade separations, we arrive at the following totals:

	<i>Fletcher Dr.</i>	<i>Glendale- Brand Blvd.</i>	<i>Los Feliz Blvd.</i>
Total -----	\$117,598	\$65,627	\$92,725
Capitalized at 5%	\$2,351,960	\$1,312,540	\$1,854,500

There is shown in Appendix "G" the accident record at each of the three grade crossings under consideration for the following periods:

Los Feliz and Glendale (Brand) Blvds. 1926-1949, inclusive,
Fletcher Drive ----- 1929-1949, inclusive,

and in Appendix "H" the vehicle delay due to train interference at Glendale (Brand) Boulevard and Los Feliz Boulevard.

Observations

1. All parties agree that there is an urgent public need for the construction of grade separations at Los Feliz and Glendale-Brand Boulevards, respectively, with Southern Pacific Company's tracks.

2. Without the Allesandro Parkway in operation there is an urgent public need for the construction of a grade separation at Fletcher Drive with Southern Pacific Company's tracks. With such a parkway in service there is ample justification for a separation at this location to accommodate the traffic that would continue to flow along this highway. The need for a separation under the latter condition does not appear from a public necessity standpoint to be as urgent as in the case with the other two projects involved herein.

3. Pending the construction of a separation at Fletcher Drive, it appears desirable to give consideration to the matter of providing more effective control of vehicular traffic across the railroad tracks than now obtains. This objective might be accomplished through the installation of automatic crossing gates.

4. Due to the magnitude of the financial problem necessary to carry out any or all of the grade separations under consideration, it is recommended that a committee be appointed to develop a plan to finance the respective improvements. It would appear that the Legislature might be the moving party to initiate such a program.

Appendix "A"**PERSONNEL OF SUB-COMMITTEES**

<i>Subject</i>	<i>Assignment</i>	<i>Representing</i>
Prior Proceedings and Accident Records -----	Ward Hall -----	P. U. C.
Freeways and Major Highway Arteries -----	O. H. Carlson, Chairman ----- J. Mellen ----- George J. Sleight ----- H. F. Holley -----	City of Los Angeles City of Glendale County of Los Angeles Auto Club of So. Cal.
Estimate of Cost Including Property Damage -----	Hugo Winter } J. C. Albers } Co-chairmen ----- J. C. E. McClure ----- F. W. Spencer ----- M. E. Cessna-Geo. Langsner ----- J. W. Green -----	City of Los Angeles City of Glendale Southern Pacific Pacific Electric State Div. of Highways State Div. of Highways
Method of Financing -----	Charles B. Briley, Chairman ----- K. Charles Bean ----- O. F. Cooley-E. A. Burt ----- M. E. Cessna-Geo. Langsner ----- Walker Paul -----	City of Glendale City of Los Angeles County of Los Angeles State Div. of Highways Southern Pacific
Economic Justification -----	Ward Hall -----	P. U. C.
Observations -----	William H. Gorman } Co-chair- J. G. Hunter } men ----- O. H. Carlson ----- Hugo Winter ----- Charles B. Briley -----	P. U. C. City of Los Angeles City of Los Angeles City of Glendale
Traffic Counts -----	Charles B. Briley } Co-chairmen ----- R. T. Dorsey } H. F. Holley -----	City of Glendale City of Los Angeles Auto Club of So. Cal.

Appendix "D"**COST ESTIMATE FOR THE PROPOSED GRADE SEPARATION AT THE
INTERSECTION OF LOS FELIZ BLVD. & SOUTHERN PACIFIC R. R.
TRACKS**

Bridge -----	\$320,000 00
Street work (includes excavation, paving, sidewalk, curb, guardrail, etc.) -----	114,454 00
Outer Highways (not shown on the map because the loca- tions are not definite) -----	5,850 00
Proposed Street (between Los Feliz Blvd. and Fernando Court—in Glendale) -----	12,270 00
Sanitary Sewers -----	13,000 00
Storm Drains -----	153,000 00
Retaining Walls -----	36,975 00
Detour (Street) -----	28,750 00
Railroad Shoofly -----	102,500 00
Right of Way -----	372,696 00
Total -----	\$1,159,495 00
+ Engineering and Contingencies—15% -----	173,925 00
GRAND TOTAL -----	\$1,333,420 00

Appendix "E"**COST ESTIMATE FOR THE PROPOSED GRADE SEPARATION AT THE INTERSECTION OF GLENDALE-BRAND BLVD. & SOUTHERN PACIFIC R. R. TRACKS**

Bridge	\$380,000 00
Street work (includes excavation, paving, sidewalk, curb, guardrail, P. E. Ry. tracks, etc.)	216,111 00
Outer Highways (not shown on the map because the locations are not definite)	21,150 00
Sanitary Sewers	11,000 00
Storm Drains	422,000 00
Retaining Walls	8,000 00
Detour (Street, including the P. E. Ry. tracks)	171,410 00
Railroad Shoofly	65,000 00
Right of Way	491,559 00
<hr/>	
Total	\$1,786,230 00
+ Engineering and Contingencies—15%	267,935 00
<hr/>	
GRAND TOTAL	\$2,054,165 00

This estimate includes the separation between the Southern Pacific and Pacific Electric tracks.

Appendix "F"**COST ESTIMATE FOR THE PROPOSED GRADE SEPARATION AT THE INTERSECTION OF FLETCHER DRIVE & SOUTHERN PACIFIC R. R. TRACKS****60' wide Roadway**

Bridge	\$413,120 00
Street work (includes excavating, paving, sidewalk, curb, guardrail, detour, etc.)	147,804 00
Sanitary Sewers	30,500 00
Storm Drains	244,000 00
Retaining Walls	187,000 00
Railroad Shoofly	60,670 00
Right of Way	248,040 00
<hr/>	
Total	\$1,331,134 00
+ Engineering and Contingencies—15%	199,670 00
<hr/>	
GRAND TOTAL	\$1,530,804 00

Appendix "G"**ACCIDENT RECORD
TRAIN-AUTOMOBILE COLLISION**

<i>Los Feliz Road</i> <i>Crossing No. B-476.8</i>				<i>Brand Boulevard</i> <i>Crossing No. B-477.3</i>			<i>Fletcher Drive</i> <i>Crossing No. B-478.1</i> <i>Fl. Light with</i> <i>2-Tr. Ind.</i>		
<i>Manual gates</i>				<i>Manual gates</i>					
<i>Year</i>	<i>No.</i>	<i>K</i>	<i>I</i>	<i>No.</i>	<i>K</i>	<i>I</i>	<i>No.</i>	<i>K</i>	<i>I</i>
1926	---	1	-	-	2	-	-		
1927	---				1	-	-		
1928	---				2	-	1		
1929	---				1	-	-	1	-
1930	---	1	-						
1931	---								
1932	---	1	-				1	-	-
1933	---				1	-	-	1	-
1934	---						1	-	-
1935	---						3	2	1
1936	---				2	-	-		
1937	---				1	-	-	1	-
1938	---				1	-	-		
1939	---	1	1	-			4	1	3
1940	---								
1941	---						1	-	-
1942	---	1	-				1	-	-
1943	---	1	-				5	1	1
1944	---	1	-				3	-	1
1945	---						6	1	-
1946	---	1	-				2	-	-
1947	---				1	-	-	1	2
1948	---	4	-		1	-	1	1	-
1949	---	1	-				2	-	-
Total	---	13	1	9	13	-	2	34	7
Av. per									
Xing									
Year	---	0.54	0.04	0.38	0.54	-	0.08	1.62	0.33
Los Feliz Road—24 Crossing Years									
Brand Boulevard—24 Crossing Years									
Fletcher Drive—21 Crossing Years									
Weekday									
Traffic	---	26,675			26,809				

Appendix "H"

VEHICLES AND VEHICULAR DELAY DUE TO TRAIN MOVEMENTS

<i>Item</i>	<i>Fletcher Dr. Thursday Feb. 16, 1950</i>	<i>Glendale- Brand Blvd. Wed. 12/21/49</i>	<i>Los Feliz Boulevard Thursday 12/22/49</i>	<i>Sunday 1/1/50</i>
(1) Total 24 hrs.-----	24,258	26,809	26,675	17,807
(2) Peak 15 mins.-----		767	608	393
(3) Peak 1 hour-----	2,318	2,836	2,271	1,399
(4) <i>Longest delay</i>				
(5) Number of vehicles--		286	276	98
(6) Vehicle minutes ----		764	1,005	246
(7) <i>Delay—24 hours</i>				
Number of vehicles --	2,786	2,194	3,020	965
Vehicle minutes ----	8,222	3,992	5,981	1,476
<i>Annual vehicle delay, min.</i>				
Weekdays -----	2,047,866	994,008	1,489,269	
Sat., Sun. & holidays	235,364	114,608	171,216	
Total minutes ----	2,283,230	1,108,616	1,660,485	
Total hours -----	38,058	18,480	27,675	

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Messrs. Hansen and Geddes, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Dorothy C. Aley of Fresno.

On request of Messrs. Lincoln and Geddes, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. J. J. Maasdam and Mrs. C. C. Story of Oakland.

On request of Mr. Conrad, the usual courtesies of the Assembly for this day were unanimously extended to Arthur E. Case.

On request of Mr. Hollibaugh, the usual courtesies of the Assembly for this day were unanimously extended to Roy Land of Los Angeles.

ADJOURNMENT

At 10.32 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Thursday, March 16, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY
ELEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, March 16, 1950

The Assembly met at 10.15 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, Berry, 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, Hagen, Hahn, Hansen, Hawkins, 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.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Weber asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite Wisdom: The hearts of people tremble as they think of the awful possibilities of the hydrogen bomb.

Let us believe that the Creator of the Universe did not endow men with "the genius to unlock the energy of the atom" with the idea that they would destroy themselves.

Let us believe that every terrific new discovery has always brought with it enough common sense or enough fear to wisely use it.

May history remind us that there has always been a limit where the tyranny of the ruthless is stayed and a limit where it only destroys itself.

So may this great hour inspire our faith and efforts for wise preparation, for education and good will toward humanity—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Dickey, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Butters asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Clarke, on motion of Mr. Dickey.

Mr. Lincoln, on motion of Mr. Dickey.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Babbage, on motion of Mr. McCarthy.

Mr. Hinekley, on motion of Mr. McCarthy.

MOTION THAT ACCREDITED PRESS REPRESENTATIVES BE RECOGNIZED

Mr. Dickey moved that those persons who have been accredited as press representatives for the Budget Session be and are hereby recognized as such representatives for the First Extraordinary Session, and that those persons who have registered as business representatives and legislative representatives for the Budget Session be and are hereby recognized as such representatives for the First Extraordinary Session.

Mr. Caldecott seconded the motion.

Motion carried.

ANNOUNCEMENT

Speaker Sam L. Collins announced, on behalf of Mr. Smith, that the several bills pertaining to sex offenders, being held at Mr. Smith's desk, are now to be introduced; and that anyone desiring to be a co-author who has not signed the bills must do so, at this time.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 45: By Mrs. Niehouse—An act to add Sections 2201 and 3090.5 to the Welfare and Institutions Code, relating to public assistance, including aid to the aged and aid to the needy blind, in respect to recipients who have removed from one county to another county within the State, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

Assembly Bill No. 46: By Messrs. Fleury, Moss, Brown, Smith, Beck, and Tomlinson—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. 47: By Messrs. Fleury, Moss, Brown, Beck, Smith, and Tomlinson—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. 48: By Messrs. Hawkins and Anderson—An act to add Part 7a, comprising Sections 15501 to 15524, inclusive, to Title 2, Division 3 of the Government Code, relative to creating a Department of Commerce and, within such department, a Division of Agricultural Marketing, defining their functions, powers and duties, and making an appropriation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 49: By Mr. Lindsay—An act to amend Sections 73 and 2121 of the Streets and Highways Code, relating to the relinquishment of portions of state highways to counties.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 50: By Messrs. Rosenthal, Smith, Brown, Tomlinson, Beck, Burkhalter, Conrad, Dills, Doyle, Fleury, Gaffney, Grant, Huyek, Levering, Lipscomb, McCarthy, Porter, and Stanley—An act to amend Section 288a of the Penal Code, relating to sex perversion.

Referred to Committee on Judiciary.

Assembly Bill No. 51: By Messrs. Rosenthal, Smith, Brown, Beck, Burkhalter, Conrad, Dills, Doyle, Fleury, Gaffney, Grant, Hoffman, Huyek, Levering, Lipscomb, McCarthy, Porter, and Stanley—An act to add Section 209.1 to the Penal Code, relating to punishment for sex crimes.

Referred to Committee on Judiciary.

Assembly Bill No. 52: By Messrs. Smith, Rosenthal, Brown, Tomlinson, Beck, Burkhalter, Conrad, Dills, Doyle, Fleury, Gaffney, Grant, Hoffman, Huyek, Levering, Lipscomb, McCarthy, Porter, and Stanley—An act to amend Section 647a of the Penal Code, relating to vagrancy.

Referred to Committee on Judiciary.

Assembly Bill No. 53: By Messrs. Smith, Rosenthal, Brown, Tomlinson, Beck, Burkhalter, Conrad, Dills, Doyle, Fleury, Gaffney, Grant, Huyek, Levering, Lipscomb, McCarthy, Porter, and Stanley—An act to amend Section 644 of the Penal Code, relating to habitual criminals.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 6: By Messrs. Dickey, Crowley, McCollister, Fletcher, Anderson, Dills, Dolwig, Doyle, Geddes, Holibaugh, Silliman, Smith, and Thomas—Relative to investigation of water quality of waters within California.

Referred to Committee on Rules.

Assembly Joint Resolution No. 4: By Messrs. Dickey, Crowley, McCollister, Fletcher, Anderson, Dills, Dolwig, Doyle, Geddes, Holli-baugh, Silliman, Smith, and Thomas—Relative to control of water pol-lution.

Referred to Committee on Rules.

Assembly Bill No. 54: By Messrs. Kilpatrick, Burke, Hagen, Burk-halter, Meyers, Mrs. Niehouse, and Mr. Rosenthal—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. 55: By Messrs. Kilpatrick, Burke, Hagen, Burk-halter, and Meyers—An act to amend Sections 16441 and 16443, and to add Article 6, comprising Sections 16501 to 16504 inclusive, to Chapter 3 of Division 8 of the Education Code, relating to the health supervision of public school children, to provide for facilities for detecting and treating children who display tendencies to commit sex offenses, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Judiciary.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 15, 1950

MR. SPEAKER. I am directed to inform your honorable body that the Senate on this day adopted.

Senate Joint 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 the first time:

Senate Joint Resolution No. 2—Relative to the return of abducted Greek children.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

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

Assembly Concurrent Resolution No. 1

And reports the same correctly engrossed

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Joint Resolution No. 2

Has had the same under consideration, and reports the same back with the recom-mendation: Be adopted

DICKEY, Chairman

Request for Unanimous Consent

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

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 2

Senate Joint Resolution No. 2—Relative to the return of abducted Greek children.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollbaugh, 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, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—72.
NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

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 Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

MR. SPEAKER: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 1

Assembly Bill No. 34

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

BROWN, Chairman

Above reported bills ordered to second reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 12

Assembly Bill No. 22

Assembly Bill No. 23

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

STANLEY, Chairman

Above reported bills ordered to second reading

**REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL NO. 19
BE STRICKEN FROM FILE**

Mr. Fleury asked for, and was granted, unanimous consent that Assembly Bill No. 19 be ordered stricken from the file.

ASSEMBLY CONCURRENT RESOLUTION NO. 1 CONTINUED ON FILE

By unanimous consent Assembly Concurrent Resolution No. 1 was continued on file until the next legislative day.

ANNOUNCEMENT

Mr. McCollister announced that entrance to the Senate Chamber will be restricted to members of both houses, and to their families, until 8.15 p.m., tonight, for the purpose of attending the open hearing on resolutions pertaining to World Federation; that witnesses will be accorded the courtesy of the floor by Senators Donnelly and Swing; and that after 8.15 p.m. visitors will be seated downstairs and in the balcony as long as seats are available.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

MR. SPEAKER. Your Committee on Legislative Procedure has examined:
Assembly Joint Resolution No. 3

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

REMARKS ON CONDITION OF THE FILE

Mr. Dunn spoke on the condition of the file.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 12.30 p.m.—

Interstate Cooperation Committee on Government. Presiding Chairman: Lieutenant Governor Goodwin J. Knight, in Conference Room at Bedell's

At 2 p.m.—

Rules.

At 8 p.m.—

Joint meeting of Committees on Rules, in Senate Chamber.
Subject: Open hearing on resolutions pertaining to the establishment of a World Federal Government.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Speaker Sam L. Collins and Messrs. Levering and Conrad, the usual courtesies of the Assembly for this day were unanimously extended to Mesdames J. Henry Orme, Justus A. Kirby, Rea Proctor McGee, Estelle B. Balch, Lee Vaughan, Frank Cunningham, Elda R. Troth, Doris L. Olmsted, Anna B. Chambers, Helen Courtois, Miss Margaret Keily, and Messrs. Arthur E. Case, Myron C. Fagan, and D. B. Troth of Los Angeles

On request of Speaker Sam L. Collins and Messrs. Levering and Conrad, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Ethel Gillett Whitehorn of Palm Springs, Mrs.

Ada Flynn and Mrs Ernest M Funk of Huntington Park, Mrs. Ruby Iverson of Alameda, and Mrs Lena H Reynolds of Berkeley.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Marion Mansfield of Sacramento.

On request of Mr. McCollister, the usual courtesies of the Assembly for this day were unanimously extended to Mrs Letha F. Jenkins, teacher of the Ross School of Marin County, and the following pupils: Charles Bleadon, Donn Blount, Peter Bolles, Peter Cooke, David Faraday, Frank Green, Terence Hallinan, Monty Hancock, Frank Holtemann, James Keller, David Leckie, John Morgan, John Painter, Anthony Post, Louis Rossi, John Waterman, Robert Yim, Elsie Bellotti, Katherine, Dibblee, Berit Feragen, Alice Macondray, Marlene Miehle, Chrystal Pringle, Victoria Sloat, Mary Jean Stapleton, Marsha Wentner, Gail Yates, and Donna Zander.

On request of Mr. McCollister, the usual courtesies of the Assembly for this day were unanimously extended to Mr. Saladin, teacher of the Fairfax School, and the following pupils: Diane Domke and Barbara Brett; Kentfield School: Mary Ellen Davis and Bill Bliss; Isabel Cook School: Carroll Gunn and Paul Hughes; and the following adults accompanying the group, including Mrs. Jesse Waterman, Mrs. Claire Cooke, Mrs. Alvin Blount, and Mrs. A. W. Leckie, of Ross.

On request of Mr. Coats, the usual courtesies of the Assembly for this day were unanimously extended to Theodore De Bernardi, George McClelland, Jack Radisich, and Virginia Franklin, teachers of the Aymer Jay Hamilton School of Chico, and the following pupils: Walter Rothe, Bob Miller, Dale Carlson, Carl Miller, Dick Hann, Omar Jarvis, Betty Miller, Marsha Hall, Ruth Stillwell, Shirley White, Bill Johnson, Melvin Meyer, Dick Garcia, John Beals, Sharon Pero, Gwen Bentz, Margaret Collins, Arta Lou Dofflemeyer, Cathy Howard, Ann Walker, Garnetta Brown, Judy Waters, Mary Crane, Leona Corrie, Carlleen Foren, Marcia Powers, Joy McClelland, Betty Woods, Diane Parks, and Bob Alexander; and Tommy Humphreys of the Christian Brothers School of Sacramento.

On request of Mr. Condon, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Cory and Horace Smith, teachers in the Lafayette School, and the following pupils: Delbert Allison, Larry Anderson, Mary Lou Antons, Carolyn Bacon, Donna Barnette, Alicia Bettinardi, Richard Bonnington, David Brown, Robert Carlson, Philip Condit, Jerry Combs, Don Cowden, Robert Curtis, Gary DeLyria, Ilse Dix, Marshall Dutton, Robert Eberhart, Lanny Erickson, Emily Fara, Melvin Ferrarese, Beverley Fibush, Jean Field, Carol Fletcher, Judy Fry, Bob Jackson, Mary Lou Jacobsen, Brad Johansen, Rodney Kistsinger, Jo Anne Langren, Gloria Lassen, Wayne Lawson, Jack Lloyd, Jackie Lloyd, Jack Luedeman, Lylas Lynn, Alyce Mason, Bill Miller, Pat Morris, Jack Mosher, Bill Needham, Pat Nunley, Dian Osborn, Dick Peppin, Gene Peyret, Nilda Racconi, Bob Reark, George Reichert, Virginia Richard, Sarah Rinehart, Joan Scheuer, Walter Schneider, Bill Siebert, Sally Shipley, Shirley Soder, Michael Spencer,

Pat Spencer, David Stoeffler, Lois Swick, Tom Talbott, Marilouise Tinay, Bob Tressider, Gayle Van den Heuvel, Dick Vanderwynkle, Eddie Wilent, Janet Gaillard, Don Hayes, Eddie Hunt, Colin Izett, Diane Robertson, Judy Rothlisberger, and Judy Rounds.

On request of Mr. Crowley, the usual courtesies of the Assembly for this day were unanimously extended to Miriam Petriquin, teacher of Clear Lake Union High School; Mr. and Mrs. Karl Irwin; and the following pupils: Bobbie Jean Milton, Miriam Meddaugh, Violet Jones, Louise Cordell, Wanda Jones, Eva Moore, Gertrude Benton, Vivian Rud-dock, Ethel Moore, Margaret Stanley, Pandora Swanson, Lucille Gavette, Beverly Hage, Nancy Madieros, Al Norwood, Ernie Bjorkland, Ken Spencer, Wenford Rawlings, Dwayne Conable, Bud Hurkett, and Wilbur Augustine.

ADJOURNMENT

At 10.38 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Friday, March 17, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY
TWELFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, March 17, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloved, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowiey, Luckel, Maloney, McCollister, McMullan, Meyers, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Erwin asked for, and was granted, unanimous consent that the prayer offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Almighty God: In this age of doubt and uncertainty may we see the evidence of Thy presence in the sky above and the world about us;

In the universal principle that organizes the stars into constellations and upholds them in their vast orbits;

In the spectacle of universal law and order that pervades all nature from distant nebula to the flowers of the earth;

In the urge for truth and peace that has enlightened history, and in the warm desires of good-will within us, and our desire to advance the public good ;

Above all, in the mystic feelings of harmony that breathe from the silence when the rush of the world is still.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Crichton, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Hawkins asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Cooke, on motion of Mr. Reagan.

Mr. Clarke, on motion of Mr. Crichton.

Mr. McCarthy, on motion of Mr. Hoffman.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Fletcher, on motion of Mr. Thomas.

Mr. Babbage, on motion of Mr. Collier.

Mr. Hinckley, on motion of Mr. Collier.

Mr. Sherwin, on motion of Mr. Maloney.

Mr. Morris, on motion of Mr. Stanley.

Mr. Silliman, on motion of Mr. Kirkwood.

APPRECIATION EXPRESSED

Speaker pro Tempore Maloney expressed appreciation to Mr. Brown for his St. Patrick's Day gift.

COMMUNICATIONS

By the Chief Clerk:

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

LOS ANGELES, CALIFORNIA, March 17, 1950

*Arthur A. Ohninus, Chief Clerk
State Assembly, State Capitol
Sacramento, California*

The Public Affairs Department and Board of Directors, Friday Morning Club, commend action Board of Regents University California, Berkeley, requiring loyalty oath and urge stand firm in original decision.

MRS. PAUL A. QUAINANCE, President

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House 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

Above reported resolution ordered on file.

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

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

Assembly Bill No. 56: By Mr. Condon—An act to amend Sections 4460 and 4656 of the Labor Code, relating to temporary disability under the Workmen's Compensation Act.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 57: By Mr. Condon—An act to repeal Sections 39, 39 1, 39.5, 40, 41, 41 1, 41.2, 41.3, 41.5, 42 and 47 of the Unemployment Insurance Act, relating to merit rating.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 58: By Mr. Condon—An act to amend Section 53 of the Unemployment Insurance Act, relating to unemployment insurance benefits.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 59: By Mr. Condon—An act to amend Section 54 of the Unemployment Insurance Act relating to unemployment and disability insurance benefits.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 60: By Messrs. Gaffney, Crowley, and Berry—An act to amend Sections 3088 and 3473 of the Welfare and Institutions Code, relating to contributions by responsible relatives of recipients of aid to the needy blind or aid to partially self-supporting blind residents.

Referred to Committee on Social Welfare.

Assembly Bill No. 61: By Messrs. Thompson and Lindsay—An act to add Sections 9059, 9060, and 9407 to the Public Resources Code, relating to soil conservation and the Soil Conservation Equipment Revolving Fund, and providing for the financing of public works by such districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 62: By Messrs. Anderson, Lewis, Mrs. Niehouse, Messrs. Caldecott, Beek, Berry, Burkhalter, George D. Collins, Condon, Davis, Dills, Dunn, Elliott, Evans, Geddes, Hahn, Hawkins, Kilpatrick, Maloney, McMillan, Porter, Rosenthal, Rumford, Thomas, and Yorty—An act to amend Sections 5, 6, 12, 21 and 23, and to repeal Section 28 of the Relief Act of 1945, relating to relief of hardship and destitution.

Referred to Committee on Social Welfare.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 12—An act to validate the expenditure of certain major city street funds by the Town of Los Gatos.

Bill read second time, and ordered engrossed.

Assembly Bill No. 22—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 23—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

Bill read second time, and ordered engrossed.

Assembly Bill No. 1—An act to add Sections 330.1 to 330.5, inclusive, to the Penal Code, relating to slot machines, prohibiting the possession thereof and certain acts and transactions pertaining thereto, prescribing the penalty for violations of this act, and providing for the confiscation of such machines.

Bill read second time, and ordered passed on file.

THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 3—Relative to deduction, as to the federal income tax, of money spent by teachers to attend postgraduate courses.

Resolution read.

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

AYES—Anderson, Beck, Beriy, Brady, Brown, Burke, Burkhalter, Butters, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Huyck, Lewis, Lincoln, Lindsay, Lipsecomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Moss, Niehouse, Porter, Price, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Weber, and Yorty—55.
NOES—Reagan—1.

Resolution 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. 63: By Messrs. Yorty, Dunn, Beck, Rosenthal, Anderson, Bennett, Brady, Brown, Burkhalter, George D. Collins, Condon, Dills, Doyle, Elliott, Evans, Gaffney, Hawkins, Kilpatrick, Lewis, Maloney, McMillan, Porter, Rumford, and Thomas—An act to create a fund to provide for the alleviation and prevention of unemployment by means of construction of public works; to authorize the issuance of bonds for the above purpose; and to provide for the appropriation of money in the fund created.

Referred to Committee on Revenue and Taxation

CONSIDERATION OF DAILY FILE (RESUMED)

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 1

Assembly Bill No. 1—An act to add Sections 330.1 to 330.5, inclusive, to the Penal Code, relating to slot machines, prohibiting the possession thereof and certain acts and transactions pertaining thereto, prescribing the penalty for violations of this act, and providing for the confiscation of such machines

Bill read second time.

Motion to Amend

Mr. Grunsky moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "330.5", and insert "330.6".

Amendment No. 2

On page 2 of the printed bill, after line 50, insert

"SEC. 6 Section 330.6 is added to said code, to read:

330.6. The provisions of Sections 330.1 to 330.5 inclusive of this code, with respect to owning, storing, keeping, possessing, or transporting any slot machine or device as therein defined, shall not apply to any slot machine or device as therein defined located upon or being transported by any vessel regularly operated and engaged in interstate or foreign commerce, so long as such slot machine or device is located in a locked compartment of the vessel, is not accessible for use and is not used or operated within the territorial jurisdiction of this State.

SEC. 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable"

Amendments read.

Division of the Question

Mr. Brown asked for a division of the question.

Consideration of Amendment No. 1**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "330.5", and insert "330.6".

Amendment read.

Request for Division of the Question Withdrawn

Mr. Brown withdrew his request for a division of the question.

Further Consideration of Amendments to Assembly Bill No. 1**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "330.5", and insert "330.6".

Amendment No. 2

On page 2 of the printed bill, after line 50, insert

"SEC. 6 Section 330.6 is added to said code, to read:

330.6. The provisions of Sections 330.1 to 330.5 inclusive of this code, with respect to owning, storing, keeping, possessing, or transporting any slot machine or device as therein defined, shall not apply to any slot machine or device as therein defined located upon or being transported by any vessel regularly operated and engaged in interstate or foreign commerce, so long as such slot machine or device is located in a locked compartment of the vessel, is not accessible for use and is not used or operated within the territorial jurisdiction of this State.

SEC. 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable"

Amendments read.

Roll Call Demanded

Messrs. Brown, Caldecott, and Kirkwood demanded a roll call.

The roll was called, and the amendments offered by Mr. Grunsky to Assembly Bill No. 1 refused adoption by the following vote:

AYES—Anderson, Beck, Brady, Butters, Cloyed, Connolly, Conrad, Dickey, Dills, Dolwig, Doyle, Evans, Grant, Grunsky, Hoffman, Huyek, Kilpatrick, Kirkwood, Levering, Lincoln, Lipscomb, McCollister, Porter, Reagan, Smith, Stanley, Thompson, and Weber—28.

NOES—Berry, Brown, Burke, Burkhalter, Caldecott, Coats, Collier, George D. Collins, Condon, Davis, Dunn, Elliott, Erwin, Fleury, Gaffney, Geddes, Hagen, Hahn, Hansen, Hawkins, Lewis, Lowrey, Luckel, Maloney, McMillan, Moss, Niehouse, Price, Rosenthal, Rumford, Stewart, Thomas, Tomlinson, Yorty, and Mr. Speaker—35.

Bill ordered engrossed, and to third reading.

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 34—An act to add Section 330b to the Penal Code, relating to slot machines.

Bill read second time, and ordered engrossed.

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

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

Assembly Bill No. 64: By Messrs. Dickey, Crowley, Geddes, Doyle, Anderson, Dills, Dolwig, Fletcher, Hollibaugh, McCollister, Silliman, and Smith—An act relating to research in air pollution problems, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency and Economy.

ANNOUNCEMENTS

Mr. Dunn announced that the School Apportionment Bill, which includes a 3-cent tax on cigarettes, and a 15 percent tax on tobacco, is being held at his desk, and that anyone wishing to become a co-author may sign the bill, at his desk, prior to its introduction.

Speaker Sam L. Collins announced that the policy on all bills pertaining to school matters will be as follows: Bills will first be referred to the Committee on Education, re-referred to the Committee on Revenue and Taxation, and then, if carrying an appropriation, to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1950

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.

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly 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 engrossed.

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

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

Assembly Bill No. 65: By Messrs. Dunn, Erwin, Geddes, Tomlinson, Porter, and Yorty—An act to provide for the Public School System and the raising of revenue therefor, and for that purpose to repeal Chapters 2, 12, 13, 14, 15, and 16 of Division 3 of the Education Code; to repeal Sections 4713, 8704, 8761, 9613, 9614, 9615, 9616, 9617, 9642, 9645, 9809, and 16486 of said code; to repeal Article 10 of Chapter 16 of Division 2 of said code; to repeal Sections 671 and 671.1 of the Welfare and Institutions Code; to add Chapters 2, 12, 13, 14, 15, and 16 to Division 3 of the Education Code; to amend Section 16256 of said code, and to add Sections 8704 and 8761 to said code; and to add Part 13, comprising Sections 30000 to 30473, inclusive, to the Revenue and Taxation Code, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

**REQUEST FOR UNANIMOUS CONSENT THAT TEMPORARY
ABSENCE BE NOTED**

Mr. Kilpatrick asked for, and was granted, unanimous consent that his temporary absence from the Assembly Chamber be noted in the Journal, as he was attending to legislative business in the State Department of Social Welfare.

**REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF
TRANSMITTAL AND ESTIMATES BE PRINTED IN JOURNAL**

Mr. Kilpatrick asked for, and was granted, unanimous consent that the following letter of transmittal and estimates pertaining to the relative responsibility problem involved in old age security payments be ordered printed in the Journal in 10 point type:

LETTER OF TRANSMITTAL

March 17, 1950

Mr. Speaker and Members of the Assembly:

The following communication from the State Department of Social Welfare is in answer to my request for information as pertaining to the many problems in reorganization and financial matters as pertain to aged aid now before the Legislature due to the passage of constitutional amendments Nos. XXV and XXVII.

I believe the information pertinent to these subjects before us.

VERNON KILPATRICK

Letter of Transmittal

STATE OF CALIFORNIA
DEPARTMENT OF SOCIAL WELFARE
SACRAMENTO 14, March 14, 1950

Assemblyman Vernon Kilpatrick

State Capitol, Sacramento, California

DEAR MR. KILPATRICK: In accordance with your request following our meeting with your group on March 13, 1950, I am sending you herewith estimates on certain phases of the relative responsibility problem

and on proposals to reinstate former old age security recipients in the 63/64 age group and to reduce the county share in old age security assistance payments

With respect to these estimates, and in particular the relative responsibility data, I know you will appreciate that we have had to prepare them on the basis of far less factual detail than we would have preferred to have available. Although we have had to make a number of assumptions at different points in the estimating, these were made with full consideration of all available pertinent information on the experience of both California and other states with respect to this problem. Accordingly we feel that the estimates are as realistic and reasonable as can be made under present circumstances.

Very sincerely yours,

CHARLES I. SCHOTTLAND, Director
Department of Social Welfare

RESPONSIBILITY OF RELATIVES

Elimination of the present Welfare and Institutions Code provisions regarding the responsibility of relatives for contributing to the support of applicants or recipients of old age security can be expected to affect the costs of the program in several respects:

1. *Contributions Being Made to Old Age Security Recipients by Adult Children*—Total contributions by adult children to old age security recipients are estimated at approximately \$7,322,500 for the Fiscal Year 1950-51. Approximately 60 percent or \$4,393,500 would be applied to recipients' special needs in excess of the maximum grant. The remainder, \$2,929,000, would be deducted from maximum grants and hence represents an offset to public expenditures. If such contributions were discontinued as a result of the elimination of the relative contribution requirements, assistance payments might have to be increased as much as \$2,929,000, to be shared as follows: State, \$2,510,600; county, \$418,400 (Since the average federal share in old age security payments is already so close to the maximum, it is assumed that there would be no federal sharing in this increase)

2. *Increase in Caseload*—Because of the relatively short period that Article XXV was in operation and because some of the information most relevant to this problem concerns social attitudes which this department has no way of measuring, it is not possible to arrive at precise or conclusive judgments regarding the ultimate effects of this law in the area of relatives' responsibility. It is possible, however, to draw some conclusions from the experience of other states *which are not inconsistent with the California experience under Article XXV*.

The average recipient rate in December 1948 for a group of reasonably comparable states lacking responsible relative requirements, was approximately 307 per thousand of aged population, or 22 percent higher than the rate reported for California at that time (251 recipients per thousand) It seemed reasonable to suppose that the California recipient rate would be this much higher (i.e., 22 percent) some years after the responsible relative change occurred, possibly by December 1952. In order to isolate the responsible relative factor from other changes effected

by Article XXV and Article XXVII, the estimate of increase was related to a projection of the caseload as it would have been if the 1948 Welfare and Institutions Code provisions had continued *without any change*.

To minimize the hypothetical elements in the situation, our estimates have been confined to the Fiscal Year 1950-51. Had the responsible relative provisions of Article XXV remained in effect throughout 1949-50 and 1950-51 the additional caseload due to the relative factor is estimated at 29,000 cases and additional costs at \$24,619,000, including \$10,334,700 federal funds, \$12,253,900 state funds, and \$2,030,400 county funds. However, discontinuances of relative cases and shutting off of intake of such cases from March to June, 1950, under the provisions of Article XXVII, would reduce the estimate of additional caseload under new legislation to approximately 21,450 cases for 1950-51 and additional costs to the following:

Total	\$18,211,600
Federal	7,645,000
State	9,064,700
County	1,501,900

These figures, however, fail to give a realistic picture of the ultimate effect of the change. This can better be seen from a so-called "going concern" estimate which assumes that the initial and transitional stages following the change have already occurred and the effect of the change is fully operative during the given year, in this example, 1950-51.

A "going concern" estimate based on this assumption shows an additional caseload due to the relative factor of 51,500 and additional costs as follows:

Total	\$43,634,400
Federal	18,317,200
State	21,718,600
County	3,598,600

3. *Administrative Costs in Relation to Responsible Relative Provisions*—Procedures necessary to implement the responsible relative provisions of the Welfare and Institutions Code have been estimated to cost about 10 percent of the total costs of local administration for the program. Ten percent of the 1950-51 estimated costs would approximate \$1,026,000, shared equally by the Federal Government and counties, with no state participation. Any decrease in these costs due to the elimination of responsible relative requirements obviously would have to be considered in relation to the probable increases in assistance costs outlined above, as well as to increased administrative costs resulting from the higher caseload.

Changes in the Relatives' Contribution Scale probably would have a comparatively minor effect on administrative costs so long as it continued to be necessary to determine liability or non-liability in each case, since this procedure represents the major part of the administrative effort involved.

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

Today at 2 p.m.—

Rules.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Ida Smith and Miss Aileen Smith of Sacramento.

On request of Speaker Sam L. Collins, the usual courtesies of the Assembly for this day were unanimously extended to Miss Joyce Manor of Hollywood.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Charles Watters and Mrs. Williams, teachers of the Elder Creek School, and the following pupils: Chas Smittle, Gary Cox, David Gregory, Mike Arellano, Nancy Wallace, Margaret Stephenson, Albert Morales, Paul Alexander, Bobby Ring, Arthene Nelson, Jim Harding, John Barreiros, Larry Wells, Rudy Martinez, Don Maynard, Ella Bennefield, Bob Clarke, Eddie Cole, Jack Scheid, Ben Cox, Bob Saling, Gilbert Valesco, Rose Marie Cabrol, Jeanette Williams, Carol Loverde, Jessie Morales, Jerry Tice, Robert Henderson, Ruth Hunter, Sandra Schmitt, Rose Navarro, Mary Lou Perez, Joe Sherrill, Shirley Scheid, Shirley Stevens, Roselyn Hinton, Darlene Barker, Bettie Alton, Beverly Dickson, Eloise Morales, Mary Perez, and Juliette Palacios.

On request of Mr. Lowrey, the usual courtesies of the Assembly for this day were unanimously extended to Paul Rued, Principal of the West Sacramento School, and the following pupils: Shirley Bean, Mary Cornejo, Margaret Cornejo, Uta Shimizu, Alberta Gomes, Mary Dotson, Grace Guzman, Tom Shimada, Gene Parella, Cleon Eck, James Sullivan, Harold Gomes, Edwin Gomes, Richard Padilla, Bobby Silva, Richard Silva, Billy Compton, Ben Madrigal, John Bryan, and Eddie Sailsbery.

On request of Messrs. Hoffman, Weber, Brown, Crowley, Moss, Fleury, Clarke, and Lindsay, the usual courtesies of the Assembly for this day were unanimously extended to Otis Kingery and Howard F. Chappell, advisors, Future Farmers of America, Public Speaking Contest, and the following contestants: Lowell Souza, Ceres; Claude Rohwer, Dixon; Charles Arosteguy, Dos Palos; Martin Levy, Elk Grove; Norbert Hackett, Escalon; Louis Tim, Fairfield; Ken Jenkins, Grant; Clarence Gomes, Gustine; Gary Erickson, Hilmar; Randolph Thompson, Hughson; Tony Cabral, LeGrand; Richard Biggers, Livingston; James Burnett, Lodi; Roy Rodoni, Los Banos; Jim Chapman, Merced; Roger Haney, Modesto; George Marietta, Newman; Melby Goldsmith, Oakdale; Elwood Schut, Patterson; Paul Barkley, Ripon; Gerald Kahl, Sonora; Ronnie Rodgers, Stockton; Keith Tallia, Sutter Creek; Bill Wineinger, Tracy; and Charles Knecht, Vacaville.

On request of Mr. Lincoln, the usual courtesies of the Assembly for this day were unanimously extended to Joseph Miller, Leon Miller, and William Miller of Los Angeles.

On request of Mr. Grant, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. D. M. Rowley of Long Beach.

On request of Mr. Dunn, the usual courtesies of the Assembly for this day were unanimously extended to Miss Jacqueline Dunn of Oakland.

ADJOURNMENT

At 10.34 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Monday, March 20, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TENTH LEGISLATIVE DAY
FIFTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 20, 1950

The Assembly met at 10.15 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, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lincoln, 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—77.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Beck asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite God: As we pledge allegiance this morning may we exalt the principles upon which rests the American way of life, with its ideal form of government and economic abundance.

May we be grateful that it offers every individual the opportunity to develop his powers of body, mind, and spirit, and that it also restrains the ruthless from trespassing upon the equal rights of his fellowmen.

Let us see in other nations of the world the perils of excessive central control that lead to regimentation and political tyranny, as well as the dangers of unregulated individualism that allow economic piracy.

May we realize how slowly and painfully our Democracy has evolved, and may we have the genius to maintain the necessary balance between individualism and social control.

Let us see that the success of the American system is the degree to which it creates free and resourceful citizenship, and preserves our priceless inheritance for the rising generation.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Caldecott, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Grunsky asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr. Berry, on motion of Mr. Grunsky.

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

Mr. Kilpatrick, on motion of Mr. Grunsky.

PLEDGE OF ALLEGIANCE TO THE FLAG DEEMED GIVEN

By unanimous consent, as the pledge of allegiance to the Flag had been given this morning in the Regular 1950 (Budget) Session, Speaker Sam L. Collins deemed the pledge of allegiance to the Flag as having been given, in this session.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 66: By Messrs Condon, Yorty, Lewis, Hawkins, Elliott, and Porter—An act to amend Section 209 of the Unemployment Insurance Act, relating to hospital benefits, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance and Insurance.

Assembly Concurrent Resolution No. 7: By Mr. Collier—Relative to forms for registering and reporting under the statute regulating legislative representation and adding Rule No. 40 to the Joint Rules of the Senate and Assembly for the First Extraordinary Session of the California Legislature for the year 1950.

Referred to Committee on Rules.

Assembly Bill No. 67: By Mr. Dolwig—An act to amend Section 45 of, and to add Section 31.1 to, the Public Utility District Act, relating to the financing of public utility district works and improvements,

including the issuance of bonds and the creation of other indebtedness, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Public Utilities and Corporations.

Assembly Bill No. 68: By Mr. Dolwig—An act to add Section 2810 to the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and declaring the urgency thereof.

Referred to Committee on Governmental Efficiency and Economy.

ANNOUNCEMENT

Speaker Sam L. Collins announced that a breakfast meeting and Republican Caucus will be held tomorrow morning, Tuesday, March 21st, at 7.30 a.m., at the Hotel Sacramento.

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

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

Assembly Bill No. 69: By Mr. Waters—An act to amend Sections 5911, 5930, and 5931, and to repeal Section 5931.5 of the Elections Code, relating to absentee voting, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Elections and Reapportionment.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 11

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 seventy-five dollars (\$1,975), 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 seventy-five dollars (\$1,975) 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. 11, 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, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Orlinton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister,

Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73.

NOES—None.

By Messrs. Conrad and Smith:

House Resolution No. 12

Relative to an investigation by the Assembly Interim Committee on Governmental Efficiency and Economy of the local administration of existing laws for the prevention of fraud in connection with television and motion picture talent schools

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Governmental Efficiency and Economy (created by H. R. No. 253, 1949 Regular Session) shall, if the committee determines that reasonable grounds exist for so doing, exercise its authority to investigate and report to the Assembly on the efficiency and effectiveness of local governmental agencies in the administration and enforcement of existing laws for the prevention of fraud and "rackets" in connection with television and motion picture talent schools, and matters related thereto.

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. 5: By Mr. Lewis—Relative to the establishment of an air force academy in Kern County.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 12—An act to validate the expenditure of certain major city street funds by the Town of Los Gatos.

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, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elhott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—75.

NOES—None.

Bill ordered transmitted to the Senate.

MEMBER EXCUSED

At 10.35 a.m., Mr. Butters asked for, and was granted, unanimous consent that Mr. Hoffman be excused, for the balance of the legislative day, because he is attending to legislative business elsewhere.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 22—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, 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, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Huyck, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—Brady—1.

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

AYES—Anderson, Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Huyck, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Price, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—66.

NOES—Brady—1.

Bill ordered transmitted to the Senate.

Assembly Bill No. 23—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

Bill read third time.

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

AYES—Babbage, Bennett, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hollibaugh, Huyck, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Price, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—56.

NOES—Anderson, Beck, Brady, Butters, George D. Collins, Condon, Dunn, Elliott, Evans, Hawkins, Lewis, Lowrey, and McMillan—13.

Notice of Motion to Reconsider Assembly Bill No. 23

Mr. Beck gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 23 was this day passed.

RECESS

At 10.48 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.

REPORTS OF STANDING COMMITTEES**Committee on Municipal and County Government**

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred :

RES. C-12207 by the City Council of the City of Long Beach, memorializing and urging the Legislature of the State of California to refuse to enact any amendment to the "Air Pollution Control Districts Act," etc

Has had the same under consideration, and reports the same back with the recommendation. Resolution be re-referred to Interim Committee on Water Pollution.

STANLEY, Chairman

Above reported resolution ordered re-referred to Interim Committee on Water Pollution

**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 Messrs. George D Collins, Brady, Maloney, Gaffney, Clarke, Connolly, McCarthy, and Meyers—Relative to adjournment in respect to the memory of Albert A. Rosenshine.

Referred to Committee on Rules.

Assembly Bill No. 70: By Messrs. Lindsay, Lowrey, Cloyed, and Davis—An act to amend Sections 3420 and 3480 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents, and making an appropriation

Referred to Committee on Social Welfare

Assembly Bill No. 71: By Messrs. Lindsay, Lowrey, Cloyed, and Davis—An act to amend Sections 3025 and 3087.1 of the Welfare and Institutions Code, relating to aid to the needy blind, and making an appropriation

Referred to Committee on Social Welfare

Assembly Bill No. 72: By Messrs. Lindsay, Lowrey, Cloyed, and Davis—An act to amend Sections 2021 and 2187 of the Welfare and Institutions Code, relating to old age security, and making an appropriation.

Referred to Committee on Social Welfare.

Assembly Bill No. 73: By Mr. Coats—An act making an appropriation for the construction and equipment of buildings at Chico State College.

Referred to Committee on Governmental Efficiency and Economy.

Hon. Richard H. McCollister Presiding

At 2.07 p.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. 1—An act to add Sections 330.1 to 330.5, inclusive, to the Penal Code, relating to slot machines, prohibiting the possession thereof and certain acts and transactions pertaining thereto, prescribing the penalty for violations of this act, and providing for the confiscation of such machines.

Bill read third time.

Motion to Amend

Mr. Sam L. Collins moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, strike out "slot machines", and insert "gambling".

Amendment No. 2

In line 3 of the title of said bill, strike out "thereof", and insert "of slot machines and certain material regarding horse races".

Amendment No. 3

In line 5 of the title of said bill, after "machines", insert "or material".

Amendment No. 4

On page 1, line 3, of said bill, after "330.1.", insert "(a)".

Amendment No. 5

On page 2 of said bill, between lines 12 and 13, insert
"(b) Every person who possesses any printed or written material regarding the results or predicted results of a horse race, the amounts of wagers placed upon a horse race, or the predicted odds as to the results of a horse race, either before or after the race takes place, is guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment in the county jail not exceeding six months or by both such fine and imprisonment. This subdivision does not apply to persons licensed to conduct horse race meetings pursuant to Article 4 of Chapter 4 of Division 8 of the Business and Professions Code."

Amendment No. 6

On page 2, line 20, of said bill, after "device", insert "or printed or written material, as defined or specified in Section 330.1 of this code,".

Amendment No. 7

On page 2, line 23, of said bill, after "device", insert "or material".

Amendment No. 8

On page 2, line 28, of said bill, strike out ", as defined", and insert "or printed or written material, as defined or specified".

Amendment No. 9

On page 2, line 36, of said bill, strike out ", as defined", and insert "or printed or written material, as defined or specified".

Amendment No. 10

On page 2, line 40, of said bill, strike out "as defined", and insert "or printed or written material, as defined or specified".

Amendments read.

Amendments Withdrawn

Mr. Sam L. Collins withdrew his amendments.

Statement By Speaker

Speaker Sam L. Collins stated that the following proposed amendment is being offered in response to numerous telegrams received by him, which were printed in the Assembly Journal for the First Extraordinary Session on Wednesday, March 15, on pages 320, 321, and 322.

Consideration of Further Amendments to Assembly Bill No. 1**Motion to Amend**

Mr. Sam L. Collins, on behalf of Mr. Hoffman, moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 44, of the printed bill, after "330.5", insert "It is expressly provided that Sections 330.1 to 330.4, inclusive, of this code shall not apply to slot machines or devices in the possession of non-profit charitable or non-profit fraternal

organizations if such machines or devices are used only by the members of such organizations and if the gross revenue derived from the machines or devices are used only for the purposes of the organization and not for the private gain of any individual, person, partnership, corporation, or association."

Amendment read.

Roll Call Demanded

Messrs. Caldecott, Grunsky, and Kirkwood demanded a roll call.

The roll was called, and the amendment offered by Mr. Sam L. Collins on behalf of Mr. Hoffman refused adoption by the following vote:

AYES—Anderson, Burkhalter, Cloyed, Crowley, Dickey, Dolwig, Dunn, Elliott, Evans, Fletcher, Hawkins, Hollibaugh, McMillan, Porter, Thomas, Thompson, Weber, Yorty, and Mr. Speaker—19.

NOES—Babbage, Beck, Bennett, Brown, Burke, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Davis, Doyle, Erwin, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hinckley, Huyck, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Reagan, Rosenthal, Rumford, Sillman, Stewart, Tomlinson, and Waters—48.

The question being on the passage of Assembly Bill No. 1.

Member Excused

At 2.54 p.m., Mr. Tomlinson asked for, and was granted, unanimous consent that Mr. Price be excused, for the balance of the legislative day, for the purpose of keeping an appointment with his doctor.

The question being on the passage of Assembly Bill No. 1.

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, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Huyck, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sillman, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—67.

NOES—Crowley, Evans, and Hollibaugh—3.

Bill ordered transmitted to the Senate.

Statement By Speaker Sam L. Collins

Speaker Sam L. Collins stated that, in the interest of time, he is requesting that his proposed amendments to Assembly Bill No. 34, now pending at the desk, be not considered, for the reason that similar amendments offered to Assembly Bill No. 1 have been withdrawn.

Speaker Presiding

At 3.01 p.m., Hon Sam L. Collins, Speaker of the Assembly, presiding.

Assembly Bill No. 34—An act to add Section 330b to the Penal Code, relating to slot machines.

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, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Huyck, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney.

McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Silliman, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—68
NOES—Crowley and Hollibaugh—2.

Bill ordered transmitted to the Senate

CONSIDERATION OF HOUSE RESOLUTION NO. 4

By Messrs. Elliott, Hawkins, Lewis, and Porter :

House Resolution No. 4

Relative to the inequitable distribution of Veteran Administration Offices throughout the United States

WHEREAS, There are 1,355,000 veterans in the State of California according to official Veteran Administration estimates ; and

WHEREAS, There are only 20 Veteran Administration Offices serving the veterans in the State of California ; and

WHEREAS, The present number of Veteran Administration Offices in California is apparently inadequate to give the veterans in this State the same level of service as given in other states ; and

WHEREAS, It has come to the attention of the Assembly of the State of California that many states having far less veterans have many more Veteran Administration Offices ; and

WHEREAS, The average for all states is one Veteran Administration Office for every 33,408 veterans ; and

WHEREAS, The average for the State of California is one Veteran Administration Office for every 67,750 veterans ; and

WHEREAS, On this basis the State of California should theoretically have 45 Veteran Administration Offices ; and

WHEREAS, There are many more inequities based on relative distances and concentrations of population in comparison with the allotment of Veteran Administration Offices ; now, therefore, be it

Resolved by the Assembly of the State of California, That the Congress of the United States is memorialized to investigate the system by which the Veteran Administration Offices are allocated to the various states with a view to alleviating any inequities that might exist in the various states, and particularly in the State of California ; and be it further

Resolved, That the Veteran Administration is hereby requested to investigate the system by which Veteran Administration Offices are allocated to the various states and consider the possibility of establishing sufficient offices in the State of California to serve adequately the large number of veterans residing in California ; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Veterans Administrator.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules :

Amendment No. 1

In the measure as printed in the Assembly Journal for March 7, 1950, at page 17, in paragraph 1, line 2, after "estimates", insert "and the California State Department of Veterans' Affairs estimates the veteran population of California to be 1,750,000".

Amendment No. 2

In said measure, on page 18, paragraph 7, line 2, after "to", strike out "investigate", and insert "make a survey of"

Amendment No. 3

In said measure, on page 18, paragraph 8, line 1, after "to", strike out "investigate", and insert "make a survey of".

Amendments read, and adopted.

Consideration of House Resolution No. 4, As Amended
By Messrs. Elliott, Hawkins, Lewis, and Porter :

House Resolution No. 4

Relative to the inequitable distribution of Veteran Administration Offices
 throughout the United States

WHEREAS, There are 1,355,000 veterans in the State of California according to official Veteran Administration estimates and the California State Department of Veterans' Affairs estimates the veteran population of California to be 1,750,000; and

WHEREAS, There are only 20 Veteran Administration Offices serving the veterans in the State of California; and

WHEREAS, The present number of Veteran Administration Offices in California is apparently inadequate to give the veterans in this State the same level of service as given in other states; and

WHEREAS, It has come to the attention of the Assembly of the State of California that many states having far less veterans have many more Veteran Administration Offices; and

WHEREAS, The average for all states is one Veteran Administration Office for every 33,408 veterans; and

WHEREAS, The average for the State of California is one Veteran Administration Office for every 67,750 veterans; and

WHEREAS, On this basis the State of California should theoretically have 45 Veteran Administration Offices; and

WHEREAS, There are many more inequities based on relative distances and concentrations of population in comparison with the allotment of Veteran Administration Offices; now, therefore, be it

Resolved by the Assembly of the State of California, That the Congress of the United States is memorialized to make a survey of the system by which the Veteran Administration Offices are allocated to the various states with a view to alleviating any inequities that might exist in the various states, and particularly in the State of California; and be it further,

Resolved, That the Veteran Administration is hereby requested to make a survey of the system by which Veteran Administration Offices are allocated to the various states and consider the possibility of establishing sufficient offices in the State of California to adequately serve the large number of veterans residing in California, and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and transmit copies of this resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Veterans Administrator.

Resolution read, as amended, and adopted unanimously.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 6

Assembly Concurrent Resolution No. 6—Relative to investigation of water quality of waters within California.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT THAT TEMPORARY
 RULES BE ADOPTED**

Mr. Dickey asked for, and was granted, unanimous consent that the Standing Rules for the 1948 Regular Session and the 1949 Regular Session (as amended) as contained in the pamphlet entitled, "Joint Rules of the Senate and Assembly for the 1949 Regular Session (as amended) and Standing Rules of the Assembly for the 1948 Regular Session and 1949 Regular Session (as amended)" be and the same hereby be adopted as the Temporary Rules of the 1950 First Extraordinary Session.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 4—Relative to control of water pollution.

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, Cloyd, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinekey, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Muloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Silliman, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—None.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Messrs. Lincoln, Rumford, Dunn, Dickey, Caldecott, Sherwin, and Maloney:

House Resolution No. 13

Relative to the memory of George J. Hans

WHEREAS, A beloved and revered resident of East Oakland, George J. Hans, has passed to the Great Beyond at the venerable age of 81 years; and

WHEREAS, His long and active life was devoted to the service of his community, his State, and his fellowmen, he having taken a particular interest in primary and secondary education and served on the Board of Trustees of the Dewey School and Fremont High School, and having been a Member of the California Assembly at the end of the century, and for 12 years a State Senator, and having enjoyed for nearly 60 years a most active membership in the Native Sons of the Golden West, Fruitvale Parlor No. 252 of which in 1940 presented him with a gold emblem of the order honoring him as past president and treasurer of that parlor; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly deeply regret the passing of George J. Hans, and pay tribute to his long and devoted public service, and be it further

Resolved, That when this Assembly this day adjourns it do so out of respect to the memory of this former Member of the California Legislature, George J. Hans; and be it further

Resolved, That the Chief Clerk of the Assembly send a copy of this resolution to the niece of George J. Hans, Mrs. Irene L. McNiece of Oakland, California.

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

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 20, 1950

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.

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

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

Assembly Bill No. 74: By Messrs. Erwin, Hawkins, and Kirkwood—
An act to add Chapter 8, comprising Sections 9900 to 9916, inclusive, to

Part 1, Division 2, Title 2, of, and to repeal Sections 9900 to 9908, inclusive, of the Government Code, relating to the regulation of legislative advocates.

Referred to Committee on Governmental Efficiency and Economy.

RESOLUTIONS

The following resolution was offered :

By Mr. Rosenthal:

House Resolution No. 14

Relative to civil rights of minority groups

WHEREAS, The Legislature has been informed by virtue of the attached letter that peace officers from the Police Department and the Sheriff's Office of Los Angeles have been discriminating against minority groups, particularly persons of Mexican and Negro descent; and

WHEREAS, As part of such discriminatory treatment it is alleged that the civil rights of such groups have been infringed by arrest without warrant and by unnecessary force in making such arrests; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby reaffirm the principles of the Bill of Rights and call upon the authorities in the City and County of Los Angeles to investigate the allegations hereinbefore referred to and to take such steps as may be necessary to eliminate any existing discriminatory practices; and be it further

Resolved, That the Assembly Committee on Crimes and Corrections is hereby requested to investigate, analyze, and study all facts relating to the subject matter of this resolution and to report thereon to the Assembly, including in its report its recommendations for appropriate legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he hereby is, directed to transmit a copy of this resolution to the Board of Supervisors of the County of Los Angeles, to the Mayor of the City of Los Angeles, and to the Sheriff and the Chief of Police of Los Angeles.

(COPY)

March 20, 1950

Assemblyman Wm. Rosenthal

Facts about the case in general terms are that the police department and Sheriff Department are breaking into the homes of the Mexican people with *unwarranted* authority, to the point of intimidation, beating up Mexican-Americans in their own homes, molesting women and children and one among them an *expectant mother*. Fifty people were arrested without warrants, violating all constitutional and civil rights of the people, at which this occurred during the "Baby shower" in the home of Mrs. Natalie Gonzalez, at 186 So. McDonell Street, Los Angeles.

Since this is happening *only* among the Mexicans and Negro community, we resolve:

THAT, the State Assembly have an immediate investigation of the Sheriff and Police Department of Los Angeles, and

WE FURTHER RESOLVE: That all minority groups like the Mexicans and Negroes "*should*" be respected as *first class citizens in our country* and.

WE FURTHER RESOLVE: That all police blockades in Mexican and Negro communities be stopped, and make them responsible for all the abuses and brutalities committed against the Mexican people.

Delegation from East Los Angeles—

ASOCIACION-NACIONAL MEXICANA * AMERICANA

Association-National
Mexican-American

(Signed) MAURICIO TERRAZAS
Reg. Div.

Resolution read, and ordered referred to the Committee on Rules with the above attached communication.

ANNOUNCEMENT

Mr. Moss announced a Democratic luncheon meeting, and Caucus, to be held tomorrow noon, Tuesday, March 21st, at the Hotel Sacramento.

**REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL
AND REPORT BE PRINTED IN THE JOURNAL**

Mr. Burkhalter asked for, and was granted, unanimous consent that the following letter of transmittal, and the Report of the Interim Committee for Investigation of Traffic Control, be ordered printed in the Journal in 10-point type:

LETTER OF TRANSMITTAL

ASSEMBLY, CALIFORNIA LEGISLATURE, March 20, 1950

*Hon. Sam L. Collins, Speaker
Assembly Chamber, State Capitol
Sacramento, California*

DEAR MR. COLLINS: The Interim Committee for Investigation of Traffic Control has met on 11 different occasions with civic leaders in various parts of the State. We have made a report on this impartial survey of traffic problems. This report, however, is not final.

The committee requests permission to print this report in the Assembly Daily Journal, and to have 500 extra copies made.

Thanking you, I am

Yours very truly,

EVERETT G. BURKHALTER

Report to Appear At Later Date

Above mentioned report will appear in the Journal of a later date.

**REQUEST FOR UNANIMOUS CONSENT THAT REPORT BE PRINTED
AS SEPARATE DOCUMENT AND THAT 500 COPIES BE PRINTED**

Mr. Burkhalter asked for, and was granted, unanimous consent that the above mentioned Report of the Interim Committee for Investigation of Traffic Control be printed as a separate document, and that 500 copies be printed.

**REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL
AND REPORT BE PRINTED IN THE JOURNAL**

Mr. Erwin asked for, and was granted, unanimous consent that the following letter of transmittal and the Report of the Joint Interim Committee Investigating Lobbying Activities be ordered printed in the Journal in 10 point type:

LETTER OF TRANSMITTAL

ASSEMBLY, CALIFORNIA LEGISLATURE, March 20, 1950

*Hon. Sam L. Collins
Speaker of the Assembly
Assembly Chamber, Sacramento, California*

DEAR MR. SPEAKER: Your committee was appointed, pursuant to Concurrent Resolution No. 12, of the First Extraordinary Session, 1949, to study lobbyist activities and to recommend legislation which would prevent improper practices and their corroding and corrupting effect upon the legislative process. As instructed, it has studied the various

measures introduced at the last special session, and legislation in effect in other states.

The committee has felt it its duty to recommend legislation designed to effectively regulate the activities of the professional advocate because by universal consent the measure hurriedly enacted by the Legislature in December is unsatisfactory. Every witness appearing before the committee acknowledged that he or she was unable to understand what the present act did or did not do. Likewise a number of the leading Law Reviews of the Country have pointed out that the Federal Act, from which the important provisions of the present state law was copied verbatim, is self-contradictory, ambiguous, and probably unenforceable as a penal statute. The analysis made for the committee by the Legislative Counsel is much to the same effect.

It has been suggested that this law should be permitted to remain on the books. Your committee feels, however, that public interest is not served by the retention of ambiguous and self-contradictory legislation. It deems it its duty therefore to recommend a more workable and effective law.

The bill which your committee recommends will require all those who, for compensation, purport to influence legislation:

1. To disclose for whom they act and to register with the Secretary of State.

2. To report monthly during every legislative session, under oath, to the Secretary of State, all sums spent by them for the purpose of influencing legislation.

3. To report to the Secretary of State any employment by them of any Member of the Legislature, or any employment of legislators by their principal, of which they have knowledge.

The bill will prohibit the employment of an advocate on a contingent basis. It sets up a comprehensive series of regulations to which legislative representatives will be required to conform, or lose their right to act as legislative advocates.

The bill provides for an enforcement agency, with full powers of investigation and subpoena. It is made the duty of such agency to enforce the obligations of a legislative advocate as set forth in the bill.

Integrity and decency cannot be achieved by passing a law, but the committee feels that if this legislation is passed it will go a long way toward correcting the most obvious abuses which have aroused public indignation, create a better climate in which the Legislature may function, and create a greater degree of public responsibility on the part of legislative advocates.

The committee has concluded that only confusion can result from an attempt to cover, in a measure designed to regulate the activities of professional lobbyists, the subject of corrupt practices by some segments of the electorate, and the subject of what activities a Member of the Legislature may properly engage in. Any attempt to control the political activities of citizens, or organizations of citizens, presents delicate and difficult problems which require more extended study than this committee can give them. Likewise, so long as men active in business and the professions constitute the membership of the Legislature, penal legislation limiting the business which they may accept, or the professional

services which they may render, involve problems with which this committee has not attempted to deal.

Any attempt to cover all these subjects in one bill can only result in unsatisfactory legislation. Also an attempt to cover so broad a field in one bill would be the surest way to insure its defeat by those who want no regulation of lobbyists.

It is the unanimous opinion of the committee that it was directed to devote its investigation to reporting a workable and enforceable law regulating lobbyists. Members of the Legislature, as individuals, have introduced or may introduce bills covering these other subjects. In the opinion of this committee, such bills may more properly be considered before standing committees of the Legislature.

Respectfully submitted,

THOMAS M. ERWIN
ROBERT C. KIRKWOOD
AUGUSTUS F. HAWKINS
J. HOWARD WILLIAMS
EDWIN J. REGAN

REPORT OF THE JOINT INTERIM COMMITTEE INVESTIGATING LOBBYING ACTIVITIES

Members of the committee :

ASSEMBLYMAN THOMAS M. ERWIN, Chairman
SENATOR EDWIN J. REGAN, Vice Chairman
SENATOR J. HOWARD WILLIAMS
SENATOR JESSE M. MAYO
ASSEMBLYMAN ROBERT C. KIRKWOOD
ASSEMBLYMAN AUGUSTUS F. HAWKINS

INTRODUCTION

Pursuant to Assembly Concurrent Resolution No. 12, the committee conducted hearings at Los Angeles on February 27, 1950, at San Francisco on February 28, 1950, and at Sacramento on March 14, 1950. At these hearings 25 witnesses appeared before the committee and testified under oath, giving their views on the legislation passed during the First Extraordinary Session of 1949, together with their views on the type of legislation, if any, which should be enacted by the Legislature. The committee believes that the witnesses who appeared and testified before it represent a very substantial cross-section of interested parties and organizations throughout the State, including agricultural groups, women's groups, attorneys, and business groups of various kinds. Every opportunity was given by the committee to all interested parties to appear and to express their views before the committee with regard to this subject.

In order to evaluate the effectiveness or ineffectiveness of state laws on lobby regulation, the committee requested reports from the Attorneys General of the other 47 states. The information obtained is attached to this report. The committee further obtained from the Legislative Counsel an analysis of the laws enacted and bills considered at the First Extraordinary Session of 1949, relating to lobbying and other attempts to

influence legislation, which analysis was made available to each member of the committee and which was printed in the Assembly Daily Journal for Wednesday, March 8, 1950, for the benefit of all the Members of the Legislature.

The committee has made a study of the Federal Regulation of Lobbying Act, and the California Act passed during the 1949 First Extraordinary Session which follows quite literally the Federal Act, with variations that are not significant.

DO LOBBYISTS PERFORM A USEFUL FUNCTION?

The answer to this question requires some background which was developed at the hearings, and obtained from several articles to which the committee was referred.

Until about the turn of the century, legislation in America was limited pretty much to defining the rules of civil and criminal liability and, comparatively speaking, was quite simple.

For about a generation, beginning shortly before the end of the century, new legislation was directed largely at correcting abuses in business and politics. Legislatures struck at abuses in business with anti-trust acts, blue sky laws, and the like, and at corruption in politics with the direct primary, extension of civil service and the like. But reliance was placed, in large part, on automatic adjustments in prices, wages and interest rates and upon competition to regulate the economic life of the citizenry and upon private charity to care for the unfortunate.

No one need be told, however, that in recent years, at a constantly accelerating pace, state and national legislation has been resorted to in an effort to guide the course of economic life as a whole, to regulate in considerable detail every business and profession, and to provide protection against the hazards of life. In every enterprise, in every walk of life, in spending a dollar or in saving a dollar, one must now reckon with existing and prospective legislation. There is no need to elaborate here upon the increasing significance of both state and federal legislation.

As a result of this impact of legislation upon every line of activity a new method by which persons are represented in the legislative process has been developing for which neither the Constitution nor the framework of the government makes any provision.

Representation under our Constitution is determined by geography and numbers. Surveyors lines and township and county boundary lines and not common interest determine what person shall be represented by the same spokesman in the Legislature. Not infrequently, who it is that speaks for Mr. Smith will depend on which side of the street Mr. Smith happens to live. In the early days of the Republic, no doubt geographical distribution of persons pretty well coincided with their needs and desires. But except to a limited degree this is no longer true. Community of interest with respect to the vast majority of legislative issues is determined by occupation, social status, recreational habits and so on, and not by where one lives. A sportsman, a union mechanic, a professional man, or a teacher, each living in San Francisco, on most questions has more of a common interest with his respective colleagues living in Eureka or San Diego than with his next door neighbor living in San Francisco.

Territorial representation has almost ceased to have any significance in determining most of the issues of the times. It constitutes merely a convenient way of dividing voters into as many groups as the number of legislators prescribed by the Constitution. An elected representative simply cannot represent (in the sense of speaking for or on behalf of his constituents) on most issues because there cannot be any common interest or opinion among his constituents on those issues. In a sense he represents so much that he represents nothing. He must either fill a somewhat different role than that of a pure representative or else, as frequently happens, end up representing those interests or groups with which he or his immediate supporters have become identified in some way or another.

Geographic representation fails to provide a means whereby all the varied interests affected by legislation may have a voice, and it may well happen if important minorities are sufficiently scattered that minority interest will have no voice at all. The failure of geographical distribution of representatives to meet this need has resulted in the gradual growth of a method of *functional representation* for which, as has been stated, the Constitution makes no provision, and which operates outside the framework of government.

Virtually every person actively engaged in community or business life is now represented before Congress and the Legislature by one or more representatives in addition to his Assemblyman or Senator. Whether a person is a groceryman, a lawyer, a mechanic, a teacher, a politically minded housewife, or just a "do-gooder" along some particular line, he has such a representative.

Functional group representation by these so-called lobbyists is essential if the needs of the people are to find intelligent expression in legislation. It is necessary in the light of the highly technical aspects of such legislation. It is necessary in view of the far reaching but not always readily discernible effect upon economic life of many legislative proposals. It is necessary if minority interests are to be heard. There might be serious danger if, as is so often supposed, a few vested interests controlled the course of legislation. But there is safety in numbers and all groups have other groups upon their backs to "bite them."

This does not mean that group representatives will displace popularly elected representatives or that the role of the popularly elected representative is any less important than before. It does mean, however, that a legislator's function has changed to some degree. He must do more than attempt to reflect the views of his particular constituents because on most issues they will have no views or conflicting ones, and nearly all issues transcend the boundaries of his district. He must rather reflect the "balance of interest" of all groups in his community and he should be sufficiently informed to act intelligently on the more than 4,500 bills on a variety of subjects that are being introduced at each general session of the Legislature. A legislator must see that legislation as a whole is something like a composite photograph, in which there is the likeness of all and an image of none. This is the most important and at the same time the most difficult task in a democracy. It requires men of breadth of view and integrity, men who are receptive to the claims

of all and are the slaves of none. No individual legislator can read and thoroughly digest this many measures. In many instances, legislation covers fields with which he is not familiar and in which there is danger of serious blunders unless persons interested inform the legislator of its merits or of the objections to it. Many of these legislative bills are highly technical and cover matters in which the average layman or lawyer in the Legislature has had little or no experience. Without explanation of the bills by those for or against the measure (which is so-called lobbying), few, if any, Members of the Legislature could vote intelligently on all such proposals.

It should be borne in mind that much of the explanatory material which should be available to the legislators most interested in a particular subject matter cannot be made available to them at public hearings for the reason that limitations on time imposed by the necessity for hearing so great a number of bills requires the elimination in formal committee presentations of all but the basic issues and facts. Thus it is essential that there be freedom of communication in private meetings between the legislators and those most informed of the subject matter of legislative action.

Groups of farmers, business men, taxpayers, public employees, labor representatives, and many individual citizens engage in legislative lobbying in one way or another. Without this lobbying the Legislature would not be completely informed. It is the legislator's task to achieve something constructive out of the conflicting claims and demands and explanation of all groups that make up our society. The Legislature should not become merely an efficient machine to grind out laws for this group or that, or for this Governor or that, but a sort of market place in which by the slow process of debate the wares that each group has to sell are truly valued in the terms of public demand and need.

In order for elected representatives to fill this role, it can be done most effectively and intelligently only if all groups and points of view have a means of making known to them their needs and desires. In permitting this, the function of Democracy is made possible in a complex and highly organized society.

It seems very true, for the foregoing reasons, that during the last 15 or 20 years, the position of legislative representative or lobbyist has become an increasingly responsible one. If this form of representation is to serve its purpose, it would seem essential, first, that there be developed professional standards of conduct for such representatives; secondly, that more of the work of such representatives be performed in the open and in the light of day; and thirdly, that the groups which they represent acquire a greater sense of public responsibility on public issues which may not directly concern them.

These thoughts were expressed by Governor Warren in his message to the 1949 First Extraordinary Session of the Legislature:

"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 business 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." (Emphasis added.)

It appears obvious that most of the people who go to the State Capitol for the purpose of communicating with legislators with a view to influencing their opinion or action with respect to legislation perform a desirable and useful service, both to the Members of the Legislature and to the interests they represent. Without the information they furnish there would be many instances of the Legislature legislating in the dark. Only through the free expression, private and public, of persons affected by and for or against a legislative measure will the Legislature be able to get a clear picture of whether it is desirable or undesirable.

It is not sound to attempt to discredit lobbying as such. Unfortunately the word "lobby" and the activity of "lobbying" have been given a bad connotation and anyone connected therewith or engaged therein is at once made suspect by the application of the term to what he is doing. A great deal of misunderstanding may have been engendered by the wording of Section 35 of Article 4 of the California Constitution and the manner in which such section refers to lobbying. It is therein stated that:

"Any person who seeks to influence the vote of a Member of the Legislature by bribery, promise of reward, intimidation or any other dishonest means shall be guilty of lobbying, etc."

The implication from such wording is that all lobbying entails bribery, intimidation or any dishonest means. This is inconsistent with the commonly accepted meaning of "lobbying," which also includes any contact between a citizen and a legislator regarding legislation.

It would seem, therefore, that any proper legislation should not deter men of integrity and competence from entering the kind of work which embraces lobbying or legislative representation, but that it should strike at those abuses which are known to exist and should also provide for sufficient flexibility to strike at any form of abuse that may develop in the future or be subsequently uncovered. Such has been the intention of this committee in formulating its recommendations as are hereinafter set forth. While such recommendations inevitably require those lobbyists who conform to law and decency to be subjected to regulation and control, every effort has been made to prohibit and provide a means for uncovering and eliminating only those lobbyists who may engage in unethical or morally reprehensible practices. We do not believe, however, that all lobbyists, because of the transgression of a few, should be condemned as criminals and subjected to petty regulations and humiliating

surveillance. We believe that proper regulatory legislation can be enacted which can serve to eliminate transgressors without damning the legitimate and honest lobbyists who perform an essential function.

Everyone who appeared before the committee expressed themselves as recognizing the need and desirability of honest and competent legislative advocates.

EXISTING LEGISLATION REGULATING AND CONTROLLING THE ACTIVITIES OF LOBBYISTS

The committee is of the opinion that it is helpful to recall the California laws relating to lobbying which have been in existence for a number of years and which provide penalties for bribery, intimidation and other dishonest means in connection with lobbying activities. These laws are in addition to the Standing Rules of the Senate and Assembly with regard to lobbyists.

Article IV, Section 35 of the California Constitution is as follows:

"Any person who seeks to influence the vote of a Member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any Member of the Legislature, who shall be influenced in his vote or action upon any matter pending before the Legislature by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office of public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a Member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony."

Section 10 and 11 of Article XX of the Constitution are as follows:

"Sec. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

"Sec. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice."

The following is an excerpt from the Government Code of the Statutes of California:

“9054. Every person who obtains, or seeks to obtain, money or other thing of value from another person upon a pretense, claim, or representation that he can or will improperly influence in any manner the action of any member of a legislative body in regard to any vote or legislative matter, is guilty of a felony. Upon the trial no person otherwise competent as a witness may be excused from testifying concerning the offense charged on the grounds that the testimony may criminate himself, or subject him to public infamy. The testimony shall not afterwards be used against him in any judicial proceeding except for perjury in giving the testimony.

“9055. Every Member of the Legislature convicted of any crime defined in this article, in addition to the punishment prescribed, forfeits his office and is forever disqualified from holding any office in the State.”

The following is an excerpt from the Penal Code:

“7. The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

* * * * *

“6. The word ‘bribe’ signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in his action, vote, or opinion, in any public or official capacity;

“85. Giving or offering bribes to Members of the Legislature: (Corruptly influencing voting: Punishment). Every person who gives or offers to give a bribe to any Member of the Legislature, or to another person for him, or attempts by menace, deceit, suppression of truth, or any corrupt means, to influence a member in giving or withholding his vote, or in not attending the house or any committee of which he is a member, is punishable by imprisonment in the state prison not less than one nor more than ten years.

“86. (Receiving bribes by Members of the Legislature: Punishment.) Every member of either of the houses composing the Legislature of this State who asks, receives, or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment, or action shall be influenced thereby, or shall be given in any particular manner, or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or gives, or offers, or promises to give any official vote in consideration that another Member of the Legislature shall give any such vote, either upon the same or another question is punishable by imprisonment in the state prison not less than one nor more than fourteen years, and upon conviction thereof shall, in addition to said punishment, forfeit his office, be disfranchised, and forever disqualified from holding any office of public trust.

“88. Members of the Legislature, in addition to other penalties, to forfeit office and be disqualified, etc. Every Member of the Legislature convicted of any crime defined in this chapter, in addition to the punishment prescribed, forfeits his office and is forever disqualified from holding any office in this State.”

The committee has given consideration not only to the California Act enacted at the First Extraordinary Session of the Legislature (hereinafter called the California Act), and the Federal Act, but also to the various state acts on this subject. All of these laws are similar in principle but vary in the degree to which they have applied the principle. This was likewise true as to the bill proposed by Governor Warren at the First Extraordinary Session of 1949, which, as he stated in his message to the Legislature, followed the principle embodied in these other laws.

All of these acts have proceeded on the common principle that undesirable activities can best be controlled by publicity. The result is frequently to open the door to what might be called concealment by over-disclosure.

The publicity given to activities of this sort by the various acts now in effect throughout the country is more illusory than real, and the danger always exists that any special publicity for the mass of detailed material required to be filed would result only at times when certain groups come under attack by adverse interests. Deliberate or even careless use of such information without being properly analyzed and evaluated creates a constant threat for the use of false and distorted conclusions as a weapon injurious to legitimate enterprise.

From the replies received from 39 states concerning their respective lobby regulation laws, the information obtained has been made an exhibit and is attached to this report.

However, investigation by the committee has failed to disclose more than three cases in which appellate courts have dealt with prosecutions under this type of act. They are:

(1) *Commonwealth vs. Aetna Life Insurance*, 263 Ky. 803, 93 SW 2d 840, 1936;

(2) *Campbell vs. Commonwealth*, 229 Ky. 264, 17 SW 2d 227, 1929;

(3) *State vs. Crites*, 277 Missouri 194, 209 SW 863, 1919.

The first case cited resulted in acquittal of the defendant. In the second case cited, the conviction was reversed, and in the third case, the Lobbying Act was held to violate a constitutional provision that no bill should contain more than one subject expressed in its title.

The witnesses who appeared and testified before the committee were unanimous in their criticism of the legislation passed during the First Extraordinary Session of 1949. The criticism of these witnesses directed at the present California Act was not motivated solely by opposition to any type of regulation for the activities under discussion, but for the reason that the present law presents such a mass of contradictions and ambiguities that it is impossible to determine what their obligations are under the act.

Other witnesses appearing before the committee took the position that the present act has the result of treating any legislative advocate as a suspicious character. They objected to the complete disclosures required

of their private financial affairs; for example, to the requirement of a public report of salaries paid and contributions made to their legislative representatives, and to the requirement that exact accounts of all monies received and expended by them for living, office and other expenses in carrying on legislative work must be filed for public inspection. It was felt that outstanding men would not open themselves to conviction of a crime and possible \$5,000 fine if some minor mistake was made in accounts that must be filed. On the other hand, it was felt that people who "work in the dark" and engage in the lobbying activities which are considered morally reprehensible *would not hesitate* to flaunt the provisions of the act.

The background for the present Federal Regulation of Lobbying Act appears to be bills introduced by Senator Caraway in 1928 and Senator Black and Representative Smith in 1936. Each of these bills passed their respective houses but did not meet with the approval of Congress.

The California Act presents the identical difficulties and problems as are presented by the Federal Act, since the California Act is almost an exact duplicate of the Federal Act, except as to specification of amounts. To illustrate the difficulties being experienced under the Federal Act, we quote from an analysis thereof found in 47 *Columbia Law Review*, commencing at page 104:

"The act attempts to set up a detailed system of regulation. (1) Section 307 (Calif. Sec. 9905 Gov. C.), states that the provisions of the act shall apply to any person who solicits, collects, or receives money 'to be used principally to aid, or the principal purpose of which person is to aid' in influencing federal legislation. (2) Under Section 303 (Calif. Sec. 9901 Gov. C.), persons who receive or solicit contributions for lobbying purposes must retain for two years detailed accounts of receipts and expenditures. (3) Under Section 305 (Calif. Sec. 9903 Gov. C.), persons receiving any contributions or expending any money for lobbying must file with the Clerk of the House of Representatives detailed quarterly (Calif., monthly) statements of receipts and expenditures for the year, listing, among other things, the names of those who made contributions to them of \$500 or more (\$20 or more in Calif.) (4) Section 304 (Calif. Sec. 9902 Gov. C.), requires all persons who receive a contribution of \$500 or more (\$20 or more in Calif.) for lobbying purposes to render an account thereof to the (organization for which such contribution was received.) (5) Under Section 308, (Calif. Sec. 9906 Gov. C.), persons who engage themselves for pay to lobby must register with the Clerk of the House and the Secretary of the Senate, listing their employers, rate of pay, and how much they are to be paid for expenses. Persons registering must also file detailed reports of money received and expended in the preceding calendar quarter, to whom paid, for what purposes, list the newspapers or periodicals in which they caused articles to be published, and indicate the legislation which they were hired to support or oppose. (6) Section 310 (Calif. Sec. 9908 Gov. C.), makes violation of the provisions of the act a misdemeanor and provides for debarring violators from lobbying activities for three years. Debarred lobbyists who continue their activities are guilty of a felony.

“Throughout the act, stress is laid upon the financial background of lobbying, and the accounting provisions, seemingly the heart of the act, deserve closer attention. Three types of accounts are provided for. Under Section 308 (a), (Calif. Sec. 9906a Gov. C.), the registered lobbyist must file quarterly (Calif., monthly) ‘a detailed report . . . of all money received and expended by him . . . in carrying on his work.’ This account would seem limited to lobbying receipts and expenditures. Section 305 (Calif. Sec. 9903 Gov. C.), obliges any person who receives or expends money for lobbying to file detailed accounts of receipts and expenditures with the Clerk of the House. Under Section 303, (Calif. Sec. 9901 Gov. C.), any person who solicits or receives contributions for lobbying must retain quite similar accounts for two years ‘from the date of the filing of the statement containing such items’. Although similar, the accounts described in these last two sections are not identical. Section 303 (Calif. Sec. 9901 Gov. C.), contemplates keeping detailed accounts of all contributions and expenditures regardless of amount, but Section 305 (Calif. Sec. 9903 Gov. C.), permits aggregate listing of contributions under \$500 (Calif. \$20), and expenditures under \$10. Apparently Section 303 (Calif. Sec. 9901 Gov. C.), was intended to provide the basis for investigating and checking statements filed under Section 305 (Calif. Sec. 9903 Gov. C.), although the marked difference in the descriptions of the persons covered by the two sections casts some doubt on this interpretation. In any event, it would seem that a professional lobbyist must prepare three different sets of accounts and file two of them, while retaining the third.

“The scope of the accounting provisions in Section 303 (Calif. Sec. 9901 Gov. C.) and, more particularly, in Section 305 (Calif. Sec. 9903 Gov. C.), may cause some difficulty. Literally interpreted, Section 305 (Calif. Sec. 9903 Gov. C.) calls for quarterly accounts (California, monthly) of *all* receipts and expenditures. Although it could be argued that the items to be filed should include only those which serve to bring a person within the class defined by the section, i.e., only items received or expended for lobbying, the language of the section can be interpreted more broadly, particularly since the limitation of accounts to lobbying transactions expressed in Section 308 (a) (Calif. Sec. 9906a, Gov. C.), is omitted in Section 305 (Calif. Sec. 9903 Gov. C.). The meager legislative history of the act does not indicate any intent to limit the accounts to transactions directed toward influencing legislation.

“Construed in this way, the provision seems unnecessarily broad. It imposes a quite onerous burden on lobbying groups, and requires disclosure of accounts which may have no relevance to the purposes of the act. Thereby, it opens the door to what might be called concealment by over-disclosure. It may be doubted whether many legislators or members of the general public seeking information will be prepared to wade through the filed reports of the entire accounts of a large organization to discover particular items dealing with lobbying activity.

“Further difficulties are created by Section 307’s (Calif. Sec. 9905 Gov. C.), definition of the persons to whom ‘the provisions of

this title shall apply.' If this definition is to be regarded as controlling the application of the entire act, it is in serious conflict with the definition of the persons to whom Section 305 (Calif. Sec. 9903 Gov. C.) is to apply. Section 307 (Calif. Sec. 9905 Gov. C.) states that the act applies to anyone who solicits, collects or receives money when (a) the money is to be used principally to influence legislation or (b) the principal purpose of such person is to influence legislation. Section 305 (Calif. Sec. 9903 Gov. C.), however, is not limited merely to those who receive or solicit contributions for lobbying purposes, but includes persons who *expend* money for such purposes.

"The difficulties raised by this construction problem are illustrated by many organizations, not principally engaged in lobbying, which do not collect money principally for lobbying purposes, but which do expend money to employ a professional lobbyist who must register under Section 308 (Calif. Sec. 9906 G. C.). Must such organizations file accounts of receipts and expenditures in accordance with the language of Section 305 (Calif. Sec. 9903 Gov. C.)? Or are they exempt from such a duty, following the terms of Section 307 (Calif. Sec. 9905 Gov. C.)?

"If the definition in Section 307 (Calif. Sec. 9905 Gov. C.) controls, the phrase 'or expending any money' in Section 305 (Calif. Sec. 9903 Gov. C.) is superfluous. Thus, holding that Section 307 (Calif. Sec. 9905 Gov. C.) controls, Section 305 (Calif. Sec. 9903 Gov. C.) exempts from the most stringent provisions of the act all organizations whose legislative activities are merely incidental to their main purposes and which are far-sighted enough to refrain from accepting or soliciting money ear-marked for lobbying. And, on policy grounds, leaving such a loophole might enable groups whose sole purpose is lobbying to set up dummy organizations through which to evade the expense account provisions.

"Holding the definition in Section 307 (Calif. Sec. 9905 Gov. C.) determinative of the application of the entire act also creates difficulties with the registration provisions in Section 308 (Calif. Sec. 9906 Gov. C.), since that section sets out exemptions which would be unnecessary if the definition in Section 307 (Calif. Sec. 9905 Gov. C.) controlled. For example, Section 308a (Calif. Sec. 9906 Gov. C.), expressly excludes from registration public officials acting in their official capacity. There would be no need for such an exemption if Section 307 (Calif. Sec. 9905 Gov. C.) determined the class of persons falling under Section 308 (Calif. Sec. 9906 Gov. C.), for under no possible interpretation could public officials be deemed to have as their principal purpose the influencing of legislation; nor do they accept money to be used principally in influencing legislation. It becomes apparent, therefore, that to give full effect to the language of Congress in Section 307 (Calif. Sec. 9905 Gov. C.) makes it impossible to give full effect to the language of Section 305 (Calif. Sec. 9903 Gov. C.) or Section 308 (Calif. Sec. 9906 Gov. C.).

"The conflict of broad definitions treated above can be contrasted with the lack of an adequate definition in the internal structure of Section 308 (Calif. Sec. 9906 Gov. C.). That section imposes a registration obligation on those who engage themselves for pay to

lobby and seems aimed at the professional lobbyist, but its terms do not afford a conclusive definition of who is a professional lobbyist. For instance, the position of the paid employee who is regularly engaged in non-legislative work, but who is occasionally assigned to lobbying activity without extra pay is very doubtful. Unquestionably, his purpose is to influence legislation, and his regular salary would seem to bring him into the class of those engaged for pay to influence legislation. On the other hand, a strict construction of the language of the section would include only persons who received money specifically ear-marked as pay for lobbying, or only those persons employed specifically for the purpose of lobbying. While these narrower constructions are more consonant with the accepted treatment of criminal statutes, adoption of either of them would exempt a large class of lobbyists from registration.

"The express exemption of newspapers and periodicals set out in Section 308(a), (Calif. Sec. 9906a, Gov. C.), poses additional questions. Under that section, those who engage themselves for pay to lobby must register. Exempted from this provision are newspapers or periodicals which 'in the ordinary course of business' publish 'news items, editorial, or other comments, or paid advertisements' which urge the passage or defeat of legislation, provided the newspaper, periodical, or its publisher, owner or employees engage in no further activities in connection with such legislation, other than appearing before a congressional committee. The ambiguity of the language creates doubt as to the liability of a newspaper to register if its publisher or an employee engages in independent lobbying work. At least two points need clarification. (a) Does the paper's liability depend upon whether the individual acted in a representative capacity? (b) When does an individual represent a newspaper in lobbying?"

"It is significant that the exemption of newspapers from the requirement of registration is not repeated in Section 305 (Calif. Sec. 9903 Gov. C.), which requires filing accounts. A literal reading of Section 305 (Calif. Sec. 9903 Gov. C.) would lead to the conclusion that a newspaper which, even in its usual course of business expended any money for the purpose of influencing legislation would be obliged to comply with the accounting requirements of that section. This may serve to underscore the carelessness with which the entire act was drafted, for it is clear from the legislative history of the bill that no such result was contemplated." (Corresponding Sections of the California Act, as set forth in the Government Code, are added in parenthesis.)

Since a detailed analysis of the California law has been furnished by the Legislative Counsel, no effort will be made in this report to recount in detail the contents of such analysis. In summary, however, attention is called to some of the points covered in the analysis referred to:

(1) Section 9901 of the California Act provides for the keeping of detailed accounts of contributions received and expenditures made. This duty is cast upon every person who solicits or receives a contribution to any organization or fund for the purposes hereinafter designated. These purposes appear to be those expressed in Section 9905, as follows: (a) The passage or defeat of any legislation by the Legislature of the State

of California, or the approval or veto of any legislation by the Governor of the State of California; (b) To influence directly or indirectly the passage or defeat of any legislation by the Legislature of the State of California, or the approval or veto of any legislation by the Governor of the State of California.

The "Purposes" and "every person" as used in the act may be somewhat more narrowly limited by the provisions of Section 9905.

(2) Section 9902 requires the rendition to the principal of detailed account of contributions received. The contributions mentioned in such section are to be reported if used for any of the purposes "hereinafter designated." Presumably, this refers to the same purposes as those intended in Section 9901.

(3) Section 9903 requires the filing of detailed statements of contributions received and expenditures made. Such contributions or expenditures are again for any of the purposes designated in subparagraph (a) or (b) in Section 9905. The persons who must file such statements and the items to be reported may possibly be further limited and defined by certain of the provisions of Section 9905 other than the limitations provided by subparagraphs (a) and (b) of Section 9905.

The Legislative Counsel has concluded that Section 9905 of the California Act affirmatively applies the requirements of Sections 9901, 9902 and 9903 to the persons mentioned, in the situation described, in Section 9905. The opinion further is expressed that Section 9905, in addition, operates as a limitation upon the provisions of Sections 9901, 9902, and 9903. Each of those three sections is incomplete upon its face. Sections 9901 and 9902 each refers to the "purposes hereinafter designated," and Section 9905 is the one higher numbered section which contains a statement of purposes that logically and reasonably respond to those words of reference. Section 9903, in turn, refers to "the purposes designated in subparagraphs (a) and (b) of Section 9905." Those two subparagraphs are not necessarily complete in themselves as a "statement of purposes." They seem to be an integral part of Section 9905. Further, Section 9905 standing alone imposes no requirements upon anyone and is but a statement of scope and purposes and deals with the same general subject matter as do Sections 9901, 9902 and 9903.

The limiting effect of Section 9905 upon the provisions of 9901, 9903 and 9906 stems from the declarations in Section 9905 that the "provisions of this chapter shall apply to any person except a political committee, who by himself or through any agent or employee or other persons, in any manner whatsoever, directly or indirectly, solicits, collects or receives money or any other thing of value to be used *principally* to aid or the *principal purpose* of which person is to aid in the accomplishment of any of the following purposes." These purposes are those that we heretofore recited in connection with Section 9901.

The Legislative Counsel is inclined to favor the less literal interpretation of "principal" and "principally" as used in Section 9905. Under the less literal interpretation of these words, it would appear that the sections referred to above do not apply to organizations formed for other purposes, whose efforts to influence legislation are merely incidental to the purpose for which formed. The wording of Section 9905

in this connection is at least a declaration that any person * * * etc. * * * excepting a political committee, must comply with the relevant provisions of the act if he solicits, collects or receives money for any of the purposes expressed in subparagraphs (a) and (b) of Section 9905, *and if the money is to be used principally to aid any of those purposes, or the principal purpose of that person is to aid any of those purposes.*

The Legislative Counsel has concluded that Section 9906 of the act appears to be a complete set of regulations for the registration of a person who for a consideration engages in an attempt to influence legislation quite independent of and unlimited by any of the provisions of Section 9905. It is concluded, therefore, that Section 9905 of the act applies to, implements and limits the provision of Sections 9901 to 9903, but neither applies to nor limits any of the provisions of Section 9906.

From the above analysis, the difficulties in determining obligations under the act are apparent. The determination of obligations under "principally" and "principal purpose" is purely a factual situation, under which the conclusion as to responsibility or non-responsibility must be arrived at in a purely arbitrary fashion. Section 9906, on the other hand, makes it necessary for a representative to segregate his salary, expenses, etc., which also must be done in an arbitrary manner. The requirements, therefore, of the act make it necessary for those who believe that they should comply to make their best guess under the penalties prescribed in order to apportion their income and expenses, or to report everything, including income and expenses which can have no possible bearing on the influencing of legislation.

Aside from all the other difficulties occasioned by the act, attention is directed to the administering difficulties as disclosed in the communication of March 4, 1950, from the Chief Clerk of the Assembly to the Chairman of the Assembly Committee on Rules, which is reproduced at page 37 of the March 8, 1950, Assembly Journal for the 1950 Regular Budget Session.

CONCLUSIONS

Your committee in its consideration of the problems of "lobbying", has been aware of the fact that certain questionable lobbying activities possibly have existed and do exist, which should definitely be eliminated. In their approach to find a proper solution, your committee members have sincerely attempted to study the entire matter in a calm and sensible manner, rather than to give way to the hysteria which was generated in many minds following the publication of a certain magazine article, and rather than to make "political capital" at the expense of the basic democratic processes of this State, which has heretofore permitted and should continue to permit any citizens or any segment of the citizenry of this State, whether composed of business or labor interests or other interests, to freely communicate their views to the legislators and the Legislature of this State either as individuals or by paid agents, provided that such is done in an honorable and ethical manner in accordance with principles of decency.

Your committee concludes from its experience as legislators, from its studies of the Federal Act, the California Act and the laws of other

states and their operations, and from the testimony of the witnesses who appeared before it or submitted statements to it, that:

(1) There is a need for responsible legislative representatives. These persons serve an essential and useful purpose. In this connection, your committee agrees with the statement made by Governor Warren in his message to the First Extraordinary Session of the 1949 Legislature, that the honest legislative representatives are greatly in the majority; that those legislative representatives who represent their clients in accordance with principles of decency are engaged in honest employment; that they render a service to the State, and that any proposal to regulate lobbying should not be designed to unduly hamper or in any manner discredit such legislative representatives

(2) The California Act, which is a counterpart of the Federal Act, is inadequate and to a large extent unintelligible and ambiguous. It is submitted that the act is defective as a criminal statute. The standard for such a criminal statute has been set forth in *United States vs. Screws*, 325 U. S. 91, wherein it is stated on page 136: "It is axiomatic of course that a criminal statute must give a clear and unmistakable warning as to the acts which will subject one to criminal punishment and courts are without power to supply that which Congress has left vague."

For the person who would "work in the dark," there are many loopholes that are available in this act, and few provisions of the act are specifically designed to curb abuses and evils which might possible exist. In addition, the act, like the acts of other states, does not provide for any enforcement agency or any agency to investigate and uncover violations of the act or other questionable lobbying practices

For the honest and ethical person who performs a useful and needed function as a legislative representative, the act creates hopeless confusion and imposes humiliating and petty restrictions upon him, which would have the effect of tending to discourage men of integrity and competence from engaging in such activities.

It is the conclusion of your committee that this act cannot be clarified or strengthened without a complete rewriting thereof.

(3) The common principle upon which the lobbying acts of the various states, including the California Act, have been based has been demonstrated to be an improper foundation upon which to build an effective law to uncover and prevent questionable lobbying practices.

(4) A new approach is needed if any bill to regulate and control lobbying is to be sufficiently efficacious to eliminate dishonest and morally reprehensible lobbying practices. It is the belief of your committee that a law can be drafted which can take the best features of existing laws, and which will also strike directly at any lobbying evils. With this in mind the committee is submitting herewith, and proposing for the approval of the Legislature, the draft of a law which in its opinion does represent such an approach and the recommendations hereinafter discussed will be directed to the specific provisions of this proposed law. The bill prepared by the committee is included in the report and expresses the further recommendations of the committee. Such a law should specifically provide for an enforcement agency which would also have investigatory powers, and it should set up specific standards of conduct to govern the activities of lobbyists. At the same time, such

legislation should not deter the people nor any group thereof from being able, without undue restrictions, to communicate with their elected representatives through their legislative representatives or as individuals.

(5) Legislation should be confined in its scope to those who professionally and for compensation undertake to represent the interests of any particular person, group or groups in promoting, advocating or opposing or influencing the passage or defeat of legislation, or the approval or veto of any legislation by the Governor.

The committee believes that any type of lobby regulation is concerned with such a wide field of activity and presents so many complex problems that it should be directed and restricted specifically toward evils which might exist, and that the average citizen who does not fall within the classification of a professional lobbyist should be free to contact his representatives in the Legislature. We must recognize that there is great concern today over the lack of interest shown by the citizenry in both elections of candidates and in the functions of government. The committee has in mind that we cannot stimulate the interest of the citizen in the functions of government and at the same time place obstacles in his path which will hinder or discourage him from active participation in his role as a constituent who is endeavoring through his legislative representative to promote sound legislation.

We recognize the difficulties of defining the term "legislative representative" or "legislative advocate." We believe that it should include any person who engages himself for compensation or who accepts compensation to promote, advocate, oppose or influence the passage or defeat of legislation, or the approval or veto of any legislation by the Governor. But it perhaps should not include a person who engages in such activity only incidentally to his other activities, *unless* such person devotes a substantial portion of his time during a legislative session to such activities, or *unless* such person spends his time at the capital city when the Legislature is in session, regardless of whether such person does or does not spend his time in the Capitol corridors or in committee rooms.

(6) Each such legislative advocate should be required to register and disclose the name and address of the person or persons by whom he is employed, and he likewise should be required to disclose any subsequent employment he may undertake as a legislative advocate.

No legislative advocate should be permitted to register if he has been convicted of a felony, and in his application he should set forth some information as to his employer. If the applicant is employed by any association, organization, group or non-profit corporation, he should show the nature of his employer's activities, the manner in which its membership is constituted, the qualifications of such membership, and the manner in which its funds are raised. The application should also show the experience, if any, which the applicant has had in the business or field of activity in which his employer is engaged, or in which his employer is interested, and such educational qualifications as may evidence a knowledge of or understanding of such business or field of activity.

However, regardless of the qualifications of an applicant for registration, no registration should be denied unless the applicant has been

convicted of a felony or prior violation of the act. In other words, registration should be almost automatic but the application should disclose essential information for the benefit of the legislators.

(7) Every legislative advocate should be required to file a statement under oath setting forth the total amount expended by him during the preceding month in connection with his activities as a legislative advocate, exclusive of bona fide expenditures for his personal sustenance, travel, lodging, office expenses and purely clerical assistance. The committee believes that a law which requires the itemization of amounts spent such as salaries, personal living expenses, office expenses, etc., which have no bearing on attempts to influence legislation, when all lumped together create a false picture which serves to create distrust in the public mind for the Legislature. Certainly the public is in no position to properly apportion from such information the amounts expended to actually attempt to influence the course of legislation, and the false inference is easily created that Members of the Legislature are beneficiaries of large sums spent to influence their vote. Legislation on this subject might well provide that if a legislative advocate, operating pursuant to the suggested provision, reported the expenditure of amounts which appeared excessive, the agency charged with the enforcement and investigation of the act would be in a position to inquire into such expenditures. Legislation on this subject should further require that all books, papers and documents regarding the financial transactions of the legislative advocate should be retained by him for a period of two years in order that the enforcing agency can properly inquire into such matters.

(8) The study of the committee has revealed that one of the prime weaknesses of all existing legislation is the lack of an adequate enforcement agency and the inability of ordinary enforcement agencies to cope with this particular type of enforcement. Legislation, therefore, should provide for an agency to enforce the act which would also have investigatory powers. Since knowledge of the activities of lobbyists is particularly within the province of the Legislature itself, the enforcing agency should be composed of members from this branch of government. The committee, therefore, recommends that legislation provide for a board with adequate powers to act as the enforcing agency under the proposed legislation. The committee suggests that the board consist of eight members, four to be elected by the Assembly from its membership, four to be elected by the Senate from its membership, with no more than two members from each house belonging to any one political party. It is believed that by such a manner of selection the board can retain a non-partisan status. The legislation proposed by the committee has made provision for the selection of a board in such a manner. Your committee recognizes, however, that the Legislature may have different opinions with regard to the selection of the board as the enforcing agency and that the number of members, together with their manner of selection, might be more effective if accomplished in a different manner.

PROPOSED BILL

An act to add Chapter 8, comprising Sections 9900 to 9916, inclusive, to Part 1, Division 2, Title 2, of, and to repeal Sections 9900 to 9908, inclusive, of the Government Code, relating to the regulation of legislative advocates.

The people of the State of California do enact as follows:

SECTION 1. Chapter 8, comprising Sections 9900 to 9916, inclusive, is added to Part 1, Division 2, Title 2, of the Government Code, to read :

Chapter 8. Regulation of Legislative Advocates

9900 The term "person" as used in this chapter includes an individual, partnership, association or corporation, and includes any group of persons who join together, whether organized or not, to promote, advocate, oppose or influence the passage or defeat of legislation. The term "person" also includes any public official or employee of the State of California, or any public official or employee of any county, city and county, city or district in the State.

9901. The term "legislation" shall include all bills, resolutions, constitutional amendments, and all proposals of every kind, character or description that may be considered by the Legislature or any committee thereof.

9902. The term "legislative advocate" includes any person who engages himself for compensation or who accepts compensation to promote, advocate, oppose or influence the passage or defeat of legislation or the approval or veto of any legislation by the Governor of California. The term "legislative advocate," however, does not include a person who is employed primarily in another capacity and who promotes, advocates, opposes or influences the passage or defeat of legislation of concern to his employer when merely incidental to his primary occupation, unless such person devotes a substantial portion of his time during a legislative session to promoting, advocating, opposing or influencing the passage or defeat of legislation or unless such persons attends, except as an occasional visitor, upon sessions of the Legislature.

9903. There is hereby created a board to be known as the Legislative Advocates' Board, consisting of eight members, four to be elected by the Assembly from its membership, and four to be elected by the Senate from its membership. Not more than two members from each house shall belong to any one political party. The members shall hold office until the convening of the next general session of the Legislature following their election or until their successors are elected. The members shall receive, when attending meetings while the Legislature is not in session, the same mileage allowance as is allowed by the Joint Rules of the Legislature for the members of an investigating committee. The Legislative Counsel shall act ex officio as secretary of the board. The board shall elect a chairman from among its members. Five members of the board shall constitute a quorum, but the board shall act only by the majority vote of the elected members thereof.

9904. No person shall engage in any activity as a legislative advocate unless he is registered at the time with the board as a legislative advocate.

9905. No person, after the effective date hereof, shall (a) employ any person as a legislative advocate except upon the condition that such person forthwith register as a legislative advocate under this chapter, or (b) pay or agree to pay any compensation to any person for acting as a legislative advocate except upon condition that he forthwith register, or (c) employ any person as a legislative advocate whose registration has been revoked or who is then under suspension under this chapter, having knowledge of such revocation or suspension.

9906. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon the passage or defeat of any legislation, or the approval or veto of any legislation by the Governor of California. No person shall agree or undertake to promote, advocate, oppose or influence legislation or to communicate with Members of the Legislature, or to advocate approval or veto by the Governor of California for a consideration to be paid upon the contingency that any legislation is passed or is defeated.

9907. Every legislative advocate, within fifteen days after the close of each month during which the Legislature is in session, shall file with the board a statement under oath setting forth the total amount expended by him during the preceding month in connection with his activities as a legislative advocate, exclusive of bona fide expenditures for his personal sustenance, travel, lodging, office expenses and purely clerical assistance.

9908. If any legislative advocate employs, or requests, recommends or causes his employer to employ, any Member of the Legislature during his term of office, or any attache of the Legislature, or any full time state employee while so employed by the State, in any capacity whatsoever, he shall file with the board a statement under oath setting forth the nature of such employment, the person to be paid, and the amount paid or agreed to be paid thereunder. If the Legislature is in session at the time of such employment, said statement shall be filed within five (5) days after such employment and, if the Legislature is not in session at the time of such employment, said statement shall be filed within ten (10) days after the convening of the next session of the Legislature.

9909. No person shall act as a legislative advocate or be registered as such unless such person is over the age of 21 years, is a citizen of the United States and has never been convicted of a felony.

9910. An application for registration as a legislative advocate shall be in writing, shall be sworn to, and shall be filed with the Secretary of State, and shall show:

- 1 The applicant's name, age and address
- 2 The applicant's occupation.
3. Whether or not the applicant is a citizen and whether or not he has ever been convicted of a felony.
- 4 The name and address of the person by whom the applicant is employed as legislative advocate. If the applicant is employed by any association, organization, group or non-profit corporation, the nature of such employer, the manner in which its membership is constituted, the qualifications for such membership, and the manner in which its funds are raised.

5. Such experience, if any, that the applicant has had in the business or field of activity in which his employer is engaged or in which his employer is interested, and such educational qualifications as may evidence a knowledge of or understanding of such business or field of activity.

Such application shall also contain an agreement on the part of the applicant to abide by and conform to the obligations of a legislative advocate as set forth in this chapter. Such application shall also contain a statement that the applicant represents as a legislative advocate no other persons than the person or persons named in his application or applications and persons in whose interest he is currently registered under this chapter as a legislative advocate. Such application shall be accompanied by written authorization from the person on whose behalf the applicant proposes to promote, advocate, oppose or influence the passage or defeat of legislation. A separate application shall be filed and a separate registration obtained for each employer for whom a legislative advocate acts. Any application, or copy thereof, of any legislative advocate shall be made available to any Member of the Legislature or to any committee thereof upon request.

9911. Any person who violates Sections 9904, 9905, 9906, 9907, 9908, or 9909, and any legislative advocate who wilfully files a statement under Sections 9907, or 9908, or wilfully files an application under Section 9910, containing any materially false statement or material omission, shall be guilty of a misdemeanor.

9912. The board shall have the power and it shall be its duty:

1. To grant certificates or registration as legislative advocate to all applicants meeting the qualifications of Section 9909 and who have filed a written application conforming to the requirements of Section 9910, and who have filed therewith the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing as herein provided, has been found by the board to have violated any of the provisions of this chapter or to have wilfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On its own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who it has reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and contacts Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before the board and explain his purpose in attending upon the legislative session and advise it of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend to the Legislature from time to time such amendments to this chapter, or such other proposals as in its opinion would be conducive to the proper conduct of legislative business without unduly infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 35 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Sections 9054 or 9056 of this code or of related provisions of law.

8. To expend such money as may be necessary in carrying out the provisions of this chapter and in making the investigations thereunder, from any money appropriated by the Legislature for this purpose.

9913. Whenever any person subpoenaed to appear and give testimony or to produce books, papers or documents refuses to appear or testify before the board or to answer any pertinent or proper questions or to produce such books, papers or documents, he is in contempt of the board.

The board shall report the fact that a person subpoenaed is in contempt of the board to the superior court of the county in which the proceeding or investigation is being conducted, and thereupon the court shall issue an attachment in the form usual in the superior court directed to the sheriff, commanding him to attach such person forthwith and bring him before the court.

On the return of the attachment and the production of the person attached, the superior court has jurisdiction in the matter, and the person charged may purge himself of the contempt in the same way and the same proceedings shall be had and the same penalties may be imposed as in the case of a witness subpoenaed to appear and give evidence in the trial of a civil cause before the superior court.

9914. It shall be the duty of every legislative advocate to conform to the following obligations:

1. Not to engage in any activity as a legislative advocate unless he be registered as a legislative advocate, and not to accept compensation for acting as a legislative advocate except upon condition that he forthwith register as a legislative advocate.

2. To abstain from doing any act with the express purpose and intent of placing any member of the Legislature under personal obligation to him or to his employer.

3. Never to deceive or attempt to deceive any Member of the Legislature of any material fact pertinent to any pending or proposed legislation.

4. Never to cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

5. To abstain from soliciting any employment as a legislative advocate except on the basis of his experience, or knowledge of the business or field of activity in which his proposed employer is engaged or is interested.

6. To abstain from any attempt to create a fictitious appearance of public favor or disfavor of any legislative proposal or to cause any communication to be sent to any Member of the Legislature, the Lieutenant Governor, or the Governor, in the name of any fictitious person

or in the name of any real person, except with the consent of such real person.

7 Not to encourage the activities of or to have any business dealings relating to legislation or the Legislature with any person whose registration to act as a legislative advocate has been suspended or revoked.

8 Not to represent, either directly or indirectly, through word of mouth or otherwise, that he can control or obtain the vote or action of any member or committee of the Legislature, or the approval or veto of any legislation by the Governor of California

9. Not to represent an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

10. To retain all books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of two years.

9915. The proceedings under this chapter shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of this code, and the board shall have all the powers granted therein

9916. All statements, reports, and applications required under this chapter are public records and shall be open to inspection by the public at reasonable hours.

SEC 2 Sections 9900 to 9908, inclusive, of said code as enacted by Chapter 4 of the Statutes of the First Extraordinary Session of 1949, are repealed.

SEC 3 If any provisions of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application thereof to other persons or circumstances, shall not be affected thereby.

EXHIBIT 1

<i>State</i>	<i>Statutes</i>	<i>Indictments</i>	<i>Convictions</i>
Alabama	Yes. Enacted 25 years ago	None	Member of legislature expelled for corrupt solicitation
Arizona	No	None	None
Colorado	Rules in House of Representatives requiring registration No rule in Senate	None	None
Connecticut	Yes. Enacted 1937	None	None
Delaware	No	None	None
Florida	Yes. Enacted 1927	None	None
Idaho	Yes. Enacted 1907	No information furnished	No information furnished
Illinois	No	None	None
Iowa	General Assembly rule	None	None
Kansas	Yes. Enacted 1909	None	None
Kentucky	Yes. Enacted 1916	<i>Campbell vs. Commonwealth</i> , 229 Ky. 264, 17 S.W. (2d) 227	
Louisiana	Yes. Act 234 of 1912, Sec. 9279; Act 20 of E.S. 1915, Sec. 2832 5; Art. 740-118	No statistics available	
Massachusetts	Yes. Enacted 1911	None	None
Michigan	Act 214, Public Acts of 1947, Sections 4401-4410	None	None
Minnesota	No	None	None

<i>State</i>	<i>Statutes</i>	<i>Indictments</i>	<i>Convictions</i>
Mississippi	Sections 3366-3373, Mississippi Code of 1942	None	None
Missouri	Sections 7154 and 7155, Revised Statutes of 1919	Determination of Supreme Court, March 4, 1919 (<i>State vs. Crites</i> , 200 S.W. 863), first section of act (7154, R S 1919) declared unconstitutional Section 12883 in Revised Statutes of 1939	
Montana	No	None	None
Maine	Yes Enacted 1919	None	None
Nebraska	Yes. Enacted 1907, amended 1945	None	None
Nevada	No	None	None
New Hampshire	Yes. Enacted 1909	None	None
New Jersey	No	None	None
New York	Yes Enacted 1906	Statistics not available	Statistics not available
North Carolina			
North Dakota	Yes. Enacted 1941	Complaint filed	Conviction and fine (See Journal of the Senate, 2/17/49, attached)
Ohio	Section 6265-1 through 8	None	None
Oklahoma	Yes	One—1919	Didn't furnish information
Oregon	Yes Enacted 1864	None	None
Pennsylvania	No	None	None
Rhode Island	Yes Enacted 1912	None	None
South Dakota	Yes	None	None
Tennessee	No	None	None
Texas	Yes	Citations: <i>Greaves & Houchins vs. Diamond Hill Independent School Dist.</i> , Civ. App., 243 S.W. 638 <i>Texas Farm Bureau Cotton Assn vs. Davis</i> (Civ. App.) 16 S.W. 2d 544, aff. (Com. App.), 63 S.W. 2d 90 <i>Davis vs. Texas Farm Bureau Cotton Assn.</i> (Com. App.) 62 S.W. 2d 90, aff. (Civ. App.) 16 S.W. 2d 544	
Utah	Yes	None	None
Virginia	Yes Enacted 1938, amended 1945	None	None
Washington	Bribery law and provision against "wilfully disturbing legislation"	None	None
Wisconsin	Yes Enacted 1947	Yes. Six civil cases for revocation of license; 2 civil cases to collect fines; 3 criminal cases	One revocation of license; 1 \$300 fine
Wyoming	No	None	None

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

Mr. Clarke asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Agriculture, out of order. Subject: The Seed Bill.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today, at 8 p.m.—
Judiciary.

Tomorrow, Tuesday, March 21st, at 9.30 a m.—
Agriculture.

Next Monday, March 27th, at 8 p.m.—
Governmental Efficiency and Economy.

It was announced that the following committees would not hold meetings:

Tonight, at 8 p.m.—
Finance and Insurance.

Next Wednesday, March 22d—
Governmental Efficiency and Economy. (No meetings to be held until Budget Bill disposed of.)

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Thomas, the usual courtesies of the Assembly for this day were unanimously extended to Helen Robello and Faye Peckham of San Pedro.

On request of Mr. Levering, the usual courtesies of the Assembly for this day were unanimously extended to Mr and Mrs. Irving Casteic of Santa Monica.

ADJOURNMENT

At 3.35 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 2 p m., Tuesday, March 21, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY
SIXTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 21, 1950

The Assembly met at 2 p.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, Benneit, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lincoln, 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—77.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Hollibaugh asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite Wisdom: We pray this morning for all the people of this great State, for the young people with their soaring ambitions, for the many diverse groups and differing points of view.

We hear about us their many sectional desires and calls for action, and with the expectation of the immediate fulfillment of their dreams.

May the general public have the wisdom to see that it is impossible for every one to get every thing that he wants in a finite world

Intelligence to see that personal and local proposals often conflict with public welfare or with the wisdom of the centuries.

We pray that all citizens, young and old, may constantly beware of the isms and panaceas which would dissipate our resources or threaten the stability of America.—AMEN

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. McCollister, further reading of the Journal of the previous legislative day was dispensed with

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Beek asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr. Crichton, on motion of Mr. Beek.

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

Mr. Kilpatrick, on motion of Mr. Beek.

RESOLUTIONS

The following resolution was offered:

By Mr. Weber:

House Resolution No. 15

Relative to the Assembly Interim Committee on Conservation,
Planning, and Public Works

Resolved by the Assembly of the State of California, That in addition to the powers and duties imposed upon the Assembly Interim Committee on Conservation, Planning, and Public Works by House Resolution No. 212, 1949 General Session, the committee shall have the power and duty to meet and act jointly with any committee created by the Senate having similar or identical powers and duties

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

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 75: By Mr. Fletcher—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance

Referred to Committee on Finance and Insurance.

Assembly Bill No. 76: By Messrs. Rosenthal, Thomas, Fletcher, Anderson, and Hawkins—An act to add Section 54.1 to the Unemployment Insurance Act, relating to the benefits payable thereunder.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 77: By Messrs. Stewart, Maloney, Morris, Gaffney, Meyers, Berry, George D. Collins, Condon, Connolly, Lincoln, McCarthy, and Yorty—An act to amend Sections 14, 25, 26, 28, 29, 35.2,

35.3, 45, 45.5 and 45.7 of, and to add Section 39.2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 78: By Messrs. Gaffney and Berry—An act to amend Section 201 of the Unemployment Insurance Act, dealing with disability insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 79: By Mr. Berry—An act to repeal Section 309 and Part 6 consisting of Sections 450 through 462, inclusive, of the Unemployment Insurance Act, dealing with disability insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 80: By Mr. Crowley—An act to amend Sections 3083 and 3471 of the Welfare and Institutions Code, relating to aid to the blind, including aid to the needy blind and aid to partially self-supporting blind residents, in respect to determination of blindness.

Referred to Committee on Social Welfare.

Assembly Bill No. 81: By Messrs. Sherwin, Beck, Yorty, and Gaffney—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 Governmental Efficiency and Economy.

Assembly Bill No. 82: By Mrs. Niehouse, Messrs. Luckel, and Cloyd—An act making an appropriation for the purchase of land for San Diego State College.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 83: By Messrs. Geddes, Stanley, Fleury, and Moss—An act relating to research in parking problems, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 84: By Messrs. Burke and Connolly—An act to provide additional facilities for the protection and care of mentally ill persons, mentally deficient persons, and others specially in need of care, protection, or treatment in a mental institution, by providing for the acquisition by the Director of Mental Hygiene, with the approval of the Director of Finance, of real property, for use as a mental institution.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 85: By Mr. Beck—An act to amend Section 203 of the Unemployment Insurance Act, relating to disability insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 86: By Mr. Maloney—An act to add Section 4664 to the Labor Code, relating to workmen's compensation benefits.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 87: By Mr. Maloney—An act to amend Section 4452 of the Labor Code, dealing with workmen's compensation.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 88: By Mr. Doyle—An act to repeal Section 208 of the Unemployment Insurance Act, dealing with disability insurance.

Referred to Committee on Finance and Insurance.

REPORT OF JOINT INTERIM COMMITTEE

Joint Interim Committee on Lobby Regulation

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1950

MR. SPEAKER: Your Joint Interim Committee on Lobby Regulation, to which was referred,

Assembly Concurrent Resolution No. 4

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Assembly Committee on Rules, and be sent to the floor of the Assembly with the recommendation: Be adopted.

ERWIN, Chairman

Above reported resolution ordered re-referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 52

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.

ASSEMBLY CHAMBER, SACRAMENTO, March 21, 1950

MR. SPEAKER: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 46

Assembly Bill No. 50

Assembly Bill No. 47

Assembly Bill No. 53

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

BROWN, Chairman

Above reported bills ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 21, 1950

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

Senate Bill No. 17

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. 17—An act to amend Section 1851 of the Insurance Code, relating to insurance upon property purchased from the Department of Veterans Affairs.

Referred to Committee on Finance and Insurance

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 20, 1950

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 (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 3—Relative to the death of John L. McNab.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 20, 1950

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 (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 2—Relative to proclaiming March 7, 1950, as Masaryk Day, in commemoration of the one hundredth anniversary of the birth of Dr. Masaryk.

Referred to Committee on Rules.

ANNOUNCEMENT

Speaker Sam L. Collins announced that the Fourth Annual Report of the State Public Works Board, on the Status of the Building Program of State Agencies, as authorized by the Construction Act of 1946, and other appropriation acts related thereto, has been published under date of March 1, 1950; and that said report is now available to all members.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

CITY OF GLENDALE, CALIFORNIA, March 20, 1950

Hon. Sam L. Collins
Speaker of the Assembly
Sacramento, California

DEAR SIR: Enclosed herewith please find copy of resolution passed by the Glendale City Council at its regular meeting held March 16, 1950, urging the Legislature of the State of California to refuse to enact any amendment to the "Air Pollution Control Districts Act" and especially any amendment which would delete therefrom, or in any way render less effective the requirement of obtaining a permit from the Air Pollution Control officer for the construction or maintenance of any contrivance which may cause the issuance of air contaminants.

Respectfully,

G. E. CHAPMAN, City Clerk

Above mentioned resolution ordered referred to the Committee on Governmental Efficiency and Economy.

MATTERS ON THIRD READING FILE CONTINUED

Mr. Dickey moved that all matters on the third reading file be continued until the next legislative day.

Mr. Brady seconded the motion.

Motion carried.

ADJOURNMENT

At 2.08 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 2 p.m., Wednesday, March 22, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

SEVENTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Wednesday, March 22, 1950

The Assembly met at 2 p.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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hineckley, Hoffman, Hollibaugh, Hurek, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipsecomb, 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—77.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Hawkins asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

God of Youth: The eyes of youth look up today with awe to the majestic dome that over arches us, and to the historic mementos about us.

May the famous scenes in the stately halls, and the resplendent figures who have made our history remind them of our debt to the heroic past.

Let the venerable past inspire them with great ambition to preserve this heritage, and to follow in the steps of our illustrious great and maintain this State as the paradise of opportunity.

May they realize that the tasks of future years in the Atomic Age will require more wisdom and devotion than even the pioneers displayed.

God grant they may have strength equal to their day and give to the future the glory the past has given us —AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Stewart, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Sulliman asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr. Crichton, on motion of Mr. Clarke.

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

Mr. Kilpatrick, on motion of Mr. Beck.

COMMUNICATIONS

By Speaker Sam L. Collins.

A communication from Mrs. Margaret Glass of Temple City, expressing appreciation to Members of the Assembly for the tribute paid her late husband, Frank Glass, in the adoption of a laudatory resolution, was received, and ordered noted in the Journal.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 74

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

STEWART, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 74—An act to add Chapter 8, comprising Sections 9900 to 9916, inclusive, to Part 1, Division 2, Title 2, of, and to repeal Sections 9900 to 9908, inclusive, of the Government Code, relating to the regulation of legislative advocates.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER SACRAMENTO, March 22, 1950

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.

DICKKEY, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 2

Senate Concurrent Resolution No. 3

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

DICKKEY, Chairman

Above reported resolutions ordered on file for adoption.

INTRODUCTION, FIRST READING, AND REFERENCE
OF ASSEMBLY BILLS

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

Assembly Bill No. 89: By Messrs. Tomlinson, Brown, Fleury, Beck, Rosenthal, and Smith—An act to add Section 5501.5 to the Welfare and Institutions Code, relating to sexual psychopaths.

Referred to Committee on Judiciary.

Assembly Bill No. 90: By Messrs. Dunn and Brady—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 91: By Messrs. Lewis, Condon, Anderson, Elliott, Hawkins, and Yorty—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 92: By Mr. Evans—An act to provide for the construction of a scientific and technical museum in Exposition Park, Los Angeles, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 93: By Mr. Dolwig—An act to amend and renumber Sections 31006 and 31007 of the Water Code, as amended by Chapter 1114, Statutes of 1949, and to add Sections 31042.1, 31042.2, 31428 and 31429 to the Water Code, relating to the financing of public improvements in county water districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 94: By Mr. McMillan—An act to amend Section 7 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 95: By Mr. Dolwig—An act to amend Section 45 and to add Sections 31.1 and 31.2 to the Public Utility District Act relating to the issuance of bonds, and declaring its urgency, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 96: By Mr. Lindsay—An act to add Section 13.9 to the Construction and Employment Act, providing for allocations to counties for the purpose of assisting them in the purchase of snow removal equipment for use on county roads, and making an appropriation.

Referred to Committee on Governmental Efficiency and Economy

Assembly Bill No. 97: By Mr. Dolwig—An act to amend Sections 5005, 5181, 5241, 5242, 5254, 5361, 5369, 5835.2 and 6420 of, to add Sections 5005.1, 5226, 5260 and 5375 and Chapter 18.1 of Part 3 of Division 7 to, and to renumber Section 5135 (as added by Statutes of 1941 Chapter 79) of, the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

Referred to Committee on Municipal and County Government.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Price and Sam L. Collins:

House Resolution No. 16

Relative to adjournment in respect to the memory of Mr. Charles Latimer

WHEREAS, It is with deep sorrow that the Members of the Legislature have learned of the death of Mr. Charles Latimer on March 8th of this year; and

WHEREAS, Mr. Charles Latimer was a leading grower and packer of citrus fruits and grapes in the Ontario area; and

WHEREAS, Mr. Charles Latimer was an active member of the Rotary Club and a former member of the City Council in the City of Ontario; and

WHEREAS, Mr. Charles Latimer was the President of the Board of Trustees of the San Antonio Community Hospital in Upland, California for the past six years, and a member of such board since the hospital's founding; and

WHEREAS, Mr. Charles Latimer gave generously in time and money to the support of the San Antonio Community Hospital as well as anonymously paying the hospital bills of many deserving persons; and

WHEREAS, Mr. Charles Latimer has departed this life at the age of 63 leaving behind him his wife, Winifred, and his sons, Charles and Bill, his third son, Jack, having given his life in the recent world war, now, therefore, be it

Resolved by the Assembly of the State of California. That the Assembly of the State of California hereby expresses its deep regret and sorrow at the passing of Mr. Charles Latimer and expresses its deepest sympathy to his widow and children; and be it further

Resolved. That when this Assembly do this day adjourn it do so in respect to the memory of Mr. Charles Latimer; and be it further

Resolved. That the Chief Clerk of the Assembly is hereby directed to forward properly prepared copies of this resolution to Mrs. Charles Latimer, and to her sons, Charles and Bill Latimer.

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

By Messrs. Price and Sam L. Collins:

House Resolution No. 17

Relative to adjournment in respect to the memory of Dr. Arthur L. Weber

WHEREAS, The Members of the Assembly were deeply shocked and grieved to learn of the passing of Dr. Arthur L. Weber on March 8, 1950; and

WHEREAS, Dr. Arthur L. Weber devoted the last 40 years of his life to the healing of the sick and injured in the vicinity of Upland, California; and

WHEREAS, Dr. Arthur L. Weber generously contributed of his time and money to the San Antonio Community Hospital in Upland, California where he served as a member of the Board of Trustees for many years; and

WHEREAS, Dr. Arthur L. Weber was an active member of the Rotary Club of Upland, California; and

WHEREAS, Dr. Arthur L. Weber has left this life at the age of 66, leaving behind him besides his host of friends, his wife, Katherine Weber, his daughter, Mrs. Glen Woodward, and his son, Paul Weber; and

WHEREAS, Dr. Arthur L. Weber, as a doctor of medicine, fully and faithfully fulfilled his Hippocratic oath, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby express their deep regret and sorrow at the passing of Dr. Arthur L. Weber, and extend their deepest sympathies to his wife and children; and be it further

Resolved, That when the Assembly this day adjourns it do so in respect to the memory of Dr. Arthur L. Weber, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward suitably prepared copies of this resolution to Mrs. Arthur L. Weber, to Mrs. Glen Woodward, and to Paul Weber.

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

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

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

Assembly Bill No. 98: By Messrs. Beck, Tomlinson, Rosenthal, Smith, Brown, and Fleury—An act to establish a Sex Crime Research Commission, providing for scientific research into the problems of sex crimes, and making an appropriation therefor.

Referred to Committee on Judiciary.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN THE JOURNAL

Mr. Yorty asked for, and was granted, unanimous consent that the following opinion of the Legislative Counsel relative to a state bond issue be ordered printed in the Journal in 10-point type:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 21, 1950

Honorable Samuel W. Yorty
Assembly Chamber

STATE BOND ISSUE—No 1371

DEAR MR. YORTY:

Question

You have asked us whether the bond issue authorized by Assembly Bill No. 63 (1st Extra Sess.) requires a constitutional amendment.

Opinion

In our opinion, a constitutional amendment is not required

Analysis

Assembly Bill No. 63 would authorize a state bond issue of a total amount of \$1,000,000,000, for the alleviation and prevention of unemployment by financing the construction of public works.

Section 1 of Article XVI of the California Constitution provides that the Legislature shall not create any indebtedness above a certain

amount except in cases of war to repel invasion or suppress insurrection unless such indebtedness is authorized by law for a single object or work. This law is required to provide means for the payment of interest and discharge of principal within 75 years. The law must then be submitted to the electorate at the next general election for ratification. There is no requirement that the Legislature must authorize such an indebtedness by means of a constitutional amendment if this procedure is followed.

The bill does provide for the payment of interest and discharge of principal and specifies the object for which the indebtedness would be created. The actual dates of issuance of the bonds, maturity date, interest rate and technical form of the bonds are to be determined by the Legislature. The bill provides for the ratification by the people of the bond issue at the next general election.

In our opinion, the procedure to be followed in the bill complies with Section 1 of Article XVI and, therefore, a constitutional amendment is not required.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By OWEN K. KUNS, Deputy

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 46—An act to amend Sections 5512 and 5513 of the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read second time, and ordered engrossed.

Assembly Bill No. 47—An act to amend Sections 5501, 5502, and 5503 of the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read second time, and ordered engrossed.

Assembly Bill No. 50—An act to amend Section 288a of the Penal Code, relating to sex perversion

Bill read second time, and ordered engrossed

Assembly Bill No. 53—An act to amend Section 644 of the Penal Code, relating to habitual criminals

Bill read second time, and ordered engrossed.

Assembly Bill No. 52—An act to amend Section 647a of the Penal Code, relating to vagrancy

Bill read second time

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 1 of the printed bill, strike out lines 17 and 18

Amendment No. 2

On page 1, line 3, of the printed bill, after "child", insert "under the age of 14".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

CONSIDERATION OF HOUSE RESOLUTION NO. 13

By Messrs Lincoln, Rumford, Dunn, Dickey, Caldecott, Sherwin, and Maloney :

House Resolution No. 13

Relative to the memory of George J. Hans

WHEREAS, A beloved and revered resident of East Oakland, George J. Hans, has passed to the Great Beyond at the venerable age of 81 years, and

WHEREAS, His long and active life was devoted to the service of his community, his State, and his fellowmen, he having taken a particular interest in primary and secondary education and served on the Board of Trustees of the Dewey School and Fremont High School, and having been a Member of the California Assembly at the end of the century, and for 12 years a State Senator, and having enjoyed for nearly 60 years a most active membership in the Native Sons of the Golden West, Fruitvale Parlor No. 252 of which in 1940 presented him with a gold emblem of the order honoring him as past president and treasurer of that parlor, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly deeply regret the passing of George J. Hans, and pay tribute to his long and devoted public service, and be it further

Resolved, That when this Assembly this day adjourns it do so out of respect to the memory of this former Member of the California Legislature, George J. Hans, and be it further

Resolved, That the Chief Clerk of the Assembly send a copy of this resolution to the niece of George J. Hans, Mrs. Irene L. McNiece of Oakland, California.

Resolution read, and adopted unanimously by a rising vote

**REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL NO. 39
BE WITHDRAWN FROM COMMITTEE, AND BE RE-REFERRED**

Mr. Stanley asked for, and was granted, unanimous consent that Assembly Bill No. 39 be withdrawn from the Committee on Municipal and County Government, and be re-referred to the Committee on Education.

NOTICES OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notice of motion to reconsider votes on the following bill was continued until the next legislative day :

Assembly Bill No. 23, on motion of Mr. Beck.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings :

Today, at 2.15 instead of 3 p.m.—

Governmental Efficiency and Economy.

Tonight at 8 p.m.—

Municipal and County Government. Subject: Assembly Bill No. 77.

ANNOUNCEMENT

Mr. Lowrey announced the Inter-Collegiate Basketball Tournament to be held in the Auditorium three nights this week, and that all members desiring tickets may obtain them from Mr. Toomey, Room 244, at the Hotel Senator.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Messrs Fleury and Moss, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Olive Stewart, teacher of the Ball Ave. School and the following pupils: Judith Akin, Gary Benti, J. M. Bigelow, Robert Booth, Shirley Britton, Correll

Chester, Bessie Conley, Louise Corker, Dolores Deuchler, Jerry Evans, Larry Gould, Jeff Hagerty, Bobby Hall, Rolf Herrman, Dale Hobbs, Brian Hopkins, Dorothy Jackson, Shirley Koontz, Joan Lavin, Arlene Loudon, Clarence Massey, Phillip Morris, Monte Moyer, Robert Murphy, Charles McRorie, Elaine Odell, Donna Oswalt, Robert Pasquetti, Julia Powers, Patsy Ragsdale, Zoma Ragsdale, Jerry Ripley, Charles Robson, George Scatchard, Calvin Schuh, Ronald Smith, Ronald Soares, Leola Joy Sorsoli, Lorrey Spears, Barbara Toombs, Donald Toombs, and Donald Webber

On request of Messrs. Moss and Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mr. Athans and John Philo, teachers of the Robla School, and the following pupils: Joseph Abbott, Patricia Ball, John Benson, Donald Berg, Helen Cobb, Jerry Comstock, Ellen Davidson, George Dwyer, Alice Flowers, Annabelle Flowers, Alice Fuller, Shirley Graham, Mary Greathouse, Hazel Haywood, Betty Hampton, Regina Helms, Charles Johnson, Enver Khan, Richard La Chapelle, Charles Lusk, Joyce Meier, Frank Petty, Edmond Rayburn, Halleck Remington, Rita Sims, Jean Terpenning, Melvin Thompson, Richard Torres, David Tucker, Rose Wagner, Ruth Wagner, Annette Watkins, Frank Weckman, Archie West, Ellen Jo Wheeler, and Nancy Yeager

On request of Mr. Lipscomb, the usual courtesies of the Assembly for this day were unanimously extended to Mr and Mrs L P Sacre of Los Angeles.

ADJOURNMENT

At 2 18 p m , on motion of Mr Stewart, the Speaker declared the Assembly adjourned until 2 p m , Thursday, March 23, 1950, out of respect to the memory of the late Honorable George J Hans of Oakland.

SAM L COLLINS, Speaker

GERALDINE B HADSELL, Minnte Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY
EIGHTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, March 23, 1950

The Assembly met at 2 p.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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Courad, Cooke, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nichouse, Porter, Price, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—76.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Clarke asked for, and was granted, unanimous consent that the prayer, offered by Dr. Torrance Phelps during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite Presence: How marvelous that we may pause for a moment to realize that Thou art no mere empty name.

Thou dost uphold the star domed canopy of the universe, and in the order of the heavenly bodies and the harmonies of earth and sky are the outlines of Eternal Thought.

How wonderful that Thou art with us when we walk alone in the darkness, and Thou art the power that fights with us in the confusion of the daylight hours

May we believe that in perplexity, Thou art our hope, in sorrow, our comfort, and underlying our daily efforts is Thy Everlasting Wisdom.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Stewart, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Huyek asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr. Crichton, on motion of Mr. Huyek.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Davis, on motion of Mr. Huyek

Mr. Connolly, on motion of Mr. Huyek.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 9: By Mr. Lewis—Relative to straightening and realigning State Highway Route No. 57 (State Sign No. 178) between Democrat Hot Springs and Bodfish.

Referred to Committee on Rules.

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

Assembly Bill No. 99: By Messrs. Levering, Waters, Conrad, and Grant—An act to add Title 3, comprising Section 241 to 260, inclusive, to Part 3, Division 1, of the Civil Code, defining the duty to support children and wives, and authorizing and prescribing the procedure for civil proceedings to compel the support of dependent wives and children within and without the State.

Referred to Committee on Judiciary.

Assembly Bill No. 100: By Mr. Lowrey—An act to add an article heading to be numbered Article 1, and to add Article 2 to Chapter 1a of Division 2 of the Agricultural Code, relating to agricultural pest control, and providing for proof of responsibility to respond for damages ensuing from operations involving spraying or otherwise applying pest control materials through the medium of the air, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Agriculture.

Assembly Bill No. 101: By Mr. Brown—An act to amend Section 53 of the Unemployment Insurance Act, relating to unemployment and disability insurance benefits.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 102: By Messrs. Burke, Morris, Geddes, and Hahn—An act to add Section 2186 2 to the Welfare and Institutions Code, relating to the costs of administration of aid to the aged and aid

to the needy blind and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare

Assembly Bill No. 103: By Mr. Collier—An act to add Section 9906.3 to the Government Code, relating to influencing the legislative process.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 104: By Mr. Collier—An act to add Section 9906.1 to the Government Code, relating to influencing the legislative process.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 105: By Mr. Collier—An act to add Section 9906.2 to the Government Code, relating to influencing the legislative process.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 106: By Mr. Collier—An act to amend Section 9906 of the Government Code, relating to influencing legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 107: By Mr. Dolwig—An act to create the Brisbane County Water District, providing for the government and powers thereof, providing for the issuance of revenue bonds, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 108: By Mr. Dolwig—An act to amend and renumber Sections 31006 and 31007 of, to add Sections 31009, 31010, 31428, 31429, and 31430 to, and to repeal Sections 31416 and 32858 of, the Water Code, relating to county water districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Speaker Pro Tempore Presiding

At 2.14 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 18

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:

Department of Finance (supplies)	\$220 60
International Business Machines Corporation (typewriter repairs)	3 75
Martyrs' (supplies)	14 82
The Pacific Telephone & Telegraph Co. (tolls)	43 60
The Pacific Telephone & Telegraph Co. (exchange service charges)	12 05
Department of Finance, Printing Division (History of the Great Seal of the State of California)	1200 00

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 18, 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, Berry, Brady, Brown, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkle, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Sillman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—63

NOES—None.

By Mr. Stewart:

House Resolution No. 19

Relative to directing the Assembly Interim Committee on Public Health to investigate the need of legislation regulating the use of electrical therapeutic instruments

WHEREAS, There appears to be a constant increase in the use of electrical therapeutic instruments in the treatment of persons for various diseases and ailments; and

WHEREAS, Complaints made by citizens of this State indicate that the use of such instruments by untrained or unqualified operators has resulted in numerous injuries; and

WHEREAS, The public welfare will be served by a study of this subject, designed to determine what, if any, legislation is necessary to regulate the use or operation of such machines; and

WHEREAS, Such an investigation is within the scope of the functions of the Assembly Interim Committee on Public Health, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Public Health (created by House Resolution No. 237, 1949 General Session) is hereby directed to ascertain, study and analyze all facts and laws relating to, hearing upon, or in any way affecting the subjects expressed in the recitals of this resolution and to report thereon to the Legislature not later than the fifteenth legislative day of the 1951 General Session, including in its report its recommendations for needed legislation concerning the use or operation of electrical therapeutic instruments

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

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 23, 1950

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

The following resolution was read:

Senate Concurrent Resolution No. 4—Relative to the death of Charles Collins Teague.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 23, 1950

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

Senate Bill No. 7
Senate Bill 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 bills were read the first time:

Senate Bill No. 7—An act to amend Section 2071 of, and to add Sections 2074.5 and 2082.5 to, the Insurance Code, relating to insurance and the standard form fire insurance policy, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Finance and Insurance.

Senate Bill No. 10—An act to amend Section 2117.5 of the Streets and Highways Code, relating to the Highway Users Tax Fund.

Referred to Committee on Revenue and Taxation

REPORTS OF STANDING COMMITTEES**Committee on Municipal and County Government**

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred

Assembly Bill No. 40

Assembly Bill No. 49

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

STANLEY, Chairman

Above reported bills ordered to second reading

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred,

Assembly Bill No. 98

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

BROWN, Chairman

Above reported bill re-referred to Committee on Ways and Means

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:

Assembly Bill No. 65

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

Request for Unanimous Consent to Temporarily Suspend the Rules

Mr. Dunn asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of permitting Assembly Bill No. 65 to be re-referred to the Committee on Revenue and Taxation prior to being re-referred to the Committee on Ways and Means.

Above reported bill ordered re-referred to the Committee on Revenue and Taxation.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

Mr. Hollibaugh asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Revenue and Taxation on next Tuesday, March 28th, at 8 p.m. Subject: Assembly Bill No. 65

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

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 the recommendation: Be adopted.

DICKKEY, Chairman

Above reported resolution ordered on file for adoption.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

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

Assembly Bill No. 46

Assembly Bill No. 53

Assembly Bill No. 47

Assembly Bill No. 74

Assembly Bill No. 50

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Constitutional Amendments, to which was referred:

Assembly Constitutional Amendment No. 1

Has had the same under consideration, and respectfully reports the same back with amendments but without recommendation.

CROWLEY, Chairman

Above reported resolution ordered on file.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 41

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

STEWART, Chairman

Above reported bill ordered to second reading.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Senate Bill No. 17

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

GEDDES, Chairman

Above reported bill ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

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

Assembly Concurrent Resolution No. 8

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

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

Assembly Bill No. 52

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 11

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Judiciary.

STEWART, Chairman

Above reported bill ordered re-referred to Committee on Judiciary.

Speaker Presiding

At 2 20 p.m., Hon. Sam. L. Collins, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Education**

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:

Assembly Bill No. 6

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

DUNN, Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 20

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

STEWART, Chairman

Above reported bill ordered to second reading.

**MATTERS ON FILE ORDERED PASSED TEMPORARILY BY
UNANIMOUS CONSENT**

By unanimous consent, the following matters on the third reading file were ordered temporarily passed on file: Assembly Concurrent Resolution No. 1, Assembly Bill No. 46, Assembly Bill No. 47, Assembly Bill No. 50, Assembly Bill No. 53, and Assembly Bill No. 52.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 16

House Resolution No. 17

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

DICKY, Chairman

**CONSIDERATION OF HOUSE RESOLUTION NO. 16
(BY UNANIMOUS CONSENT)**

By Messrs. Price and Sam L. Collins:

House Resolution No. 16

Relative to adjournment in respect to the memory of Mr. Charles Latimer

WHEREAS, It is with deep sorrow that the Members of the Legislature have learned of the death of Mr. Charles Latimer on March 8th of this year; and

WHEREAS, Mr. Charles Latimer was a leading grower and packer of citrus fruits and grapes in the Ontario area; and

WHEREAS, Mr. Charles Latimer was an active member of the Rotary Club and a former member of the City Council in the City of Ontario; and

WHEREAS, Mr. Charles Latimer was the President of the Board of Trustees of the San Antonio Community Hospital in Upland, California for the past six years, and a member of such board since the hospital's founding; and

WHEREAS, Mr. Charles Latimer gave generously in time and money to the support of the San Antonio Community Hospital as well as anonymously paying the hospital bills of many deserving persons; and

WHEREAS, Mr. Charles Latimer has departed this life at the age of 63 leaving behind him his wife, Winifred, and his sons, Charles and Bill, his third son Jack, having given his life in the recent world war; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly of the State of California hereby expresses its deep regret and sorrow at the passing of Mr. Charles Latimer and expresses its deepest sympathy to his widow and children, and be it further

Resolved, That when this Assembly do this day adjourn it do so in respect to the memory of Mr. Charles Latimer; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward properly prepared copies of this resolution to Mrs. Charles Latimer, and to her sons Charles and Bill Latimer.

Resolution read, and adopted unanimously.

CONSIDERATION OF HOUSE RESOLUTION NO. 17 (BY UNANIMOUS CONSENT)

By Messrs Price and Sam L Collins:

House Resolution No. 17

Relative to adjournment in respect to the memory of Dr. Arthur L. Weber

WHEREAS, The Members of the Assembly were deeply shocked and grieved to learn of the passing of Dr. Arthur L. Weber on March 8, 1950; and

WHEREAS, Dr. Arthur L. Weber devoted the last 40 years of his life to the healing of the sick and injured in the vicinity of Upland, California; and

WHEREAS, Dr. Arthur L. Weber generously contributed of his time and money to the San Antonio Community Hospital in Upland, California, where he served as a member of the board of trustees for many years, and

WHEREAS, Dr. Arthur L. Weber was an active member of the Rotary Club of Upland, California; and

WHEREAS, Dr. Arthur L. Weber has left this life at the age of 66, leaving behind him besides his host of friends, his wife, Katherine Weber, his daughter, Mrs. Glen Woodward, and his son, Paul Weber; and

WHEREAS, Dr. Arthur L. Weber, as a doctor of medicine, fully and faithfully fulfilled his Hippocratic oath; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby express their deep regret and sorrow at the passing of Dr. Arthur L. Weber, and extend their deepest sympathies to his wife and children; and be it further

Resolved, That when the Assembly this day adjourns it do so in respect to the memory of Dr. Arthur L. Weber, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward suitably prepared copies of this resolution to Mrs. Arthur L. Weber, to Mrs. Glen Woodward, and to Paul Weber.

Resolution read, and adopted unanimously.

CONSIDERATION OF DAILY FILE THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 74—An act to add Chapter 8, comprising Sections 9900 to 9916, inclusive, to Part 1, Division 2, Title 2, of, and to repeal Sections 9900 to 9908, inclusive, of the Government Code, relating to the regulation of legislative advocates.

Bill read third time.

Motion to Amend

Mr. Collier moved the adoption of the following amendments:

Amendment No. 1

In lines 2 and 3 of the title of the printed bill, strike out “, and to repeal Sections 9900 to 9908, inclusive, of”.

Amendment No. 2

On page 6 of said bill, strike out lines 25 to 27, inclusive

Amendment No. 3

On page 6, line 28, of said bill, strike out “3”, and insert “2”

Amendments read.

Request for Unanimous Consent That Unlimited Time Be Granted for Purpose of Debate

Mr. Collier asked for unanimous consent that he be given unlimited time for the purpose of debate upon his above proposed amendments.

Mr. Brady withheld unanimous consent.

Ruling by Speaker

Speaker Sam L. Collins ruled Mr. Brady not in order because Mr. Collier has not yet consumed the opening 10 minutes of time allowed him for debate.

Demand for Previous Question

Messrs. Stewart, Lipscomb, Silliman, Brady, and Evans demanded the previous question.

Demand for previous question sustained

The question being on the adoption of the amendments offered by Mr. Collier to Assembly Bill No. 74

Roll Call Demanded

Messrs. Dills, Silliman, and Coats demanded a roll call.

The roll was called, and the amendments offered by Mr. Collier to Assembly Bill No. 74 refused adoption by the following vote.

AYES—Coats, Collier, George D. Collins, Fleury, Hagen, Hahn, Kilpatrick, Lewis, Lowrey, Luckel, Maloney, and Moss—12

NOES—Babbage, Berry, Brady, Burkhalter, Butters, Clarke, Cloyd, Cooke, Crowley, Dicke, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Landsay, Lipscomb, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Price, Reagan, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—51

Speaker Pro Tempore Presiding

At 3 05 p m , Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

The question being on the passage of Assembly Bill No. 74.

Speaker Presiding

At 3.09 p m , Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Demand for Previous Question

Messrs. Geddes, Brady, Hoffman, Reagan, and Levering demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 74

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

AYLS—Anderson, Bennett, Berry, Brady, Burkhalter, Butters, Clarke, Cloyd, Cooke, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipsecomb, Luckel, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Reagan, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Mr. Speaker—53.

NOES—Coats, Collier, George D. Collins, Conrad, Gaffney, Hagen, Lewis, Lowrey, Maloney, McCarthy, Moss, and Waters—12.

Bill ordered transmitted to the Senate.

Motion to Reconsider Assembly Bill No. 74

Mr. Hagen moved to reconsider the vote whereby Assembly Bill No. 74 was this day passed.

Motion died for lack of a second.

Motion to Adjourn

At 3.29 p.m., Mr. Dickey moved that the Assembly do now adjourn until 10.15 a.m., Monday, March 27, 1950.

Mr. Clarke seconded the motion.

Motion carried.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 3 p.m., or upon adjournment—

Social Welfare, in Room 432.

At 8 p.m.—

Elections and Reapportionment

Revenue and Taxation.

Today upon adjournment—

Ways and Means.

PARTIAL REPORT OF THE INTERIM COMMITTEE FOR INVESTIGATION OF TRAFFIC CONTROL ORDERED PRINTED BY UNANIMOUS CONSENT

Pursuant to a unanimous consent request granted to Mr. Burkhalter on Monday, March 20, 1950, (see page 373 of the Assembly Journal of the First Extraordinary Session of that date for granting of permission, and for the printing of the letter of transmittal) the following Partial Report of the Interim Committee for Investigation of Traffic Control is ordered printed in the Journal in 10-point type:

**PRELIMINARY REPORT OF THE INTERIM
COMMITTEE FOR INVESTIGATION
OF TRAFFIC CONTROL**

TABLE OF CONTENTS

	Page
INTRODUCTION	426
Everett G. Burkhalter	429
William S. Grant	430
Charles J. Conrad	430
PUBLIC HEARINGS	
North Hollywood	430
George D. Roberts	430
Stanley Moore	432
Jim Wilson	432
Howard B. Mason	434
F. C. Lynch	434
Mrs. Ethel Watson	434
Miss Helen Thomas	435
Roy Y. Cliff	435
John Wright	435
Mrs. Paul Guerin	438
Grover C. Swart	439
Bob Symonds	440
Ed C. Harris	441
Judge David E. Fulwider	441
Mrs. Harry Pitts	442
Richard W. Theophilus	443
R. J. Flaherty	443
Burbank	443
Robert Omer	443
Harmon Bennett	444
Mayor Floyd Jolley	446
R. H. Hilton	446
Councilman Walter Mansfield	448
H. E. Noyes	448
South Gate	448
John H. Le Grand	448
John Davidson	448
Councilman Marshall Morrill	450
D. K. Hutchinson	450
Emery R. Eisert	452
Louis A. Gretz	452
George A. Heap	453
A. Davino	458
Joseph E. Blackburn	458
George Benson	460
Inglewood	460
Mayor E. S. Dixon	460
Sam Hill	461
Mayor Selby	461
Louis Heath	461
Mayor Charles H. Worthom	461
Long Beach	462
Capt. William E. Kummer	462

TABLE OF CONTENTS—Continued

	Page
Long Beach—Continued	
Fred Sykes	462
Charles B. Goldsmith	465
Homer H. Grant	465
Twentieth-Century-Fox Studios	474
J. Win Austin	474
George Cronk	474
Harold Harby	475
Lester A. McMillan	475
Howard Mason	476
Ralph T. Dorsey	476
Mr. Goldstone	476
William Bishop	477
Glendale	477
Henry A. Babcock	477
Joseph A. Mellen	479
A. Davino	482
Clarence Knox	483
Pomona	484
Mayor Stuart G. Wheeler	484
John C. Price, Mayor	484
Karl Dienes	485
P. Frederick Wellensiek	485
George D. Roberts	486
Whittier	486
Ralph Thynnes	486
Lindsay van Tongeren	486
Fred King	487
Jack DeVriez	488
A. L. Stennard	488
Henry A. Babcock	488
Los Angeles	491
Wendell Van Hook	491
Robert L. Reichenstall	493
E. L. Barker	496
Oscar Smith	497
Ralph T. Dorsey	498
Earl Anderson	499
H. W. Wilkins	499
A. Davino	499
Samuel B. Morris	499
Arthur H. Adams	499
D. L. Campbell	499
Stanley M. Lanham	500
Mrs. Clara McDonald	501
P. O. Harding	501
Canoga Park	501
Thomas Van Horn	501
Judge David Fulwider	503

INTRODUCTION

Mr. Speaker and Members of the Assembly:

Your Assembly Investigating Committee on Traffic Control submits the following preliminary report. This report is, in essence, a summary of extensive hearings held throughout Los Angeles County. Your committee wishes to stress the fact that the report is preliminary in nature—a condensation of the various opinions on the transportation problem presented by a great many persons, representing a great diversity of interests who appeared before the committee. It was felt, in other words, that the job at hand was to act as a sounding board; no effort has been made to offer conclusions or recommendations concerning the complicated traffic problem in Los Angeles County.

CREATION OF THE COMMITTEE

The committee was created by House Resolution No. 233 on the Eighty-fourth Legislative Day of the 1949 Regular Session of the Legislature.

Members of the committee are Everett G. Burkhalter, Chairman, William S. Grant, Vice Chairman; Edward E. Elliott, Charles J. Conrad, and Vernon Kilpatrick.

The resolution reads as follows:

WHEREAS, It is a common knowledge that great and constantly increasing numbers of motor vehicles are present on the streets and highways of this State, with the result that most serious problems of traffic congestion and safety, particularly noticeable in metropolitan areas, have manifested themselves; and

WHEREAS, It is necessary for this Legislature to undertake an investigation of the causes, effects, and remedies of these problems so as to enable it to abate the inconveniences and hazards to which the public is subjected under the existing circumstances; now, therefore, be it

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

1. The Assembly Investigating Committee on Traffic Control is hereby created and authorized and directed to ascertain, study and analyze all facts relating to traffic safety and congestion generally and rapid transit problems in metropolitan areas, and any allied problems, 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 to report thereon to the Legislature, including in the reports its 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. 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 1951 Regular Session, with authority to file its preliminary report not later than the fifteenth legislative day of the 1950 Regular Session and its final report not later than the fifteenth legislative day of the 1951 Regular 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 of 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.

5. The committee has the following additional powers and duties:

(a) To select 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 subpoenas, 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.

(f) To meet and confer with the representatives of the Board of Supervisors of Los Angeles County and the City of Los Angeles who are now engaged in a similar survey.

6. The sum of five thousand dollars (\$5,000) 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 within or without the State of California 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

COMMITTEE HEARINGS

The following committee meetings were held :

Monday, October 3, 1949	North Hollywood Naval Training Center
Tuesday, October 4, 1949	Burbank City Hall
Wednesday, October 5, 1949	South Gate City Hall
Thursday, October 6, 1949	Inglewood City Hall
Friday, October 7, 1949	Long Beach City Hall
Tuesday, February 14, 1950	Fox Studios, Westwood
Wednesday, February 15, 1950	Glendale City Hall
Thursday, February 16, 1950	Pomona City Hall
Monday, February 20, 1950	Whittier City Hall
Tuesday, February 21, 1950	State Building, Los Angeles
Wednesday, February 22, 1950	Canoga Park

COMMITTEE POLICY

The policy adhered to by the committee in conducting its hearings is embodied in the following "Statement of Policy" which was read by the committee secretary when the hearings commenced :

"The intent and purpose of the above committee is to grant to all interested groups, persons or communities (or their representatives) equal opportunity to present their views relative to public transportation and problems related thereto, and/or their solution or any system or plan or combination of systems or plans at all hearings.

"The exact functions of the committee, were prescribed by the Legislature which are, i e to ascertain, study and analyze all facts relating to traffic safety and congestion generally and rapid transit problems and any allied problems, including but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws with any bearing upon or relative to the foregoing and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation. To cooperate with and secure the cooperation of county, city and such other agencies public or private, as is necessary for the rendition of such services, facilities, studies and reports to the committee as will best assist it to carry out the purposes to the people and for which it was created.

"To report the committee's findings and recommendations to the Legislature and the people from time to time.

"To do any and all other things necessary to enable the committee to fully and adequately exercise its powers, perform its duties and accomplish its objectives and purposes.

"On this basis will the committee report its findings, derived from an impartial, factual and intelligent investigation, directed at presenting what is desired by and acceptable to the people by offering recommendations for a solution of the public transportation and relative problems, that will give the ultimate in service, at the least cost to the people and that will be self-liquidating and practical."

It was further elaborated by the following introductory statements made by several of the committee members:

Chairman Burkhalter: "Now, that every one might know the purpose of this hearing, and why this committee was created, I might say first that during the last session of the California Legislature, there were three or four measures introduced in the Legislature which related in some way to transportation. No action was taken on any of those bills, because there were several different groups and organizations supporting the different measures * * * The chairman of the committee where these bills were to be heard was Assemblyman A. I. Stewart. Assemblyman Stewart said that until such time as the various factions were able to get together, he would not give consideration to any of those bills, and that is what happened in the Legislature.

"All of the different groups did admit that we do have a very serious transportation problem in the City of Los Angeles, and some 39 incorporated cities within the county, plus the unincorporated areas outside of the city.

"This committee was set up by the Legislature to make a thorough survey and investigation of the transportation problems in the City of Los Angeles, incorporated municipalities in the county, plus the unincorporated areas in the county. This is the official committee set up by your California Legislature to make that survey.

"I might say, as chairman of this committee, that I do not know what the solution, or the answer to this problem here in the county may be. However, I think that we all realize that we do have a very serious problem here in connection with transportation. It is my belief, and I only speak for myself, that so far as transportation here in Los Angeles County is concerned, we are possibly 25 years behind other Eastern metropolitan areas.

"Los Angeles County is the fastest growing community, I think, in the United States today. Of all peoples that are migrating from one state to another, 40 percent of them are coming to California, and a large majority of those are coming to Los Angeles County, settling here, and planning to make their homes here. Therefore, I certainly think that it is time that the public officials of the City and County of Los Angeles, and the Members of the Legislature, give immediate thought and consideration to the problem of transportation.

This committee is going to make a non-biased survey, and, as I said, as far as I am concerned, I don't know what the answer to the transportation problem is. I don't know what the solution is going to be, nor what recommendations we are going to make to the Legislature, but we do expect to hold meetings in various communities in the county, in the State Building, and in various municipalities within the County of Los Angeles. We propose to compile facts and information and to report our findings to the Legislature at the next regular session. I am not favoring any particular program at the present time, and I don't think that any other member of this committee is either. We are simply going to make a non-biased survey, and we expect to hear from people that are experts on the subject of transportation. We are going at this problem with an open mind, and we hope to be able to recommend to the

Legislature a program that the majority of the peoples of Los Angeles County can support, and that the majority of the Members of the Legislature can get behind and support."

Vice Chairman Grant: "We want to get an actual on-the-ground viewpoint of what the people are thinking and what the people actually want. We know that there is a need for changes in our transportation program and facilities due to the mass migration of people to California, and, particularly to Southern California. Therefore, we want to be better prepared to work on this problem and consider proposed legislation put before us in Sacramento."

Assemblyman Conrad: "We hope, through these meetings, to get a coordination of the problems of the entire County of Los Angeles. In other words, it is very easy to say, 'Here's Hollywood's problem,' but you can't just say Hollywood's problem alone. You must take the entire county in considering this problem. In that way, we may eventually get some program that would be satisfactory to the vast majority of the people in the various districts."

NORTH HOLLYWOOD HEARING

George D. Roberts, President Monorail Engineering and Construction Corp., was the first witness

He said that his company has spent four years and much money in developing the overhead, suspended monorail system of transportation, "engineering this problem with the best engineers that money can buy and at no time asking a community, a chamber of commerce or a civic organization to contribute any money to this costly undertaking. * * * we are not in the operating business and have no desire to operate a public transportation company. We are an engineering and construction company, and our reward and profit would be made from a reasonable construction fee, which we feel that anyone is entitled to earn."

Roberts declared there are two natural rights-of-way to serve the purpose of interurban transportation, the first being the Los Angeles river bed which runs from San Fernando through North Hollywood, skirts Burbank and the airport, runs past Glendale and almost into the Union Station. It then continues down through South Gate and into Long Beach. He pointed out that this right-of-way runs directly through the San Fernando Valley and also travels the center of the industrial section of Los Angeles.

The cost of building a monorail system, including all stations and equipment, Roberts said, would be approximately \$600,000 per miles.

"One could go on an express train from Van Nuys to the perimeter of the City of Los Angeles in about fourteen minutes. It would be a profitable operation and would be no burden on the taxpayer because: No. 1, the monorail system has a very low operating cost. Why? Well, you get between points so rapidly that it requires a small amount of equipment, and, necessarily, a small amount of labor. No. 2, the maintenance on a monorail system is far below other types of public transportation. Why? There are no accidents and no vibration laying up equipment to be repaired. No. 3, it has the lowest known rate of insurance as accidents do

not occur. I use as a measuring stick for that statement, the German Monorail System which, over a period of years, carried 310,000,000 people with no casualties. Now what other type of transportation can boast of such a record as this?"

The second set of rights-of-way mentioned by Roberts as ideal for the use of monorail transportation are the center strips of the freeways.

"Assembly Bill 32 as passed by the Legislature in 1947 says that the State of California can lease the center strip of the freeways for rail transportation," he declared. "Monorail towers have a base of only 5 feet, which is ideal for the center strip of the freeways and makes it unnecessary to change the specifications of the freeways. If surface rail transportation were to be used in this center strip, it would necessitate the widening of the freeways which would mean further condemnation proceedings for property, thereby taking additional property off the tax rolls. The State could not supply this money. It would have to come from the municipalities. This center strip of the free way is not only ideal for the monorail towers, but it can give the State of California some rental revenue and help eliminate some of the present gasoline tax. As it now stands, the State will receive no revenue from this center strip unless they plant carrots, or potatoes, or something there.

"The cost of the monorail system in the freeways would be \$834,000 a mile, and these figures are accurate. According to the figures given out by Colonel Bean of the Public Utilities Commission, it would cost somewhere between \$1,200,000 and \$2,000,000 per mile to widen the freeways for surface rails. The monorail system can be put on the existing freeways quickly and with one-half the cost, to say nothing of the properties that would go off the tax rolls.

"To sum up, we contend that the logical way to solve the transportation problem of Southern California is the use of the monorail system to transport people rapidly from the suburbs to the perimeter of the central business district, then dropping the monorail trains into a tube which would connect with the subway network underneath the central business district. Busses would be used for feeder lines in the outlying sections of the city. The surface must be relieved of congestion, and there are only two ways to do that, and they are either underground, or overhead. The underground method is costly, running about \$10,000,000 a mile so we feel that should be confined to the congested business area, thereby relieving the surface in that area. Then, use the monorail system for the suburbs, relieving the surface congestion on the out of town streets and freeways.

"We feel certain that if any deficit should occur on a subway system owing to its high cost of construction, the monorail system, with its low cost of construction and economical cost of operation, would make up such a deficit. The busses acting as feeder lines would undoubtedly also be profitable. Consequently, the transportation system problem of this congested city should be solved with no additional expense to the taxpayer."

Roberts estimated the average speed, including stops, would be about 68 miles an hour by monorail. Speaking of costs, he said that "the best figures we can get" for a Los Angeles subway are somewhere between \$10,000,000 and \$12,000,000 a mile, and of surface tracks on the freeway a figure of \$2,000,000 a mile, including the necessity of widening the freeways.

As for the time element, Roberts offered the following comments: "If you were going on the river bed, you would probably have express trains that would make possibly not more than two or four stops on the way down. From Canoga Park to downtown Los Angeles, including four stops, could be done in about twenty minutes. In the study that our engineers made on the Hollywood Freeway, they took a downtown terminal which would be about where the Subway Terminal Building is now and ran it out Sunset Boulevard on to Santa Monica, up Highland, and on into Van Nuys. On an air line, that is exactly 17 miles. It runs through a highly congested section which would necessitate quite a lot of stops between Los Angeles and Hollywood. They put in nine stops. They put in a stop at Alvarado, Vermont, Western, Highland, Hollywood Boulevard, the Bowl, North Hollywood, Coldwater Canyon, and Van Nuys. It takes about an hour and forty minutes to make that exact run today on the surface. The P. E. makes that surface run in about an hour and forty minutes, including all the stops. To make that run on the freeway would take exactly 27 minutes. They made that survey in order to get a time element and a cost element, and that is the way they arrived at the cost on the freeway of \$834,000 a mile. Between Los Angeles and Highland, there are some 27 overpasses and underpasses to deal with so the cost would run up. However, on the river bed, construction would be very simple and would be much less expensive."

Stanley Moore, Taxpayer and Interested Citizen,

expressed the opinion that the transportation system should be divorced from the Pacific Electric and the Southern Pacific and reorganized on a shareholding basis, but privately owned. Although expressing no opposition to the monorail, he said he had considered that the freeways would offer a satisfactory right-of-way into the city and that rail transit on the freeways could be operated privately at a profit even with this present day problem in the cost of operation.

Mr. Jim Wilson, General Transportation Committee of the San Fernando Valley, declared:

"We believe that no matter how fast you spend money to build freeways, you still can't build them fast enough to keep up with the number of automobiles that are being placed on the surface, and by automobiles. I mean all automotive vehicles, including busses, trucks, etc. Therefore, we must find some other way whereby the public transportation can be handled some place except on the surface. Eventually you're going to have several different modes of transportation. You're going to have surface roads. You're going to have subways. You're no doubt going to have monorails, and you're going to have busses.

"Our present fight with the transportation people is to prevent them from taking up the rails which now terminate in the center of the valley at Van Nuys. They want to take up the rails between Van Nuys and North Hollywood, and, to prevent them from destroying what we now have and stopping us from getting a better system, we are trying to keep the Pacific Electric Railway Company from removing those rails. However, perhaps that is not pertinent to this discussion, but I mentioned that because that has been our principal activity of late.

"This valley has grown so rapidly that it is very hard for any one who has not lived here and doesn't get here frequently to understand how big it really is. I have some recent computations and estimates from the State Unemployment Bureau, which has an office in Van Nuys, to the effect that at the present time the population of this valley, including Burbank and San Fernando, is something better than 353,000 people. Now, that makes us about the fourth or fifth community in the State of California. I believe that the last estimate of San Diego was 360,000, but it may be more. However, as far as I can learn, Los Angeles, San Francisco, Oakland, and San Diego are the only communities in this State that have more population than this valley. I believe that Oakland now probably has a population of about 400,000.

"Now, the question is what are you going to do with a community that has grown so rapidly in such a short time, and which is continuing to grow? According to the estimates made by the Regional Planning Commission, we are getting about one-fourth of the total additional inhabitants of Los Angeles County, which means that we are getting about 5,000 people a month in this valley. Now, that would seem to me to be our principal problem. How the problem should be attacked, I don't know as I am not an engineer. However, I will say that the county supervisors have shown enough interest in this matter to put the sum of \$300,000 in the pending budget, and they are going to spend that money to find out some way whereby they can recommend to the people of the city and county that they may be able to provide some sort of an adequate transportation system that will serve everybody.

"I think that there must now be about 100,000 automotive vehicles going over the Pass every day, and we just can't keep up. We just can't build surface highways fast enough to keep up, and our transportation system has most certainly not kept pace with the growth of the valley.

"* * * Our estimate is that if somebody lives in Van Nuys, say a GI working downtown with a wife and a baby and a home he's paying on, and he drives downtown to work, which is 20 miles down and 20 miles back. At only 5 cents a mile, you've got \$2, plus maybe 75 cents parking, and he can't afford that. It might interest you to know that we sent out, or rather had published, a coupon in the newspapers. Among the questions in that coupon was this question: If you had adequate transportation facilities, would you be willing to pay more for the use of that? We knew that was a dangerous thing to ask, because we thought that about nine out of 10 would say to heck with it, we don't want to pay any more money as it's too much now. However, strange to say, about 90 percent said, "Yes, we would be willing to pay more if we had an adequate system." Eighty-eight percent of them wanted one certain type of transportation. They wanted fast rail transportation connecting up with cross-valley busses, a good and adequate system of valley busses fed by a fast express rail system downtown.

"I believe that when you have a good transportation system the people will lose sight of the low fares they paid under the present antiquated system which takes so much time to get you downtown, and I think that there will be no trouble about it. I think that it will pay."

In reply to a question from the committee as to whether people are so habituated to driving their automobiles that they would not use rapid transit, Wilson pointed back to the questionnaire of his group to which 90 percent of the people answering seemed interested in such a system and were willing to pay more.

Concerning the proposed abandonment of Pacific Electric rail lines in the valley, he said: "If we lose the rails once, then you've got all that traffic added to your surface highways, then I'd think you'd all wish you had them again. If you take the rails out, then you will have a different situation. A situation which would be practically impossible. Mr. K. Charles Bean of the Los Angeles Public Utilities Commission stated that the day the Hollywood Freeway is finished, it will be saturated, meaning that if you want to do anything about the situation you will have to build another one alongside it. I have talked to some of the engineers from the city, and Mr. William Potts of the county, and they said they didn't know what to do about traffic between Pasadena and Los Angeles. They said they couldn't widen the freeway and they couldn't build another one alongside of it. I guess the only thing they can do is put one on top of the other."

Howard B. Mason, Secretary, Metropolitan Traffic and Transit Committee, Los Angeles Chamber of Commerce

Mr. Mason summarized the committee's work to date (see Exhibit 5). Under questioning he emphasized that legislation proposed in the future would not merely set up a district but would also include a concrete transportation plan at the same time. He also mentioned that the advisory committee of university men (discussed in Exhibit 5) were investigating the feasibility of conducting an origin and destination study now before a transportation plan is formulated, or regarding it as an inherent part of the plan to come."

Mr. F. C. Lynch, Consultant for the Evans Committee:

Mr. Lynch offered several comments and questions regarding Mr. Mason's testimony. He pointed out that the last comprehensive engineering study was made in 1945 and implied some criticism of using data that old in connection with development of current plans. He also declared that a San Francisco Origin and Destination study required over a year in time and that one for a city the size of Los Angeles would probably run in the neighborhood of \$500,000 or \$600,000. He pointed out that an origin and destination study is in essence questioning in detail a certain percentage of a city's population concerning their travel habits. In San Francisco the metropolitan area was broken down into sections and 5 percent of each section was questioned. Lynch made the point that in San Francisco most of the people go to the same place—downtown, whereas in Los Angeles they go in every direction and 5 percent would hence be too small a percentage.

Mrs. Ethel Watson, Parent-Member of the Parent-Teachers Association, protested the lack of bus transportation over Sherman Way, declaring, "We have manufacturers left without help and school children no way of getting around." She said 17,233 names had been affixed to a petition by residents bordering Sherman Way between Van Nuys

Boulevard and Vine. The area, she pointed out, was farming country only six years ago and is now industrial with only a bus coming over Sherman Way through Sherman Park to Van Nuys Boulevard once an hour.

She was followed by,

Miss Helen Thomas, Valley Trailer Park, 8250 Lankershim Blvd., Hollywood,

who protested the lack of bus service on Lankershim Boulevard beyond Saticoy Street. This means, she said, a 15 or 20 minute walk to any bus for the people, many of them retired who live in the trailer park of 129 spaces.

Roy Y. Cliff representing residents in the Bellaire-Sherman Way District,

protested the lack of transportation in his area. He estimated that close to 1,000 people would be given transportation if a bus were routed through Bellaire, Sherman Way and Coldwater Canyon. Specifically, he suggested that bus service be extended from the corner of Whitsett and Vanowen Streets to Bellaire, then north to Sherman Way then west to Coldwater Canyon, then south on Coldwater Canyon back to Vanowen and across Whitsett back to North Hollywood.

John Wright, Member of the Valley-Wide General Transportation Committee:

Mr. Wright said that for three years his committee had developed facts showing the need for an improved rapid rail transportation system with adequate bus feeder lines.

"In studying this problem," he said, "we looked at it from an economical standpoint and from a population gross standpoint. We have lost considerable industry that we need here because right now we are sort of trading off. I buy your house and you buy mine. We need industrial pay rolls. And I know that we have lost four very substantial industries because of lack of transportation. We have about 213 square miles here and it takes, in some cases, as much as two hours to go five miles. In addition to that better than 50 percent of our people work outside the boundaries of the San Fernando Valley, and their driving costs are commensurate with the distance they live from their work. We have found there are some 12,000 homes in the valley whose owners would have to throw them back on the market if they were to suffer as much as an \$8 a week reduction in their average salaries, because some of them are actually paying more for transportation monthly than they are for monthly payments on their homes.

"We have recently asked for and have received surveys showing that by 1970, we will have 1,028,000 people here. We have everything out here, but transportation. Since transportation is in the same category of importance as is gas, light, and water, we feel that we have been slighted and neglected in this vital facility.

"We have tried to improve that service by asking the Pacific Electric to put on more trains, and faster trains, and improve their tracks and equipment. To show that our thinking was not erroneous, the State Public Utility Commission, as of 1947, ordered them to do the very things that we had wanted, but they have successfully dodged that, and

they are now applying to abandon the rail service from Van Nuys to North Hollywood. This looks particularly foolish to us in the light of the fact that in 1910, they put a rail line in when there was nothing except 4,900 acres of grain fields from Whitsett Avenue to Calabasas to develop that section. They did pull the rail lines out of there to Van Nuys, and now they want to take them out of Van Nuys. The next move they tell us, and they admitted this on the stand, would be to take the rail lines from North Hollywood out. To us, this means that we will be choked to death. Our streets are already overcrowded, and when you consider the ultimate growth indicated by the city planning commission, then what?

"Witnesses here today have testified to the fact that we have no cross-valley bus service. Cahuenga Pass handles more people going back and forth to Los Angeles now than any similar artery in the United States. It is already overcrowded, and when it is completed in 1952, it will be required to handle 50,000 more cars per day than it is built to handle. There is no room for an additional freeway so we have been trying to get rail rapid transit in the center strip.

"The pattern for that plan was laid in the Cahuenga Pass, and we thought it would be followed, but it's been sidetracked.

"Mr. Roberts mentioned monorail, and we think that would be good. It would bring us millions of dollars in publicity, because it would be the only place in the Nation to have that system, but, of course, that is secondary. If it would move people in and out of town in approximately 20 minutes at a 10-cent fare, that would certainly be fine, and if it were combined with freeways, or subways, and adequate bus feeder lines, it would probably solve our problems.

"The overall picture in the valley, at present, is very gloomy, however. We have been threatened with the withholding of any further real estate loans in a great many sections of the valley unless we provide adequate transportation. Since Los Angeles has the highest building record of any city outside of New York and Chicago, and since the valley, I believe, has half of the overall Los Angeles program, we feel that it is very important that we get adequate transportation.

"We have also made other studies which show that Cleveland is now in the process of building rail rapid transit lines. Toronto, a city of only 600,000 as compared to our 4,000,000 is building a subway on Young Street and also adding rail rapid transit and private right of way, as is Detroit, Boston, and other communities.

"That is perhaps the hottest issue in the mayoralty race in New York. When I lived there, I thought that we had a good transit system, but evidently the subway system is now bogged down, and people want subways to Long Island and to Staten Island and the new subway on Second Avenue. They want to spend, just for extending their service, more than the whole system would cost in Los Angeles. Other communities are doing the same thing. Since they've raised the fare from 5 cents to 10 cents, they have converted a \$30,000,000 operating deficit to a \$13,000,000 profit, which shows that if transportation is adequate, it will attract considerable patronage.

"* * * Today, we are to the point of actually getting a survey to present a blueprint of a plan which can be given to the Los Angeles citizens. I would like to ask that this committee, if in its wisdom it sees fit to do so, recommend that the Pacific Electric request to abandon the rail lines be postponed pending the survey. I think that's like ordering a man to dig a hole today and then fill it in tomorrow, because this survey will certainly show that they will have to utilize considerable of the lines that P. E. wishes to abandon. I think it would save money and that it would expedite the realization of a high-speed rail rapid transit system. There is no doubt that we need such a system; no one argues against that. It is just a question of when are we going to get it and how. I certainly think that definite action should be taken about this. Once this county survey is started, certainly all hands should cooperate to try to bring this thing about. If P. E. takes up their rail lines, we'll be faced with the problem of either not getting any rail rapid transit system, or of taking the Pacific Electric over at very high prices. I'd like to have the committee consider such action as a definite supporting move in this county survey for settling the over-all Los Angeles County transit problem."

In response to questions by committee members, Mr. Wright said that surveys by his organization showed that if fares were raised and the equipment improved, the population would be inclined to travel by rail. However, he added there is evidence that under an adequate system the rates could be considerably reduced from what they are at present because travel time would be cut from one hour and five to ten minutes, to approximately fifteen minutes from North Hollywood to the downtown area. None of the Pacific Electric Company's equipment has been changed to meet today's needs, he said, and as a result it is needlessly expensive to operate. He declared that the Pacific Electric Company has been attempting to abandon rail lines since 1936 and that they were successful in discontinuing service from San Fernando to Van Nuys—a situation that "I think everyone in that area has felt adversely. We are all very sorry that that line has been taken out, and the same would be true here."

"I have had three nationally known operators say that they could put the Pacific Electric on a profitable basis in less than two years and from then on in show a profit by operating as a suburban, high-speed, electric rail line. It's not impossible. It's just a case that P. E. doesn't want to operate rail lines any more, and I think that they have adopted tactics such as they adopted many years ago when Southern Pacific was given considerable rights of way. I read recently in Newmark's book on Los Angeles that Southern Pacific representatives said, "If you do what we want, grass will grow in the streets of Los Angeles." They have been threatening us, and we have been taking it all these years, and now we have so many people that we continue to be knocked around.

"You certainly have to have a transit system, and Pacific Electric has indicated that they want no part of it so it looks like we either get a new operator, as a private operation, or get a system set up by an authority with somebody to operate it. P. E. has indicated that they have no intention of operating a rail rapid transit system, and all of their efforts have been to defeat the advent of a rail rapid transit system."

Wright said that officials of the Asbury Rapid Transit system have indicated they would be glad to supply the necessary cross-valley system of busses feeding into a rail system.

Reverting to rail rapid transit, he said that some 17,000 to 18,000 people in the valley have signed petitions stating that they prefer rail rapid transit with adequate cross-valley bus feeder lines and that they would be willing to pay more fare, and that they will have to move if they don't get it.

The feasibility of establishing a transportation district has been considered, he said, and will probably be undertaken if the county-wide study plan authorized by the board of supervisors fails to bring results on a county-wide basis.

F. C. Lynch, Consultant to the Evans Committee, at this point questioned Mr. Wright's suggestion that Pacific Electric improvements might be financed through the Reconstruction Finance Corporation, declaring it was his belief that such money was not available to a corporation which already had a first mortgage or bonded indebtedness which would have a prior claim on revenue. Assemblyman Beck, sitting in with the committee as an observer, replied that the Reconstruction Finance Corporation has made loans to many railroads which could not get money from ordinary channels because they did not have the security to offer. Mr. Lynch replied that he did not know it to be a fact that the Reconstruction Finance Corporation will loan only on first liens. Mr. Wright concluded his statement by saying that:

"* * * as I understand it from engineers, the amount of money that Pacific Electric proposes to spend for a bus program would just about, if not entirely, modernize their present rail system, or at least some of their equipment, and they would not operate at a loss. For instance, our engineer developed the fact, and it was so testified, that the line that they wish to abandon from Van Nuys to North Hollywood would cost some \$700,000. In addition to that, they operate it at an annual deficit of \$50,000. If they saved that amount of money by modernization, I think it would put them in the black and that they could save a little money. However, I don't have his work sheet so the details can't be given here, but that is the statement that our engineer made before the Public Utilities Commission, and the Pacific Electric's attorneys haven't corrected him, though they may weaken that some."

Mrs. Paul Guerin, interested citizen and taxpayer:

expressed opposition to rapid transit. She urged that before any concrete plans are elaborated, figures should be given to the public showing how many people going from the Valley into downtown Los Angeles would use rail rapid transit and whether it would take them close enough to their businesses so they would leave their cars at home and use such public transportation. She also objected to the cost of such a transit system and questioned the possibility of financing it. She suggested a valley-wide network of busses using north and south laterals for main bus lines and east-west main arteries for feeder bus lines. "With the street cars," she said, "you've got nothing and I don't care how many more cars are put on, it still won't pay. There are just not enough people in the San Fernando Valley who have cars, who will leave them

in the garage and use the street cars * * * The freeways are all right, but I do think that we could have a wonderful transportation setup here in the San Fernando Valley, tying us up with Hollywood and the beach cities over Sepulveda, etc., with good busses, a reasonable fare and a decent schedule."

Grover C. Swart, Secretary-Manager North Hollywood Chamber of Commerce:

pointed out that people are moving into the North Hollywood area at the rate of 1,000 a month. Mr. Swart declared he did not believe there is a town in the United States of 110,000 people with such dilapidated, insufficient transportation facilities. A rapid transit system between this area and downtown Los Angeles he termed "a must"—whether it be freeways, subways or transportation down the river bed. Busses running downtown at present are sometimes 20 minutes late coming out Riverside Drive because of traffic jams, he said:

Speaking of financing, he declared:

"As far as bonding to acquire this transportation, it is my understanding and I believe that I am correct, that this indebtedness to be brought upon the taxpayers would be simply that the taxpayers would be the security for the bonds, and that the indebtedness would be retired by a tariff on the tickets. I understand that there would be 2 cents or 3 cents tariff on the tickets, and that would retire the indebtedness. Then after the debt was retired the transportation company could not ask for a revenue on the investment as the investment would belong to the people. In that way, we would have cheaper transportation after the bonds were paid off. I think it is an excellent idea and that the property owners would never pay out a penny except for going security for the bonds that might be issued. That is the way the thing was explained to me.

"Now, you see, we have these dilapidated cars that are falling to pieces. Some of them seem to have flat wheels on them, and people naturally don't want to ride those. If you would put in a good fast train, certainly many more people would ride that won't ride the present system. I don't think you have to worry about people patronizing it. The 110,000 people out here certainly ought to supply one line of transportation with sufficient patronage. There are another 65,000 or 70,000 people in Van Nuys, and another 65,000 or 70,000 in Burbank, and they all tie in."

In reply to questions from Mr. Lynch Mr. Swarts said that he did not believe the Pacific Electric or the Southern Pacific was interested in operating such a rail system even if it were profitable. And if no company is willing to spend the necessary money to buy the rights-of-way to build the line, he said, then the people should do it because it is necessary to do so to maintain property values and the community. Mr. Lynch interjected that in the mass transportation field in cities of over 1,000,000 today busses are carrying more passengers than subways and service lines. Assemblyman Beck at this point elicited from Mr. Lynch the statement that he expects to be employed by Pacific Electric soon in his professional capacity in connection with traffic safety problems.

He added: "Incidentally, for the benefit of the committee, I might say that when I came out here from the East in 1938, I waved the Flag, and I said that no city can grow beyond 700,000 people without rail rapid transportation, and I could point out to you and prove to you facts on eastern cities that had it and that grew, and other cities that didn't have it and didn't grow. However, that was in 1938. Since then Detroit and Los Angeles have upset that theory. Of course the central business district of Los Angeles and Detroit is not much larger than 700,000 sized cities, but they have certainly upset that theory. Now, I'm sort of feeling my way to find out what is wrong."

Mrs. Guerin interjected at this point that when the \$220,000,000 metropolitan water bond issue was voted on, the taxpayers were assured the sale of power and light would retire the bonds and there would be no cost to the taxpayers—but "if you look at your tax bill today, I believe that it is costing you 40 cents a hundred and its going up all the time." Furthermore, she said, rapid transit will reduce purchasing power of the valley's local merchants because people will go into downtown Los Angeles to shop.

In reply Mr. Swart said, "I don't think that everybody wants to go downtown to shop. We have 110,000 people out here now and we only have industry to employ 5,400. Therefore, people have got to get out to their places of employment. * * * our industries only pay into the pocketbooks of the people in North Hollywood around \$22,000,000 a year. Now, 110,000 people need a lot more money than that. * * * There are possibly 25,000 to 30,000 breadwinners in this population that have to have jobs. That is about one out of every four people. With only 5,400 employed in the North Hollywood area in industry, that leaves approximately 20,000 to 25,000 people who are employed in the City of Los Angeles and elsewhere. * * * at the peak hour in the morning there is an average of over 9,000 cars going over the pass in an hour's time and in these automobiles are usually one or two people going to work elsewhere over the hill. Those are the people for whom we need rapid transit."

Mrs. Guerin questioned how many would want to go by rapid transit, questioned how close it would take them to their places of employment and declared that people would have to pay for it because the revenue wouldn't.

Bob Symonds, North Hollywood Realtor

declared his belief that the valley people who ride public transportation will be glad to pay whatever is necessary to support such a system. He recalled that New York recently raised its subway fare from a nickel to a dime and that the system now is profitable whereas it used to operate at a loss. He suggested the system should be one of "arteries and veins" so that every town of importance would be connected with every other town of importance in California. The valley, he said, should have a bus system weaving back and forth to enable people to get from one community to another.

Chairman Burkhalter pointed out that "at the present time, we have thousands of people that live off the main lines, not only of the street car, but also off the bus lines, and they are not now serviced by any form of transportation. We have many communities in the valley

such as Suuland, Pacoima, San Fernando, Canoga Park, Reseda, Sepulveda, Northridge, Chatsworth, Woodland Hills, Sherman Oaks, Tarzana, Encino, etc. We must provide transportation for those people. The same problem exists in other parts of the City and County of Los Angeles, as well as in the San Fernando Valley. We are naturally also concerned with all those people."

Ed C. Harris, Reseda Chamber of Commerce

asks that his organization be placed on record as favoring rail rapid transit in the valley. He said he hoped no rails would be taken out of the valley that would make it difficult to create such transportation, and declared that if wage scales moved downward many persons now driving their cars to work will have to move from the valley unless such transportation is available. Our highways are so cluttered up with automotive transit now, he said, that a bus trip from Reseda to any of the metropolitan areas is a long, hard trip.

NORTH HOLLYWOOD HEARING CONTINUED

(The afternoon session of this hearing moved back to the North Hollywood Naval Training Center.)

Judge David E. Fulwider, Chairman, San Fernando Valley General Transportation Committee (now incorporated as Valleywide General Transportation Committee.)

Judge Fulwider said adequate transportation is almost a matter of life or death for the valley, because it needs industry more than anything else, and industrial pay rolls are impossible unless there is proper transportation. He said the Chevrolet Company and others had told him they blamed rapid employee turnover on the fact that a large proportion of employees live outside the valley and are unwilling to cope with transportation difficulties. He pointed out that the freeway, built to accommodate some 55,000 cars daily, is now carrying something like 78,000. He termed the legislation for a Transit Authority, proposed at the last session of the Legislature, a move in the right direction, and said that his organization, now organized as a non-profit corporation, is determined to fight until adequate rapid transit is realized.

"My own thought in regard to transportation in this valley is that we should have a rapid rail line to the western limit of the valley. Preferably, there should be two lines from North Hollywood; one going toward San Fernando and that end of the valley, and perhaps Granada Hills; and the other somewhat paralleling Ventura Boulevard to catch Canoga Park. Those communities, I might add, are growing very rapidly. I know that the Pacific Electric has some kick on some of the bus lines into this valley because of the lack of patronage, but that is largely their own fault. The time at which they run their busses, and the service that has been had, or rather I should say not had, has resulted in people becoming used to using their own cars. They've got in the habit of doing it, and they just keep doing it as a matter of course. You just go out to your garage and get into your own car, because if you go to one of the bus lines, you've

got to wait. However, there are many people who have to depend on those busses, and if they took them out, a large part of the west valley would be stranded. That just must not happen.

"Now, it seems to me that any business that is as old as the Pacific Electric should by this time have learned how to run a business at a profit. Our investigations have led me to believe that the Pacific Electric is deliberately showing a loss, particularly on their rail lines, and I really believe that. That is my considered opinion. I think they are letting their rail lines run down, not only into the valley, but in other parts of the State, in order to increase their bus traffic and decrease the rail traffic. In that way, they are able to show a loss on the rails, and they can slack off on them. Anyhow, that's the situation at the present time. That's what the valley can expect from the Pacific Electric.

"I have been more or less interested in civic work in Los Angeles, and particularly in the valley, for many years. I have never seen this valley so much of a unit about anything as it has been, and now is, largely because of this transportation problem. There was a time not too long ago when the different communities such as North Hollywood, Van Nuys, etc., were all more or less selfish and looking only to the best interests of the particular community. There wasn't any unified effort or anything. I don't want to give credit not due to our transportation committee, but I will say that in the year that we have been active, there has been more unified action in this section than there has ever been in all the time I have been in this valley.

"We must get rail rapid transit in order that our people can get to and from their employment rapidly. I think that the people would certainly use the transportation if it were rapid transportation. I might cite as an example, a line that runs toward the coast from Philadelphia where their running time on service lines is 85 miles an hour. I don't suppose we have to go that fast, but we could get something perhaps that would get us down from Chatsworth to Downtown in perhaps 30 minutes, or something like that. I think that we have agreed that that could be done. If that were true, and if we had proper bus feeder lines, I think we'd have the problem licked."

Mrs. Harry Pitts, Parent Teachers Association, Tenth District

Mrs. Pitts called transportation to Valley High Schools and Junior High Schools "practically nil," and declared her belief that the women of the valley would use rapid rail transit to make trips to downtown Los Angeles instead of automobiles because of the high parking fees in the downtown area. She blamed inadequate service on existing valley bus routes on poor management and lack of coordination of schedules. She also said that children in her neighborhood are sometimes charged 10 cents, sometimes 12 cents and other times 9 cents.

Mr. John Wright, an earlier witness, at this point offered the following observation:

"Pacific Electric hasn't got a successful operation whether they are concerned with busses or with rails. All of their lines, with possibly one or two exceptions, are losing money. Even though the Public Utilities Commission, in 1936, granted them permission to abandon certain of their

rail lines and put in busses, those busses are still operating at a loss, primarily because of lack of coordination and lack of service. The service here is a little more outstanding, perhaps, because of the attention directed to it now, but the same inadequate service is prevalent wherever Pacific Electric operates. In Pasadena they were losing \$100,000 a year, and the present operator took it over and reduced the fares 40 percent and has been making a profit every year since.

"I think that the solution lies in the formation of this transit authority so that it can be operated as a district. Then we can bring in an operator who is capable and wants to do it. They would probably have to pay Pacific Electric for any facilities that they take over."

Richard W. Theophilus, Slick Airways

said his company would benefit "by being able to hire qualified personnel from other parts of the city if it were easier for them to commute until they could find suitable living quarters in the valley. That is very difficult now, and we have lost a number of employees that we could have definitely used because of the distance out to the valley, and the fact that there was not a good transportation system available for their use.

"We also believe that our employees would benefit greatly as far as the amount of money they would net is concerned. They have to spend a lot of money every month now because they drive their cars and have to buy gasoline and pay parking lot fees. You can't park at Lockheed Air Terminal free, and that does cost money. Therefore, we feel that would be a definite benefit.

"We also feel that a good rapid transit system would be a means for the air lines that are serving the Los Angeles area through Lockheed Terminal to get passengers from the Los Angeles downtown area to Lockheed, and also from Lockheed to downtown Los Angeles."

R. J. Flaherty, Chief of Plant Protection, General Motors, Van Nuys

asked the committee's aid in securing installation of traffic lights at the entrances to their parking lot driveways, inasmuch as 800 automobiles are poured on to Van Nuys Boulevard mornings and evenings.

BURBANK HEARING

Robert Omer, Burbank Chamber of Commerce

read a statement of policy by the Board of Directors of the Burbank Chamber of Commerce which summed up that organization's attitude toward public transportation, and particularly toward the TRANSIT DISTRICT ACT proposed in the last session of Legislature:

"It is the opinion of the Burbank Chamber of Commerce that rapid transit in the Los Angeles metropolitan area is desirable for the economic well-being and growth of Los Angeles County, but that the following proposed points should be submitted for inclusion in the establishment of any transportation act.

"1. Transportation facilities as authorized by any transportation act should be as broad and flexible as possible, allowing for transportation service between outlying communities, and not just specifying rail rapid transit between outlying areas and the downtown metropolitan district.

"2. Any city situated on the perimeter of the rapid transit district should be permitted to exclude itself from the district by a vote of its people

"3. Safeguards should be included to prevent domination of the rapid transit system by any one city by providing for two requirements before action could be taken by the district's governing board, namely:

"a. Vote of a majority of the cities in the district as formed, and

"b. A majority of the votes of the governing board represented on the basis of assessed valuation of property.

"4. A lower limitation than that previously proposed on the amount of bonds to be issued for capital expenditures should be agreed to by cities included in the district, if possible before the act is presented to the State Legislature.

"5. Limitation upon the amount of tax that may be levied to cover operating loss and purchase of equipment in the event the rapid transit system has to be operated by the district. Again, if possible, this limit should be agreed on by as many cities as possible before the act is presented to the State Legislature.

"6. The other safeguards for member cities contained in the Metropolitan Rapid Transit District Act, as proposed by the Los Angeles Chamber of Commerce, on January, 1949, should be included in any new proposed legislation."

Mr. Omer stressed his organization's feeling that no community on the fringe of a district, such as Burbank, should be required to join the district if the citizenry felt they wanted to be excluded. He readily admitted this should apply only to perimeter communities because if an area has to be gone through in order to complete a rapid transit system, that area almost necessarily must be part of the district.

Harmon Bennett, Planning and Transportation Engineer, City of Burbank and member of the Burbank Chamber of Commerce Committee on Transportation and Traffic.

"It has been our thinking," said Mr. Bennett, "that two things should be required in any proposed legislation to accomplish those ends. First, the actions should be based, and the votes should be based on assessed value, and, secondly, each city should have a vote. In other words, in order to pass, or refuse to pass any action of the board of directors, we feel that it should require a majority vote of the cities voting, and a majority of the votes as represented by the assessed value."

Mr. Bennett then read the following resolution passed by the city council:

"A resolution of the Council of the City of Burbank protesting and objecting to adoption of proposed rapid transit act by the Legislature of the State of California until amended to allow any city the right to determine in the manner herein provided, whether it will be included in the proposed district.

"WHEREAS, The Los Angeles Chamber of Commerce has presented a proposed 'Rail Rapid Transit Act' which has been, or reportedly will be introduced into the Legislature of the State of California; and

"WHEREAS, The Council of the City of Burbank believes that said act as originally prepared or as revised and amended by the Los Angeles Chamber of Commerce, in any form or manner which has come to the knowledge or attention of the city council, is contrary and adverse to the interests of the people of the City of Burbank; and

"WHEREAS, The city council believes that any city which it is proposed to include in the formation of a rail rapid transit district, or rapid transit district, or any other district should have the right to determine whether or not it will be included in such district as would be provided in the manner following.

"NOW, THEREFORE, Be it resolved by the Council of the City of Burbank that said proposed Rail Rapid Transit Act of the Los Angeles Chamber of Commerce and revisions No. 2 and 3 thereof and any and all other revisions or amendments thereof or thereto and any legislation proposed in the Legislature of the State of California be opposed unless and until such time as the proposed legislation for a Rail Rapid Transit Act, or Rapid Transit Act, or any modifications thereof, includes adequate provision to ensure and maintain local self-determination by the City of Burbank and control of such local self-determination by the people of the City of Burbank in a manner and to the extent provided by inclusion in any such legislation of the following limitations, or language substantially productive thereof, to wit:

"At the time of the hearing for formation of a proposed rapid transit district before the board of supervisors, no city shall be included within any proposed rapid transit district when a resolution of the council of said city has been filed with the board of supervisors protesting and objecting to the inclusion of said city within such district and said protest and objection shall be conclusive and binding upon the board of supervisors and no further proceedings to include said city may be taken until and unless (a) said objection and protest is withdrawn by the city council of said protesting and objecting city, or (b) at an election called by the city council in said city, a majority of the people voting, vote in favor of including the city in said district, or (c) at the first hearing before the board of supervisors on any proceedings for formation of such a district following the adoption of this act, it is proposed to include said objecting or protesting city and to construct and operate a rapid transit line into and through said city, in which event the board of supervisors may override the protest and objection of the city council of the city, provided, however, that in the event that said objection or protest is overruled that, then, and in this event upon the formation of any such district, that part of the line of said rapid transit system to be constructed into and through the city so objecting or protesting shall be constructed first and provided further, that the provisions of this paragraph shall only be operative in the further event that it is necessary to traverse and pass through the objecting or protesting city in order to serve another city or cities within the proposed district beyond the boundaries of the protesting or objecting city. Any such rapid transit facilities for a city or cities under this paragraph following overruling of a city's objection to inclusion in the district, shall be comparable to the best facilities for, or any part of, said district.' "

Mr. Bennett also mentioned Burbank's problem of being divided by a heavily used railroad track, pointing out that grade separations are badly needed, and that Burbank seemingly has steadily moved downward on the time schedule of freeway construction. At present, he said, there is a partial freeway constructed to bypass truck traffic around the central business area. Resulting heavy truck traffic through the town and some right-angle turns due to the incompleteness of the freeway have resulted in many serious truck accidents.

Asked if he thought the community would approve a property assessment at a low rate to finance an adequate transportation system, Mr. Bennett said he believed it would depend "on the plan, the benefits, and where they go."

Like many other witnesses in smaller communities, Mr. Bennett criticized existing plans for traffic transit as being based too much on the concept of people traveling to the hub of the metropolitan area. "We have not made any actual surveys," he said, "but we have come to the conclusion that the people don't all want to go downtown. They want to go to Pasadena, to Hollywood, and to the beaches, and it's not just a movement to the center of the metropolitan area. It's combined with a movement in all directions and I think that any freeway system or any public transit system should take that into consideration."

Mayor Floyd Jolley, City of Burbank

Mayor Jolley reiterated Mr. Bennett's statement concerning the traffic hazard of the railroad track and the need for grade crossings. He also pointed out that such things as underpasses are problems that cannot be solved by one small city alone. Such problems, he stated, require the cooperation of such agencies as the Railroad Commission, the Public Utilities Commission, and state, county and city authorities. He also repeated Mr. Bennett's statement concerning truck problems.

R. H. Hilton, Vice Mayor, City of Burbank,

said the city had worked closely with the local bus company in rearranging routes and schedules, etc., trying to put it on a paying basis. But, he said, he was convinced no local bus system could operate in Burbank profitably because there did not seem to be sufficient demand for it. "I feel that the transportation problem in Burbank involves the entire area. There are very few people in Burbank that want to get from one place to another in Burbank. Most of them want to go out of Burbank, or in to Burbank, from the surrounding area. I think that the local bus system, therefore, is difficult to operate profitably. Perhaps the Asbury System has a chance to make surface busses pay in the San Fernando Valley and in Glendale and going in and out of the district, and in and out of Los Angeles.

"However, in addition to that, I think that we need rapid transit. I think that we are all agreed here in Burbank that we need it. Mr. Bennett made the remark that there were not a great many people that wanted to get down to the hub of Los Angeles. I think that he's right in his statement. However, I still think that there are many people who want to get down there. There are many people that want to get out to Pasadena

and down to the outlying shopping districts that are so very attractive in the general Los Angeles area. However, rapid transit is something that will have to be studied and worked out.

"I don't think that there has been any plan ever conceived by man that hasn't been considered and suggested in this connection to date. We have had general panaceas on down to just little plans for local areas. I think that the main stumbling block is in the financing and in getting together. I think that we have to realize that the transportation problem is a county problem. It's not a city problem. It's a county problem as far as Los Angeles County is concerned. We have to all get together, and that has to be done through existing agencies either of government, business, the chambers of commerce, and so on. We must overcome selfish interests and pool our interests and get together on this thing if we're ever going to accomplish anything.

"I don't think that the matter of financing has yet been suggested in a proper plan of organization. There are too many interests affected for us to turn to any one source of taxes for the financing of a rapid transit system. We have had a lot of emphasis laid on the property tax angle. Certainly property owners would benefit a great deal. Property values would undoubtedly be increased by the existence of a rapid transit system. However, property owners should certainly not be expected to carry the entire cost, because that would not be fair. They certainly would not be the only people that would benefit from such a system. I think that we should have subventions from the Federal Government and from the State also. I believe that a rapid transit system can be made to carry itself, but I don't think that many of us feel that it would ever amortize the original investment. That would probably have to be borne by the State, and it should come from all levels of taxation. I think that a great part of it should come from the gasoline taxes. However, I do feel that the financing is the stumbling block, and I think that the State can help us a great deal in working that out. The city just isn't big enough to do it alone. Our interests are primarily selfish, and we are interested in our own little businesses, our own retail areas, and our own manufacturing district. That is probably as it should be, but the State is in more of an objective position, and I think the State should help us to make these decisions for the county and help in working out the financing. I think that we can get a great deal of help from that level of government."

Assemblyman Conrad asked if getting people to transfer from automobiles to rail or bus service wasn't primarily a problem of public relations, and he wondered if gas tax revenues would not drop if such a public relations campaign were successful.

Mr. Hilton's belief was that gas tax revenues would remain fairly constant because if working husbands left their cars at home, their wives would use them. Discussing the general problem of financing he said he believed gas tax funds could be allocated on a percentage-use basis because gasoline consumption within certain areas can be estimated fairly definitely. Federal subventions would also be needed, he added.

Councilman Walter Mansfield, Burbank

Mr. Mansfield pointed out that it had been suggested that transit be financed on the basis of 8 percent of assessed valuation—which would result in a burden of something like \$15,000,000 on the taxpayers of Burbank. “Naturally we favor good transportation, rapid or otherwise,” he said, “and I for one do not want anyone to feel that we are against it. We are just being a little cautious and we want to know where we are going.”

H. E. Noyes, Bendix Aviation Corporation, Burbank

said his company agreed with the views on record by the North Hollywood and Burbank Chambers of Commerce. He said his company believed a rapid transit system was imperative because parking space had become a serious problem and because workers from Los Angeles will not commute to the valley because of the length of travel time involved. Skilled workers are becoming difficult to get because of this, he said. Although he expressed no preference for any particular type of rapid transit, he pointed out that during the war his company installed bus systems for employees which the latter refused to use—mainly because the systems did not cover the areas where the workers could get on the busses and move quickly to and from their destination. The employees, he said, simply preferred to ride in overcrowded private cars.

Rapid transit with adequate bus feeder lines would not lack for passengers—they would, in his opinion, be used and solve the problem, he stated.

At this point Councilman Hilton declared it was his belief, and he thought that many people in Burbank would agree with him, that the State Public Utilities Commission should be elected by the people rather than appointed.

SOUTH GATE HEARING*John H. Le Grand, Executive Secretary, South Gate Chamber of Commerce*

Mr. Le Grand said the people of South Gate “are not only interested in getting to downtown Los Angeles, but we have 30,000 employees in the City of South Gate who live in various sections of metropolitan Los Angeles. We are just as much interested in getting those men and women back and forth to their employment as we are in getting them to downtown Los Angeles for any other reason. May I be brutally frank and say that we are a lot more interested in getting our employees back and forth to work than we are in getting our citizenry to leave our own merchants in the City of South Gate and go downtown to Los Angeles to spend their money. I think that a little common honesty won’t hurt us any.”

John Davidson, South Gate Chamber of Commerce

expressed belief that legislation permitting establishment of rapid transit and traffic districts in the Los Angeles area “is not only as necessary, but probably the most important feature of all.” He urged that it should be authorized and required to consider all the traffic problems of the district. “In other words,” he said, “as Mr. Le Grand has pointed out, we are just as interested in traffic east and west from South Gate as we are in traffic to downtown Los Angeles.

"South Gate during the past several years has enjoyed rapid development, both in population and in industrial gains. We feel that the working people of this area should not be required to rely on private transportation to get back and forth to their places of employment. We think that adequate transportation in every direction is necessary. This situation in South Gate is not in any way unique. Every surrounding community has similar conditions. Every community surrounding Los Angeles has similar requirements so far as transportation is concerned. I feel, therefore, that in order to secure the support of those communities that it will be necessary to set this district up so that it will be controlled fairly by everybody in the community. Each community should have a fair say in the matter. For instance, the City of Los Angeles spreads over rather a large area. There are sections of Los Angeles up in the San Fernando Valley that have interests similar to ours here in South Gate. They would naturally at times vote with us on certain conditions as to the control of the district. We feel that such a district cannot be established and presented to the people in an intelligent manner until a survey has been made of this area. That survey must be made by competent engineers, men who are competent not only to consider the engineering angles, but also the economic angles of the situation.

"In setting up the survey, we think that the first job would be to determine the extent of the area, that is, what extent of Los Angeles County would conform and would establish an economically sound area to be served by the district. That group should be in a position to consider every type of transportation. They should not have any preconceived ideas as to rail, or any other type of transportation. They should go into this in a fair manner and consider all types of transportation. Then they should make a layout that would serve the community. This should be done in such a manner that the voters would know what they were going to get from such a plan. In our opinion the engineers should determine to some extent, at least, the order in which the lines would be built and give us some idea of when we might anticipate completion of each particular line. In that manner, each particular community, such as South Gate, San Fernando Valley, etc., would know when they voted just when they might anticipate some benefit from the service.

"They should also, as I have said before, be in a position to determine the cost of each line and to give us a reasonable estimate as to the revenue that might be derived from that line. If a system is set up in that manner, we believe that it will be economically sound, and that it will be sound enough to attract private capital to the venture. That is something that we in South Gate are definitely interested in. We still believe in private enterprise here, and we would like to have those lines operated by private enterprise.

"Further, we are fully convinced that the people of this community and of all other communities are taxed almost to the limit of their ability right now and that to add additional taxes on them would be to expect too much from the people. We do realize that we can't have our cake and eat it too. We know that some money is going to be necessary to establish this system, but we believe that if it is gone at in a sound manner that that money can be limited, and that it can eventually be paid back to the people.

"In other words, to recapitulate rapidly, we want the system. We want it just as promptly as possible. We want it to be established on a sound basis. We want to know what benefits we would get from it here in South Gate. We are interested, and our people here are interested, in being able to get to all portions of the area. We want the people to be able to get to our neighboring shopping centers and to our manufacturing plants, etc. We believe that that can be accomplished if the proper survey is made and if we go at this in a sensible, reasonable manner.

"We have Pacific Electric lines running on Long Beach Boulevard, and we have the Los Angeles Transit Lines, one making a cut over into the southwest corner of South Gate and another, to some extent, to the southeast section of South Gate.

"The Los Angeles Transit Lines are the only ones within South Gate proper. That line to the southeast does go cross-wise to some extent from Atlantic Boulevard to Los Angeles Boulevard. But the service is inadequate."

Assemblyman Elliott at this point asked the following question: "If a piece of legislation were drafted which stated that the needs of the outlying communities would be given every consideration, and which required in that piece of enabling legislation that the needs of cross-town areas be given every consideration, and also included the voting composition of the board of directors for the district in such a way that the outlying communities were given proper consideration in relation to the City of Los Angeles, do you think that these communities in this area, and the chambers of commerce would support such legislation?"

Mr. Davidson said, "Very definitely, yes." He said that opposition to legislation at the last session of the Legislature was because small cities such as his were not getting proper consideration, and that they objected strenuously to unit rule for the City of Los Angeles.

Mr. Le Grand added that one thing the South Gate Chamber of Commerce would oppose vigorously, would be any plan involving a big bond issue.

Councilman Marshall Morrill, Maywood

Pointed out that Maywood and Bell are one solid community although two separately incorporated cities, and declared north-south transportation between the two communities was inadequate and that transportation to the downtown area was good only during the busiest hours. From midnight until five in the morning, he said, there is no bus transportation between Huntington Park and Maywood, or to Bell, and that anyone going to a late show in Los Angeles must take a cab after getting off the "J" car in Huntington Park.

D. K. Hutchinson, Bell Industrial Engineer

Mr. Hutchinson said the southeast area adjacent to the City of Los Angeles has an industrial population of some fifty thousand persons with no transportation service, and that South Gate has an industrial population of better than thirty thousand. He said he has letters from heads of many industries that have been unable to employ certain types of help because of no transportation or because it is prohibitively high.

He then explained the creation of a TWIN-CITY TRANSPORTATION COMMITTEE which has since been expanded to include representatives of other communities. The committee, he explained, is composed primarily of businessmen and it has gone far enough in its studies to know that 26 routes are needed to give the southeast area suitable service. This area he described as being bounded by Los Angeles on the northwest, Long Beach on the southwest, Pomona on the northeast, and Balboa on the southeast.

To avoid state constitutional restrictions against the city council of one year emburdening the city council of another year for indebtedness, he said, he is creating a corporation to finance municipalities in this area on projects they are unable to finance themselves.

"In setting up the transportation system," he said, "which is what we are all interested in this morning, and not the other phases of utilities, we deemed it proper and fitting that two or more cities should join together under the enabling act that made the metropolitan water district possible, which was enacted about fifteen years ago, or thereabouts. In starting out, we started with the Cities of Bell and Maywood, but the needs became so great that we deemed it better policy to invite other cities to participate in this amalgamation of cities, creating a transit authority that would have a board of governors with several cities represented. We have not yet presented the entire program officially to the cities. They have all heard the program and have discussed it informally. The reason that it has not been presented to them formally is, as I stated before, that we are only about 90 percent finished with our program. We have not quite brought the program to its final point, and, therefore, before presenting what you might call a "a half-baked deal," we wished to have it thoroughly rounded out. There are things that are being worked on at this time, and there are a few statistics which we are still accumulating and tabulating.

"In renting this equipment to this authority, we find that the law does not set up and arbitrarily state on what basis we have to lease it. Being a private corporation, we can do business as would any private individual in that respect. We can rent it for a dollar year, or we can rent it for a thousand dollars a year. We can rent it on a per diem basis, a per mile basis, or a percentage basis. There are no points in the law that tell us what we have to do in that respect. We chose to use the percentage basis. In that way, the operative authority cannot lose. Now, the corporation that is financing it will not be the operators of the line. The transit authority that will be created, consisting of the representatives on the Board of Governors appointed by the several cities, will be the duly constituted operative authority in the final analysis.

"I think that is just about the program that we have ready to present, and we hope to have service busses in service before the holidays. That is our plan at this time. The equipment is mostly all available to us now, with the exception of a few of the larger models that are very new on the market. In fact, we have none of those in operation out here now, but they are to be known as the Super-Twin Fageol Coach, which has a third axle in it. It seats 58 passengers, and it is the latest thing to be devised. They are not available in quantity yet as are the smaller type of bus. They don't have facilities to put out as many of those as of the

smaller type. Therefore, I think that the service that we are bringing to the people of the southeast will be a little different than some of the service in other quarters of the Southern California area. We felt that we could take in the area that I bounded for you on the imaginary map a short while ago.

"The fleet to start with, including the 10 percent stand-by equipment, will be 203 pieces of equipment. It will be privately-owned and leased to the authorities together with the terminal facilities for maintenance

"No franchise is necessary under the Eleventh Amendment to the Constitution. It says that cities have the right to do that without further ado about it, and this is a joint operation under the other enabling act that allows two or more cities to join together under contract for mutual benefit. There will be no subsidy in any sense of the word.

"I might go a little further with it and try to analyze the rapid transportation system as it is here in the southeast. If you're going to put something faster than a bus on the road, that would require a rail service of some description. When you do that you're going to cut us up worse than we are right now unless there could be adequate crossings over the rails. Without adequate crossings over the rails here now, and with rivers without bridges, and having to take care of all of the water from the watershed of the San Gabriel Mountains, we do not feel that it is proper and fitting that we should be cut up any worse than we are today. Our busses can travel just as fast on the road as any other busses can operate.

"I wouldn't say we can operate busses as fast as a rail system, because they have rights of way for miles on end where you can't cross, and they can build up speed because of that over a distance. If it were not for that, though, they couldn't go any faster than busses, because busses get away and stop faster than streetcars. However, the rail systems do not stop as frequently, and, of course, all the people do not live near those stops. They can only get on or off the cars at strategic points, and then what? They have to walk from there on.

"The service that we propose to put in is as near to being a through service in all instances as is possible. It also makes as few transfers necessary as is possible. There will be a bus leaving Los Angeles for some point in the southeast every one minute from 5 in the morning until midnight, and there will be hourly service after midnight, and that's something that we do not enjoy anywhere off the rail lines "

Emery R. Eisert, Secretary, Lynwood Chamber of Commerce

Mr. Eisert said his community contained approximately twenty-four thousand persons, primarily residential, and that his organization concurred absolutely with the views expressed by South Gate representatives.

Louis A. Gretz, Secretary, Southeast Industrial Area Association

Mr. Gretz says his organization represents more of the industry in the unincorporated area between Downey Road to the Rio Hondo River, and between Randolph Street on the south and Telegraph Road on the north. He said he represented the East Los Angeles area with a population of between 100,000 and 150,000 and that he could "also speak for several people in the Bell Gardens area where they have a population of some 30,000."

The people he represents would fight any property tax, he declared. He said he hoped the committee would start educating the public to ride on existing public transportation so they will be prepared to accept more of it in the future. Los Angeles Transit Lines installed a bus in the Downey Road-Eastern Avenue area, in which there are 75 industries, and the line has never been able even to pay the salary of the driver, he stated. He agreed with Mr. Hutchinson that if bus service could be had economically, it would better suit his area than rail rapid transit, and he expressed unalterable opposition to municipal operation of any transportation system. He expressed himself in favor of enabling legislation permitting the people to vote on a district-owned system, however, providing they were given full information on taxes involved and the operation of the system.

George A. Heap, Consulting Structural and Civil Engineer

Mr. Heap, representing Mr. A. Davino of the Suspended Rapid Transit System, described himself as the original author of the Metropolitan Transportation District Act of 1939, and gave a detailed description of the Davino Plan. (See Appendix, Exhibit ----)

Mr. Heap declared that practically all authorities who have studied the transportation problem are agreed that some solution must be reached soon for the following reasons.

"(1) The present transportation system is inadequate, uncoordinated and is not comprehensive in character, and the continuance of the same is detrimental to the general welfare of this area and to the benefit, safety, health, convenience, and general welfare of the inhabitants thereof and of the traveling public therein and therethrough.

"I had some rather prominent people visit me from the eastern part of the United States, and I asked them what they would like to see, and one of the first things they said they wanted to see was some wild Los Angeles drivers driving in Los Angeles traffic. That's the impression people from out of the State have of our city as far as traffic is concerned.

"(2) There has been a rapid growth of population during recent years and a widespread distribution of such population within and through the area, and there exists many and various transportation requirements of such population.

"Some of the gentlemen who preceded me emphasized that very well. For example, South Gate now has about 50,000 people. I don't know what the increase has been since 1939, but I imagine it as been very substantial.

"(3) There has been a large increase within recent years in the number of motor vehicles registered within and from the district.

"(4) There has been a tremendous growth of traffic therein and therethrough the area.

"(5) The apparent financial inability of existing, privately-owned and operated transportation enterprises serving the area to expand and improve their service and facilities to the extent necessary, requisite and convenient for the best interests, benefit and general welfare of the area and the inhabitants thereof and the traveling public therein and therethrough.

“(6) The financial and physical inability of any existing public or municipal corporation, political subdivision, or other public body, instrumentality or agency to provide an adequate, coordinated and comprehensive transportation system for the area, or for the benefit thereof, or for the use and benefit of the inhabitants thereof and the traveling public therein and therethrough.

“(7) Existing conditions have created problems of transportation and traffic of a public and general character throughout the area which are not limited to any area or areas within the boundaries of any single municipality or any group of municipalities and which are now in need of remedy and solution in the public interest and in the interest and for the benefit of the inhabitants of the area and the traveling public therein and therethrough upon a unified coordinated and comprehensive basis, and it is now recognized by all authorities that such problems may be remedied and solved only through the aid and assistance of and by means of public authority.

“(8) That a public authority is available in the form of a general law, “The Metropolitan Transportation District Act of 1939” (Assembly Bill No. 693 of 1939), which will become effective on September 19, 1939. Such authority provides the means by which the transportation and traffic problems can be reasonably, economically, satisfactorily, practically, and properly remedied and solved. Ref., Chapter 1109, California Statutes of 1939.”

He urged consideration of the Davino System because it is less rigid than other monorail systems that have been constructed in other countries, declaring that it can be built anywhere—over existing streets, highways, boulevards—and that it may be used in conjunction with any comprehensive metropolitan master plan. Pointing out that the metropolitan transit committee plan will eventually cost approximately four hundred and fifty million dollars, he declared his belief that there would not be sufficient revenue to support an investment greater than 100 to 130 million dollars. The Davino System, he said, would cost between one-fifth and one-sixth of the above transit plan, providing 220 miles of transit and requiring approximately three years for construction. He suggested the State might make an appropriation and construct a few miles of test line of Davino System and retain ownership until a construction and operating company is formed and the necessary finances raised to build the whole project, at which time the corporation could take over the test line by reimbursing the State. The city and county, he added, might join the State in such a test project.

The uniqueness of the Davino System, he said, is that it substitutes a suspended type system for a rigid one and uses dual rails instead of one rail—thus minimizing sidesway and making greater speed possible with a high safety factor.

Mr. Heap listed the advantages of the Davino System over ground-surface transportation as follows:

“First: It will eliminate traffic jams due to the fact that an automobile, a truck, or a motor bus cannot pass in front of it and hold one back from traveling at a fair speed.

“Second: There are no traffic signals in every block like there are on the ground surface streets where, if any signals go red against you, you

have to stop or else you may get a traffic ticket regardless of whether or not there is any traffic.

"Third: It is very sanitary.

"Fourth: In the wintertime when there is rain or snow with a low ceiling, it sometimes takes considerable time to travel a short distance. With the Davino System you can travel at constant speed.

"Fifth: Also, in wintertime, often at night and morning the fog is so dense that you cannot see to travel safely. The overhead suspended rapid transit system can travel at the same rate of speed in any kind of weather. There are many other advantages, such as safety factors and so forth.

"The cost of the Davino suspended system is believed to be the lowest of all systems," he said. "Mr. Davino quoted in his brochure that his system will cost \$508,000 per mile complete with double line, stations, equipment, and so forth. That cost was based on a high price of steel several months ago, which price has come down to a certain extent, but by revamping the old design with some of the latest engineering improvements that Mr. Davino has made—it is very possible that we can reduce the cost down as much as 25 to 30 percent, but even at the old price, comparing it with the cost of the subway at from 10 to 15 million dollars per mile, or the freeways' cost of a couple of million dollars per mile, or the cost of the old-fashioned elevated railway at from a million and a half to two million dollars per mile, or the cost of the famous German Monorail, which cost, nearly 50 years ago, about \$500,000 per mile, and now I doubt that it can be duplicated for less than a million and a half to two million dollars per mile—the Davino System is believed the cheapest and best of all systems.

"For example, let us assume that Route No. 1 of the Davino System has the route from downtown Los Angeles Terminal to Long Beach. The following are the towns that it would pass through, together with their respective Los Angeles County valuations:

Vernon -----	\$104,990,895 00
Huntington Park -----	37,174,045 00
Walnut Park -----	1,475,505 00
South Gate -----	40,256,200 00
Bell -----	8,640,950 00
Maywood -----	7,454,240 00
Lynwood -----	15,519,290 00
Green Meadows -----	18,045,400 00
Watts -----	6,253,555 00
Compton -----	26,719,730 00
Signal Hill -----	29,534,230 00
Long Beach -----	296,270,320 00
Wilmington -----	68,760,245 00
San Pedro is in No. 1 district of the City of L. A.—	
Assuming that the assessed valuation is the same as Wilmington-----	68,760,345 00

"Also the route from Vernon to the terminal at Ninth and Alameda Street, or some other place as may be determined at the time when the

construction begins. That too is in the City of Los Angeles district and cannot be segregated, but assume it is about the same as the assessed valuation of Vernon----- \$104,900,985 00

Total ----- \$834,745,655 00

The above is the assessed valuation of the route, or District No. 1 of the Davino Rapid Transit Plan from Los Angeles Terminal Station to Long Beach. This is possibly the cheapest route of all, as compared to other possible routes or districts. District No. 1 of the Santa Monica line will have to go through the City of Los Angeles No. 1 District possibly 10 or more miles before it reaches Santa Monica; or take the North Hollywood and Van Nuys and San Fernando line through Hollywood, it is practically 100 percent in the City of Los Angeles District No. 1.

"If the property was assessed only 3 percent of the above assessed valuation of Route No. 1, it would provide approximately \$25,000,000. At an average cost of \$500,000 per mile, this amount will construct about 50 miles of the Davino System. (Voluntary donation or assessment.)

"Also, if only 10 cents of volunteer donations on every \$100 of the assessed valuation, would provide just about enough to construct a couple of miles of the Davino System as a test line.

"Since the traffic congestion and rapid transit problem is your problem, and everybody's problem, and since it affects everybody, why not treat it the same financially, as we do public school funds, public library funds, fire protection district funds, police protection funds, flood control district funds, general maintenance funds, garbage district disposal funds, lighting street funds, park recreation and parkway district funds, water works district funds, sewer maintenance district funds, and many other items.

"Treating it in this manner will simplify the financing of the whole transportation and traffic problem. It will be faster and no time will be wasted.

"According to the property valuations assessed by county and State in 1948 is a net amount of----- \$4,843,238,295 00

Out of that amount approximately 48 percent is the assessed valuation of the City of Los Angeles---- 2,306,818,400 00

Since considerable property in this county is quite a distance out and of which the property owners may not get full, district benefits from rapid transit, so by figuring only three-fourths of the county total assessed valuation of the properties will equal---- 3,632,428,721 25

By assessing only 3 percent of that amount for the purpose of constructing the Davino Rapid Transit 108,972,861 63

That is sufficient to construct about 220 miles of the Davino Suspended Rapid Transit System. If it is paid out in 20 years' bond issue, the annual-amount of payment is----- 5,448,603 08

And if the interest rates are 5 percent per annum, it will amount to ----- 5,488,603 08

Total ----- \$10,897,208 16

As you know, as the principal is paid out, that will reduce the rates of interest accordingly, and since the life of the bond issue is 20 years, 10 years of full rates of interest should cover the whole bond issue, which will equal_____

\$54,486,430 80

Plus the original investment of_____

108,972,861 63

Total cost of the project_____

\$163,459,292 43

By adding the amount of the annual amortization payments of _____

\$5,448,603 08

together with the average rates of interest per annum _____

2,724,321 50

Total annual payments_____

\$8,172,924 58

"If it is handled by taxation, then it only takes 25 cents out of every \$100 of the three-fourth assessed valuation as above stated. This means that, if you have a home or any piece of real estate with an assessed valuation of \$5,000, it will cost you an average of only \$12.50 per year until the 20-year bond issue is paid out.

"There is no point in further emphasizing the urgent need for better transportation. If the Los Angeles Metropolitan Area succeeds in adequately solving this vital problem, it will be the first in the Nation to do so.

"The solution to the transportation problem through the construction of needed facilities will beneficially affect the metropolitan area as follows:

(1) FUNDAMENTAL BENEFITS

(a) Safety

The most urgent problem in the whole transportation and traffic field is safety. Any solution implies that something must be done about safety. Accidents can be greatly diminished in number. A well-worked-out transportation plan will separate cross-streams of traffic, thereby reducing the number of times that vehicles will be exposed to contact with one another or with pedestrians. In addition, interruptions to traffic flow will be reduced and the constant hazards due to sudden starting, stopping and turning materially lessened. Many of the physical factors that enter into the causes for traffic accidents can be reduced by the simple expedient of eliminating them.

(b) Elimination of Losses

A good illustration of the money value of the economic loss due to poor transportation may be found in the Los Angeles metropolitan area where it is estimated that about \$65,000, is lost to the users of transportation annually. This figure is probably conservative. The elements that enter into this loss, as computed, include delays, depreciation, and so forth.

(c) Community Development

It is conceded that both long and short range planning must be undertaken in connection with the Los Angeles metropolitan area if this area is to enjoy free and healthy growth. Transportation is a vital part of such planning and, more than that, it is the foundation upon which the physical features of any plan are based.

(2) INCIDENTAL BENEFITS

(a) General

Unlike the Colorado River Aqueduct, the construction of transportation facilities, such as the Davino Suspended Rapid Transit System, does not require completion of the entire project before any public benefit is achieved. Also, the period of construction as envisioned by most authorities will occupy that period of time required to adequately meet the needs of the ever-increasing population of the metropolitan area.

Of course, the first industries to benefit will be those that deal with construction. However, it has been shown in various reports by the Federal Government and others that the benefits from this type of construction do not stop with the construction industries, but flow evenly into every nook and corner of the business structure of all communities in the metropolitan area.

The speedy commencement of construction will mean that many citizens will be given employment on a self-liquidating project at regular hours and good pay.

Let us be original in solving the traffic problem in a modern and up-to-date manner. We have ingenuity, intelligence, wealth, wonderful climate here in this great State of ours. Let's do something that we can be proud of, and the world will admire us for doing it.

The Davino Suspended Rapid Transit System has been studied and recommended by many engineers. As stated before, there are several ways in which the Davino System can be incorporated as a part of an adequate solution of our Los Angeles metropolitan area transportation and traffic problems. That will be up to every one of you. If you wish to ask any questions, I will be very happy to answer them to the best of my ability."

A. Davino

Mr. Davino said cars operating on his system could travel 90 or 100 miles an hour, but suggested between 60 and 70 miles an hour as the most suitable speed. He declared the dual rail plan was much cheaper to build than a monorail, and estimated construction of his system would cost approximately \$500,000 per mile including cars, stations and equipment. (Mr. Roberts, advocate of the monorail plan, said construction of his system would be \$834,000 per mile on the freeways, and about \$600,000 on the river bed.)

Joseph E. Blackburn, Chairman Transportation Committee of the Harbor District Chambers of Commerce

Mr. Blackburn explained the opposition of the Harbor District Chambers to Assembly Bill No. 2023 by reading the following statement from the minutes of a meeting of the Harbor Chambers:

"At its general meeting on April 14, 1949, the Harbor District Chambers of Commerce voted to go on record with all state legislative representatives of Los Angeles County as opposed to Assembly Bill 2023, on the grounds that the cost of the metropolitan rapid transit districts authorized would be financed by an additional and unwarranted tax on real property owners. The fact that such a district in Los Angeles County would be controlled by one city was also objectionable to our organization."

"I think that that gives pretty clearly and pretty concisely just what the feeling of the Board of Directors of the Harbor District Chambers of Commerce was in opposing Assembly Bill 2023.

One other item that is not mentioned in this communication that was considered to be quite objectionable was that communities could be drawn into this metropolitan rapid transit district against their will, as outlined by the previous speaker, Mr. Sykes.

Generally, the Harbor District Chambers of Commerce include within the membership, some fifty or more chambers of commerce, civic organizations, and other like groups within the area roughly south of Slauson Avenue and east of Santa Monica to the Orange County border.

Mr. Blackburn declared he saw no reason why his group would oppose a proposal which would allow the people of Los Angeles County to decide by a vote whether or not they want a bond issue if a piece of legislation were drafted which protected the needs of all communities and gave fair representation for all communities on the Board of Directors.

Mr. George D. Roberts, President of the Monorail Engineering and Construction Company, at this point brought up the possibility of using the Pacific Electric System's rights of way.

"The Pacific Electric System has some very valuable rights of way. At the present time, they are trying to discontinue them. Now, 40 years ago those rights of way were really rights of way and very valuable ones. That is not the situation today. Today they're really not rights of way at all. The towns are built on both sides of them, and there is an intersection every few blocks so they're not a right of way really. However, those rights of way could be turned into valuable rights of way practically overnight by putting the overhead system in the middle of them. Let them have their tracks down there for freight as far as that is concerned. Freight doesn't have to move fast, and it doesn't have to get to the office at nine in the morning and get home at six at night. Let the overhead system be in the center of the right of way for the passengers, the working men, and the person that has to get to and from his business, and let the freight go along down underneath. Don't destroy those rights of way; it would be a crime to destroy those.

In closing I would like to mention the agitation that is on about taking up all the tracks and putting busses on to serve the community. That, I believe, is perfectly ridiculous. Could you get a fast bus line between Long Beach and Los Angeles? No, you could not, and there is a reason for that, and I think that people ought to know the reason. Why shouldn't they want to get busses in? No. 1, they have no right of way to buy, maintain, and keep up. They can run up and down the freeways and bump chuckholes in them, and they can do the same thing in the streets, and the State and the city and county will have to repair them.

"In addition to that, they do not have any invested capital in the equipment. They can rent the equipment from the manufacturer, and they can rent the tires so they don't have to have invested capital in the equipment."

Mr. Roberts also explained at this time his proposed monorail would not actually be in the river bed, but would follow the bank.

George Benson, Vice-President Bellflower Chamber of Commerce

Mr. Benson pointed out that his area has only a Pacific Electric line running into Los Angeles and that the company is trying to do away with it. Other than this line, he said, Bellflower has only busses from Long Beach and the parking problem is getting extremely acute. The school district of his area contained 11,000 in 1940, he said, and now has 40,000.

INGLEWOOD HEARING*Mayor E. S. Dixon, Inglewood*

Mayor Dixon said the Inglewood Transit System (Inglewood City Lines) is efficiently operated and its schedules adequate, but the people do not give the service its maximum use. He pointed out that the distance between communities in the area, say between Inglewood and El Segundo, are long and that people generally use their own automobiles. As a consequence the Inglewood City Lines are losing money. "This transportation system," he said, "cannot under its own capitalization and its own endeavors provide any better transportation than is being provided at the present time, even though it is still inadequate to serve all the needs of the people and even though it is not sufficient to provide the transportation the people of this community desire. The situation is probably further complicated by the fact that the Los Angeles Transit System runs a considerable amount of public transportation into the community." Inglewood opposed the so-called Petree Bill at the last session of the Legislature because it was felt the proposal channeled all the traffic into Los Angeles. We know that the people of this community do shop in Los Angeles, he said, and we do not wish to erect barriers against this, but the system failed to provide cross-town traffic—that, for instance, from Inglewood to South Gate and from Inglewood to Pasadena without going through the City of Los Angeles. He declared the people really want intercommunity transportation.

The Inglewood Bus System fails to service many areas, such as Westchester with its 60,000 people, because extending lines into such areas would bring financial deficits. A program of educating the public to use public transportation is underway by the local transportation company and local merchants, assisted by the city government, he said. He felt that the public would be reluctant to pay increased fares for a better transportation system in the downtown area, and stated that although he was opposed to any greater burden on the taxpayers he believed no transportation system serving the needs of his community could exist without subsidy both in construction and maintenance. He was definitely opposed to a property assessment for a new transportation system and inclined toward a tax on fares. As for control of the board of directors of a transit district he suggested following the plan of the county sanitation district, "which doesn't give the City of Los Angeles control but the City of Los Angeles always gets what it wants from the sanitation district if it's justly entitled to it and there is practically no friction among the sanitation boards." Three things which he believed a transportation system must have to be acceptable to the public are speed, comfort and elimination of long waits.

Sam Hill, Chamber of Commerce Transportation Committee and Inglewood Realty Board

He estimated the population of the area—Inglewood, Lennox, Hawthorne, Lawndale, El Segundo, Manhattan, Hermosa, Redondo, Westchester—at approximately two hundred forty thousand persons. He said it was his belief a rail system could handle mass transit easier and cheaper than anything else and that he was worried about the fumes and gases from the big buses and the diesels. He said he thought an ad valorem tax might have to be used to form the district and get it started, and that a rapid transit system with good service would be patronized by the public.

Mayor Selby, El Segundo

The mayor said his city's main objection to proposed legislation was based on the control of the board of directors by the City of Los Angeles. He said his city was not against rapid transit and realized there was need for it.

Louis Heath, El Segundo Chamber of Commerce

It is almost impossible, he pointed out, to get from El Segundo to Santa Monica by public transportation—and the service through Hermosa, Redondo and Manhattan Beach is poor. He expressed agreement with the views of Mayor Dixon and Mayor Selby.

Mayor Charles H. Worthom, Redondo

said he contacted 17 mayors and 15 of them signed a telegram sent to Sacramento opposing the proposed legislation and demanding self-determination by the smaller cities. He too urged the Los Angeles County Sanitation District as a fair and efficient plan, and he likewise termed proposed legislation a plan to funnel everybody into downtown Los Angeles, whereas the people in his area more often wanted to go to Inglewood, Huntington Park, Long Beach, Pasadena, and Santa Monica. He said that the Southern California Automobile Association has recommended belt lines and he urged these, along with adequate feeder lines. He said he believed the job might have to be done under a subsidy or a partial ad valorem tax but that the taxpayers wouldn't favor a bond issue. The belt line he proposed would circle the city. The freeways, he declared, channel people through the city.

At this point *Howard Mason*, Secretary of the Metropolitan Traffic and Transportation Committee, offered the following comment:

"We hope, from the testimony that we have heard given this week, that we can sit down and work out something with the legislators and the various communities, and draft some legislation which will answer our problems.

"Representation was one of the first problems. We found two rather strong forces at play in that respect. The City of Los Angeles said that they felt that they would probably have better than a 60 percent representation in regard to taxes, and they felt that they were compromising more than their share if they took only a 50 percent representation on the board of directors of any district. The outlying communities did not feel that that was fair, and probably that was justifiable, because they

would be limited as to their vote, and that would not be greater than the Los Angeles vote. That is a problem, but we feel that it is capable of being worked out.

"One other problem was the matter of taxation on the communities. We still haven't solved that one and probably will have to review the matter at great length before it is solved. The legislation in its inception required a considerable amount of work, as you probably know. We had the able assistance of Mr. Petree and of one of the finest lawyers in the country—Mr. Beebe, in trying to draft suitable legislation. Mr. Beebe did a considerable amount of research on the legislation prior to anything else being done in order to avoid some of the pitfalls that the other cities throughout the Country had fallen into. I think that he was very successful in that regard, although we found that there are still some pitfalls locally that we haven't yet overcome. It is only by this process of getting together and talking and kicking it around that we may come up with a solution. I think that we can eventually do that.

"In other matters we are not predisposed to any particular type of plan. This committee has several plans that have been put forth as possible solutions to the problem, and there are very probably a number of others in addition to the plans that you have heard. We know of some others which you have not heard, but you probably will hear of them as the hearings proceed. We think that possibly a combination of all of them may be necessary before we come up with some answer to the problem. We are naturally sympathetic to any plan that is going to result in a solution to the problem, or any combination of plans. We want to work with anybody that thinks that they've got the answer, and we will be very glad to furnish them with any information that we may have accumulated over the period of two or three years that we have been working on this matter. We hope that through your efforts and the efforts of all of the communities who have expressed a willingness to cooperate, that we can eventually solve our problem and work this out. We are dedicated and committed to continue that work."

LONG BEACH HEARING

Captain William E. Kummer, Long Beach Police Department

Captain Kummer urged alteration of the State Vehicle Code to permit impounding and moving of cars from parade routes which have been properly posted, and similar action where street repairs are necessary. He also urged legislation calling for registration and operators licenses for drivers of the small electric cars known as Autoettes of which he estimated there are some five hundred on the streets of Long Beach.

Fred Sykes, Secretary Traffic and Transportation Committee, the Long Beach Chamber of Commerce

said his committee had reviewed some forty bills concerned with traffic control which were under consideration by the Legislature, that only about half of them became law, and that he thought a review of the other half by the Legislature would be desirable because all the bills seemed constructive.

He pointed out that although Long Beach is the second largest city in the county there is no direct route between it and Los Angeles. He said that his committee discovered the freeway plan recommended by the rapid transit action group called for a bond issue of some four hundred million, of which Long Beach taxpayers would carry a load of thirty million dollars.

"We took a look at the plan of the rapid transit action group to see what Long Beach was going to get for its \$30,000,000, and we didn't find that the plan called for a single cent to be spent within the City of Long Beach. That appeared to us to be something akin to taxation without representation, and so we did not approve Assembly Bill 2023, which was to permit the voters to create a rapid transit district. The bill also provided that if 21 cities out of the total of 41 cities in the proposed district voted favorably on the formation of a rapid transit district, the other 20 cities in the minority would automatically be drawn into the district against their will. We didn't like that idea either.

"Another thing was that we had some ideas which would require the expenditure of a considerable portion, if not all of Long Beach's share of the \$400,000,000 bond issue, or \$30,000,000, to be spent right here in the City of Long Beach. We suggested that the Pacific Electric tracks be removed from American Avenue, which is one of our leading thoroughfares into the city, and that would increase the capacity of automobile traffic on that boulevard by 40 percent. They could be removed to the east bank of the flood control. We felt that would fix it so that 15 minutes out of the hour required to get from here to Los Angeles wouldn't be used up in getting from here to Willow Street, which is still in the City of Long Beach.

"We also found that the Pacific Electric Lines from Willow Street southeasterly to Belmont Shore, which would tap one of the fastest growing areas in the county, could be used as a feeder line on the Long Beach-Los Angeles Line, joining with cars from the downtown section at Willow Street and going on in a train into Los Angeles. That line from Willow Street to Belmont Shore could be made an open subway very easily, because of the fact that it is now a Pacific Electric right of way.

"However, reviewing the Rapid Transit Bill, as I stated before, we didn't like the idea that the minority cities could be drawn into the district against their will, and furthermore we didn't like the idea that Los Angeles would control the district just as they control the Metropolitan Water District. Therefore, we had a group meet with representatives of the Los Angeles Chamber of Commerce Metropolitan Traffic and Transportation Committee and offered two amendments to that bill.

"One was that cities could go into the district, or stay out of the district, as they chose. After reviewing the plan, if they felt, that the advantages to be gained did not outweigh the cost, they could stay out. In other words, a city could go into, or stay out of the district at its own discretion.

"They pointed out to us that cities not on the periphery of the district couldn't very well stay out of the district, because lines would have to run through them so perhaps the amendment could be changed to read that periphery cities, the inclusion or exclusion of which would not affect any other city, could remain in or stay out of the district as they chose.

"The other amendment that we suggested was that either a two-thirds vote be required on all policy matters, which would make it impossible for the City of Los Angeles to control the district; or that a different method of voting power be set up, Los Angeles not to have more than 50 percent of the voting power, and not to be able to vote their strength as a unit, but as individual members of the district board.

"Those are the suggestions that we had regarding this rapid transit district plan, which we still believe is practical. It's sound and it's very much needed, of course. The \$64 question is: Who's going to put up the \$400,000,000? Certainly not the Pacific Electric, or the Southern Pacific, or any other private transit line.

"The next question is: Are the taxpayers going to saddle themselves with a \$400,000,000 bond issue as an obligation, or a lien against their property?

"The statement has been made that only 15 percent of the taxpayers, of the property owners, would regularly use rapid transit lines, and so we questioned very much whether the remaining 85 percent would ever vote for a \$400,000,000 bond issue. Therefore, we believe that's the crux of the problem: What are you going to use for money? But we still recognize the very urgent need for rapid transit in the Los Angeles metropolitan area.

"We urge, among other studies, that Colonel Roberts' Monorail System be considered. The bank of the river is an excellent right of way which would cost little or nothing. That could provide a monorail line up the river bank. We have urged that monorail studies be included in this survey which the County of Los Angeles has authorized."

He said that the Long Beach-Los Angeles Pacific Electric Line was one of their few profitable lines last year carrying some 6,000,000 passengers, and that if 30 or 35 minute service were provided thousands of Long Beach people would leave their cars at home and use rapid transit. He also urged a "County Loop Freeway," which would follow the route of the Sepulveda Parkway from San Leandro Valley to Long Beach, thence up the river on the proposed route of the River Freeway to the Santa Ana Freeway, and thence along the alignment of the new freeway, the State Highway System from Santa Ana Freeway into Pasadena, and thence west to San Fernando Valley, through Glendale. That bypass, or County Loop Freeway, from a highway engineering standpoint, is an urgent necessity in the County of Los Angeles, because, as I said, people want to get from San Fernando Valley to Long Beach, or from Long Beach to Pasadena, and they want to get to those points by means of freeways, and yet they want to dodge the congestion of downtown Los Angeles. Therefore, we have some support from the highway engineers in this matter of a bypass, or a County Loop Freeway after the radial freeways out of downtown Los Angeles have been completed. We are hoping that that \$40,000,000 which was set up in the list of critical deficiencies for the Sepulveda Parkway will, during this first 10-year program, become a reality."

He said he saw no necessity in the foreseeable future for the Harbor Freeway from Slauson Avenue to San Pedro because there are six direct routes between Los Angeles and the San Pedro-Wilmington area.

Charles B. Goldsmith, Interested Citizen

Mr. Goldsmith submitted several reports (See Exhibit ---.) He said existing rail lines of Pacific Electric could easily be transformed with minor changes in a rail rapid transit system serving a majority of the outlying communities of the Los Angeles metropolitan area.

In the past where the Pacific Electric has substituted busses for rail lines, he said, the running times have increased—on the San Bernardino Rail Line in 1939, the elapsed time inbound was one hour and 45 minutes, and now the run takes two hours and 16 minutes.

Said Mr. Goldsmith, "I would recommend a system of rail rapid transit with feeder motor coach lines on a grid basis with equipment of modern design and recent manufacture. Rail cars, over a period of 20 years, are cheaper than motor coaches over a 20-year period as far as expense is concerned. I have estimated that over a period of 20 years, the depreciation on motor coaches, that is, a 59 passenger motor coach, would be \$67,425 80. For the same period, depreciation on a PCC car would be \$40,000. Therefore, you have a difference of approximately \$27,000 which can be invested in track work and other items necessary for the operation of transportation such as terminal stations, etc. Then, too, rubber-tired vehicles are generally propelled by gas or diesel motors which create fumes. Rail vehicles are generally propelled by motors that are generated by electricity, and that does not create fumes."

He declared that Pacific Electric transports people to the Hollywood Bowl, then stores their cars on the main tracks, causing delays of as much as an hour during Bowl events for passengers going from Los Angeles to San Fernando Valley points. That is due, he said, to their old time methods of railroading on a street railway system. He declared there is room—space approximately 1,000 feet long—where a third track could be installed for storage and emergency use.

Homer H. Grant, Professor of General Engineering, U. S. C., Chairman of the Mass Transportation Subcommittee of the Los Angeles Chamber of Commerce

Mr. Grant read the following preliminary draft of a proposed statement of policy by the Chamber of Commerce:

"Certain aspects of the transportation problem are fundamental and are worthy of re-emphasis.

"1. The means for rapid movement of people throughout a community or metropolitan area are essential to continued growth and prosperity. The flow of such traffic may be likened to the flow of blood throughout the human body, and failure to provide for such flow could be as tragic for the economic life of a community as obstruction of the blood stream would be for the human body.

"2. Transportation engineers are in remarkable agreement about that, conceding even the most valiant efforts on all fronts, solutions of transportation problems will lag behind the needs of the day, and no perfect solution will ever be achieved. The effect of failure to exercise such efforts may, therefore, readily be imagined. Perhaps the reason for what at first appears to be a discouraging fact is that the invigorating effect of an improvement in transportation is reflected in increased travel and economic activity to an extent which requires a continual improvement in facilities.

"3. Vision and cooperative effort have resulted in the remarkable development and expanding effectuation of the freeway program without which the transportation future would be dark. With this program, as with all transportation programs, continual study and improvement must keep pace with physical accomplishments.

"Citizen Responsibility:

"In a report of this nature, the transportation problem must be considered in the light of the dual responsibility of the citizens of Long Beach. Each is a citizen both of Southern California and of the City of Long Beach, and, as such, has a civic obligation in both areas.

"To evaluate briefly, the problem in each area, and to reconcile both as much as possible will be the purpose of this report. It is hoped that the report may then serve as a bid to a course of action which will enable the citizens of Long Beach to discharge both responsibilities adequately.

"The Metropolitan Problem:

"To gain perspective and envision those earlier days, though actually not so long ago, when the population was small, consider the foresight necessary to conceive, and the determination and cooperation necessary to carry through the plans for the Long Beach and Los Angeles Harbor water and power developments.

"In the field of transportation, too, vision has not been lacking, although in some respects it has perhaps been laggard even now when the word "freeways" is commonplace. The foresight of those who conceived the idea, and those who first transformed it into a reality is a cause for wonder. Nevertheless, the ideas were conceived. They are being realized, and the tremendous costs are being met without undue hardship.

"The Questions Remain:

"Is the freeway program, in ultimate form, a sufficient solution to the transportation problem? If so, why? If not, why not?

"The experience of other areas, in the universal opinion of engineers, indicates that freeways alone will not provide a solution in those areas. New York, with the most extensive freeway system in the world, and still rapidly building, is now, according to a newspaper announcement, planning a subway under Second Avenue to cost \$500,000,000. A recent study of Detroit has recommended a combination of freeways and rail rapid transportation for that city. Boston and Chicago have extensive combination systems. Taking its cue from the Los Angeles area, but moving more rapidly, the San Francisco area has secured passage of enabling legislation for a metropolitan transit district, which will probably have to be amended in common with most such legislation as practice develops the imperfections.

"The foregoing may establish a presumption that both freeways and rail rapid transportation will be needed in the Los Angeles metropolitan area, but the characteristics of this area differ from those of other areas, and the presumption is not necessarily valid unless supported by detailed analysis. The Los Angeles area developed later than others. The long distances and high automobile usage contributed to notable decentralization. The growth of the population resulted in increasing traffic, and the opening of roads at grades across existing rapid transit facilities.

"Thus the trend toward automobile usage was increased by the same conditions which caught the rapid transit companies in the vicious circle of decreasing speeds, and, therefore, increasing per mile costs, declining loads, inadequate revenue, and aging equipment.

"Regardless of questions of management, decline was inevitable, and today the area has few, if any, rail rapid transit facilities worthy of the name.

"Population:

"Can the economic future of the metropolitan area continue if no rail rapid transit system is established?

"The answer to this question would appear to hinge on future population growth. Should the area stabilize at its present level of approximately 4,000,000 persons, there would seem to be every reason to believe that the freeway program alone would be sufficient, supplemented, of course, by rapid transit busses. Another problem is posed, however, by the fact that population studies of the Regional Planning Commission and others indicate the probability of more than 6,000,000 persons in the area in less than twenty years. These figures are, of course, based on past trends and may not materialize.

"On the other hand, the large land area, the climate, the geographical location, the in migration of industry, and the many other attractions of this progressive community, including that of the freeway program itself, all point with equal or greater force to the probability that the 6,000,000 population figure may be equalled or greatly exceeded. Having in mind the foregoing advantages, and the astonishing growth, even the possibility that within the next 50 years this metropolitan area may be the greatest in the modern world is by no means inconceivable.

"Transportation Needs With Population Over Six Million:

"Because of its land areas and the freedom of movement between communities, the metropolitan area has developed with low vertical population densities, a characteristic which distinguishes it from eastern cities such as New York, and which increases the difficulty of successful rail rapid transit operation, except for savings in the capital cost of rights of way. With population above six million persons, however, the livable open spaces will be in use, and vertical densities will increase to an extent depending on ultimate population.

"Traffic will have increased tremendously, and with the problem of off street parking, or what to do with the automobiles at destination, already a severe problem in some areas, this problem will have assumed startling proportions. If all workers traveling to a congested area were to arrive by automobile, parking space equal to the business space would be necessary.

"The number of freeways must ultimately be kept in reasonable relation to the available living space, but the carrying capacity of each may be increased manifold at relatively low cost if, at the time of construction, a center mall is provided so that a rail rapid transit line can be added when this becomes necessary in those freeways for which the ultimate need appears to be a reasonable probability. By the standards of

transportation engineers, the need for rail transit exists now in the Hollywood-San Fernando Valley area. What will be the situation in 15 or 20 years?

"From studies already made, it appears that need will be definite for the Santa Monica, Inglewood, Harbor, Pasadena, Ramona, and Long Beach areas, although economic feasibility for the latter three areas may be contingent on use and development of existing facilities at reasonable cost.

"Past Studies:

"Numerous extensive and intensive technical studies have been made, and although presented independently at different times, the recommendations have been remarkably uniform as to routes and the need for both freeways and rail rapid transit.

"Previously, the principal studies were by Kelker-Deleuw and Company, Consulting Engineers, in 1925—recommendation—rail rapid transit; Donald M. Baker, Consulting Engineer—1933—recommendation—rail rapid transit; Transportation Engineering Board—1939, assisted by Stone & Webster Engineering Corporation, and Mattie and Highland Consulting Engineers—recommendation—freeways, and later rail rapid transit; City Planning Commission, 1942—recommendation—freeways and rail rapid transit; Deleuw-Kather & Company, Harold M. Lewis, and Joe R. Ong, 1945, freeways and rail rapid transit; Rapid Transit Action Group, 1948—recommendation—freeways and rail rapid transit.

"With this array of technical recommendations, confirmations, and reconfirmations by both eastern and local engineers, both the need and the remedy would seem to be well established.

"The question naturally arises, then: Why no action? Lack of a sustained campaign of public education sufficient to establish understanding, confidence, and cooperation may be the principal reasons for lack of results.

"Emergence of the metropolitan traffic and transportation committee, as presently constituted with representatives of all city administrations and chambers of commerce in the area and functions on a truly metropolitan basis, should ultimately provide the answer to this need.

"Certain specific points should also be discussed. What is a rail rapid transit system? A great deal of confusion seems to exist in the public mind as to just what a rail rapid transit system is and what it must do. Briefly, the rail portion must be a completely separated system free from interference from all other forms of traffic, over which the most modern electric cars and trains may operate at highest practicable speeds with maximum safety possible, using modern electric interlocking and train control apparatus. To reach maximum effectiveness, it must provide for rapid distribution through business areas, not at one point, and for integration with bus and automobile feeder arteries in other areas.

"The rail portion is economical only in areas of high traffic density along routes which large numbers of persons desire to travel. It must, therefore, be supplemented by and integrated with bus operation on and off freeways in areas of lighter density. Along these routes, it must be capable of transporting persons in rapid time, not only to business districts, but through them into any portion of the system, for example,

in the Los Angeles metropolitan area, it should be possible to travel from Long Beach to Hollywood in less than one hour.

"The foregoing definition would ultimately mean subways, not only in the Los Angeles downtown business area, but also in other congested areas as need developed.

"Decentralization:

"The question is often heard, but should we plan for centralization when decentralization is the trend? This question reveals a fundamental misunderstanding of the problem; planners, and transportation engineers realize that the flow of people is like the flow of water. It seeks its own route and can be controlled and directed only within narrow limits by establishing a complement favorable to sound community development.

"Furthermore, a rail rapid transit system works in both directions. It not only does not prevent decentralization, but it may actually accelerate it in certain aspects. It does tend to prevent decay. Certain economic units function best on a decentralized basis, for example, the average family prefers to live in pleasant, restful surroundings. A rail rapid transit system encourages this trend. Business dealings primarily with family units tend to follow with branch or main stores and offices such as groceries, furnishings, dentists, etc., and branch banks.

"On the other hand, other businesses function more efficiently when grouped together in a central business area; for example, Federal, State, and local Governments; legal firms; law courts; general office headquarters, etc.

"Rail rapid transit also facilitates this trend by eliminating parking and traffic problems, improving employee morale and relations through reduced travel costs and travel time to proper living environs.

"A rail rapid transit system may, therefore, be said to act as a backbone to the traffic pattern of an area, preserving and stabilizing business and residential values while at the same time encouraging the growth of new areas at transfer points, and by rail, bus integration.

"Financial Considerations:

"Fear of increased taxes to make up possible losses on rapid transit operations is naturally a principal deterrent to the establishment of any rail rapid transit plan. This fear is by no means an idle one.

"Investigation by the rapid transit action group engineers developed a basic route plan, including only minimum expenditures for distribution throughout outlying terminal cities and concluded there was a reasonable probability that the completed plan would be self-supporting under the particular conditions of the plan. Cost allowances of the plan appeared liberal, especially as to taxes which could be greatly reduced under district operation. The trends of wages and of the optimum fare level, either upward or downward, have a vital effect on profitability of operation. These trends are difficult, if not impossible to evaluate in any proposed plan.

"The rapid transit action group also contemplated use of existing rights of way in the northeast and south at reasonable rentals with improvement to rapid transit standards. Some nominal freight movement might be necessary to accomplish this if questions of interference with interstate freight movements were to be avoided. Further, any plan must be built in stages over a period of time. No detailed step by step studies have been made. This, of course, would be part of the duties of the district, but it is probable that a long delay in completing the over-all plans after bonds for the first step were issued would tend to increase cost. On the other hand, important considerations point in an opposite direction.

"It would be extremely shortsighted to view economic feasibility only in the light of the transit operation alone. Losses occasioned by disintegration of high tax producing areas, together with over-all economic retardation through failure to provide permanent rapid accessibility by rail rapid transit in the highly urbanized Los Angeles metropolitan area of the future could cost far more in increased taxes and lost revenues than could possibly occur under any rapid transit plan.

"Furthermore, the possibilities of outright grants of funds from the Federal Government and State, as well as loans from those sources at low or zero interest rates could result in large cost reductions, if thoroughly explored.

"Other Possibilities:

"Plans for the immediate future lie in the development of pilot construction and experimental operation and scientific testing of ideas for cheaper methods which might still achieve the extremely high degree of public safety, flexibility, and speed fundamental to a sound rail rapid transit system.

"It appears that with a population of 6,000,000, economic feasibility of a rail rapid transit system would be closely balanced under foreseeable conditions. In spite of the possibility of direct losses, other urbanized areas are finding themselves forced to proceed with programs of rail rapid transit expansion; for example, Chicago, Toronto, New York, etc.

"With reference to the latter, any transit district must be allowed to charge fares which produce optimum revenues. That is the point at which a further increase in fares produces a drop in total revenue. That is not the case in New York.

"Is it necessary to place the general credit of the area behind the issuance of transit bonds?

"Because the possibility of operating losses must be recognized, experience indicates the necessity for issuance of faith and credit bonds if interest rates are not to be excessively high.

"Why the hurry since we do not have a population of 6,000,000 persons at the present time? The reason for starting a district in the near future may not be clear. Aside from the increasing need for rail rapid transit to such areas as the San Fernando Valley, much of the urgency lies in the fact that millions of dollars can be saved by placing rails in a center mall in freeways instead of buying separate rights of way.

"Since gas tax money in California cannot be used for rapid transit rights of way, it was thought that a district must be formed to supply funds for purchasing center mall rights of way at the time of freeway construction, if the opportunity for increasing capacity by adding rail rapid transit was not to be irretrievably lost. A district does need to be formed so that it can begin to study detailed studies as soon as possible and proceed with development. However, the proposed method of handling the right-of-way problem may be by no means the quickest or most desirable procedure, as will be developed.

"The Federal Public Roads Administration recognizes that the purpose of expenditures is to move people, not automobiles, and that the most efficient method of moving people in highly urbanized areas is by rail rapid transit. It, therefore, will donate funds for the purchase of center mall rights-of-way in the same proportion as for highways. One-third of the cost for a wider right of way for a four-track rail line in the center mall of the Chicago Congress Street Freeway was so donated. This source of funds should be utilized. A change in the Gas Tax Law to enable the State of California to contribute its proportion could make these federal millions available and would very greatly reduce the proportion of costs to be financed through bonds.

"There are numerous other reasons for using the gas tax for the foregoing purpose. A few of these are:

a. Every person who can be induced to ride rail rapid transit in a freeway reduces freeway traffic by one automobile and reduces freeway and parking facilities construction programs.

b. A rapid transit system benefits car users by providing an emergency system which displaces the need for a second car.

c. A rapid transit system makes it possible to leave the car home for family use and cuts the over-all transportation bill.

d. A rail rapid transit system acts as insurance in a national emergency when gasoline rations are short.

"However, it does not appear necessary to change the Gas Tax Law to preserve center malls for future rail rapid transit use. The State has authority now to determine the widths of freeways, and of the dividing strip. When a six-lane divided freeway is to be built, a center strip wide enough to provide a future additional lane in each direction, or a rail center mall, depending on load developments, could be purchased. If the latter need developed, this strip could be sold to the district at a later time.

"Transportation engineers recognize some decrease in relative lane efficiency when a fourth lane is added. However, this decrease should not stand in the way of rail insurance on certain freeways where the need for rails is likely.

"The possibility also exists of improving lane efficiency by using a two-lane subdividing strip if necessary.

"The District:

"In solving the rail rapid transit problem, it is necessary to form a metropolitan transit district in the Los Angeles area. If it is granted that a rail rapid transit system is necessary in the light of the actions of other cities, and the recommendations of transportation engineers throughout the Nation, formation of a district seems the only logical step.

“Surveys:

“Los Angeles County Supervisors have recently appropriated some \$300,000 for a transportation survey. Can such a survey add to the studies previously made to an extent warranting the additional expenditures? To be effective, it would seem that the survey should develop more detailed and complete basic data than any heretofore available and should produce additional basic technical engineering data useful to the district, when and if formed. These should include an origin and destination study, a step by step construction plan, operating plans, and costs for each step, financing plans for each step, in addition to over-all plans and data.

“If a rail rapid transit system is recommended, no one can guarantee acceptance by all groups of any final plan proposed by the survey. If, as would appear probable, the over-all plan proposed does not differ materially from those of the past, the weight of accumulated evidence would warrant greater expenditures for detailed studies. Conversely, a plan materially different from others, unless supported by unimpeachable logic, would leave doubt as to the value of all the plans and might add to the controversy. Even a plan that supports it will leave the engineers open to a charge of being influenced by past problems, or of being moss-backs with no capacity for thinking other than in terms of the past.

“If enabling legislation had been passed and a district formed, this engineering work could have gone forward under the direction of the managers of the district. After the chosen engineering firm releases its over-all proposed plan, it might be well to appoint the managing body in accordance with Assembly Bill 2023 on a voluntary basis and let further detailed studies be made with its approval in order not to risk wasting time and money.

“Rail Rapid Transit as it affects the City of Long Beach:

“The City of Long Beach lies at the periphery of any rapid transit district, and for that reason has a somewhat different problem than cities closer to the population center of the area. It is a major city in its own right, and its rapid transit problems are related to the amount of interchange traffic between cities in the area. A principal reason for rail rapid transit relates to the possibility of combining superior commuter transportation with the suburban climate and recreational facilities to attract additional residents to the city. This, of course, would also tend to increase local pay rolls and property values.

“The commuter population may never be a large proportion of the total population, but expenditures in the city by commuter families can easily spell the difference between prosperity and depression, especially as commuter families are usually in high income brackets, and the dollar volume of purchases is important.

“A rail rapid transit line would also be important to the many, many families left without cars and to those who prefer not to drive, the large number of persons without cars, and the high proportion of retired persons in the city who prefer to travel to points of attraction by mass transit.

"Much of the cost of the rail line to the city, of course, would be borne by passengers boarding north of the City of Compton. Because of the distance and the volume of business interchange in other cities, it is believed that the first interest of the city lies in freeway construction, but that a rail rapid transit line is also an important factor which will grow still more necessary as population densities increase. It is a form of insurance, of business promotion, and of convenience to citizens, which should by no means be neglected if it is agreed that the city is to have a continuing rapid growth with the rest of the metropolitan area.

"Ultimately, such a line should provide rapid transit from the business district and from the vicinity of Alamitos Bay to any part of the metropolitan area. Rail routes would have to be through the hub of the Los Angeles downtown business district until vertical population densities are much higher, because the high cost of rail lines precludes building them except where most of the large volume of riders wish to go.

"Conclusion and Recommendations:

"Having in mind the dual interest to the City of Long Beach and the metropolitan area, the following recommendations are submitted:

"1. Freeway construction to completion of the entire freeway program recommended in the 1945 Lewis, Deleuw, Kather Report should be carried out as rapidly as funds become available

"2. The Los Angeles River Freeway added to the program should have a top priority, certainly above the Harbor Freeway south of Slauson or Manchester Avenues, and the Santa Ana Freeway east of Lakewood Boulevard.

"3. Funds should be expended pay as you go on a maximum sustaining basis. That is so that Highway Department expenditures will be a sustaining rather than a periodic influence on Southern California for a longer period of time, and to save interest costs.

"4. Belief that the population of the metropolitan area will exceed 6,000,000 within 20 years is expressed. Therefore, passage of enabling legislation for a metropolitan rapid transit district as outlined in A.B. 2023, as amended, is endorsed subject to the provision (and I'd like to interject here that all these conclusions are purely tentative):

"a. That the metropolitan area shall be divided into service areas for each rail line and connecting bus line. After completion of the first line, losses of the district shall be prorated to service areas in proportion to revenue passengers carried by each line operating under rapid transit standards over at least a 60 percent proportion of its length.

"b. As each appointee to managing bodies is presumed to be qualified and must be free to follow his own judgment, all voting must be on an individual, not on a group block basis in management.

"c. Periphery cities, that is, cities at the edge of a proposed district, whose participation is not vital to operation of a rail rapid transit system shall have the privilege of deciding by a special election before any metropolitan-wide vote on district formation whether they wish to participate in the vote for the district. In the event of failure to vote for inclusion, however, such cities may later be admitted to the district only upon meeting conditions which may be promulgated by the policy making body of the district.

"5. The rights of way proposed by the State for the Santa Monica, Olympic, Inglewood, Harbor to Imperial Avenue, Crenshaw north of Selma Avenue, and East Bypass Freeways shall be widened 40 to 60 feet as necessary, and this additional center mall held without paying until the rail rapid transit problem is resolved, if this becomes necessary before the problem is resolved.

"6. It is recognized that freeways are ordinarily overloaded as soon as they are placed in operation, and that additional lane area on the freeways can be ultimately used to advantage

"7. It is further noted that under A.B. 2023, the function of the board of directors after a district is voted is confined largely to planning and research until actional bonds are voted by the people of the area, and that the district will automatically expire if bonds are not voted within a specified period.

"8. Agreement is expressed with the idea that the potentialities of this area are unbounded and that civic planning must in the future, as in the past, continue to be prepared with this thought in mind.

"9. The action of the board of supervisors in ordering a survey to carry on technical studies is endorsed with the stipulation that every care be taken to see that basic data will be useful in future work, regardless of the final proposals of the survey.

"10. All avenues for obtaining federal funds and donations for rail rapid transit rights of way should be explored, including, if necessary, a change in the state law which would make it possible to obtain Public Roads Administration Funds for a part of rail rights of way expenditures as has been done in Chicago."

HEARING AT 20TH CENTURY-FOX STUDIOS

This hearing was called to consider the problem of truck traffic and noise on Olympic Boulevard. Mr. Metzler, representing the studio, said that the truck traffic on Olympic was a serious problem to the studio. He pointed out that the studio dedicated a considerable amount of property to the city for the construction of Olympic Boulevard, getting in return a small bridge that crosses the boulevard, and that later the studio bought what was then the Westwood Golf Property and also dedicated that to the city. At that time, he said, only normal traffic was expected on Olympic. The highly sensitive sound equipment catches the noises from the diesel trucks and other powerful trucks that use the boulevard today.

J. Win Austin, Los Angeles City Councilman

pointed out that the truck problem is clearly unpleasant to the thousands of people who have built homes on Olympic Boulevard. He pointed out that it is a state highway and the city has no control over its use. He suggested the possibility of limiting trucks to certain hours of the day and prohibiting them during the night, adding that he realized this was not really a solution to the problem.

George Cronk, Los Angeles City Councilman

Mr. Cronk said he had conferred with the State Board of Public Works, which has jurisdiction over the boulevard, and that the Los Angeles Traffic Commission is now studying an alternate route to suggest to the truck companies.

Harold Harby, Los Angeles City Councilman

Mr. Harby said the trucks used Washington Boulevard until Culver City posted signs prohibiting them. Then, he explained, they moved over to Venice Boulevard, and because it is only 16 feet wide in some sections, he was able to secure passage of an ordinance prohibiting them on Venice. Then they moved to Pico Boulevard, but public indignation caused them to move on to Olympic. Harby suggested that Jefferson probably was the most logical street, if Washington Boulevard cannot be used. Washington is a boulevard that is 80 to 100 feet wide, he said, and can amply take care of the traffic, but not until Culver City can be sold on the idea.

Assemblyman Lester A. McMillan, representing the United Home Owners of Beverly Hills

declared that present methods of determining nuisance as far as noise is concerned, are archaic. Reading from a report presented some time ago to the Beverly Hills City Council, McMillan said: "It appears that it would be difficult to obtain relief on the matter of excessive noise on Olympic Boulevard caused by the diesel trucks. Neither the California laws nor the Beverly Hills ordinances mention quantitative standards by which excessive noise can be determined. While we admit the difficulty we do not admit that the solution is impossible. Both state laws and city ordinances definitely limit permissible speed on highways in terms of miles per hour. They just as definitely limit weight per wheel in terms of pounds. The safety and well being of the people is the basis of both of these regulations. Excessive speed can cause instant death and huge property losses. The wisdom of regulating speed is easily understood by all persons.

"Excessive weight causes breakdown of pavements, creating traffic hazard and unwarranted expense to taxpayers. This condition comes about gradually and escapes the notice of the average individual. Up to the time the defective pavement causes him discomfort, he doesn't notice.

"While the noise is less spectacular than traffic accidents and less persistent than damaged pavement, it can cause a greater property loss and even more danger to health than the other.

"A representative of the trucking interests stated in an appearance before the Beverly Hills City Council on September 20th, that it would be impossible to measure the offensive components of diesel exhaust noises. He contended that various frequencies affect individuals differently. However, the frequency range, that is the lowest to the highest pitches, of the exhaust noises inherent in motorized vehicles of all types is almost identical. The lower frequencies in this range are more pronounced in diesels, passenger cars, and light truck exhaust. Frequencies, if excessive, commonly cause vibration in near-by buildings.

"It is our belief, based on the testimony of the sound engineers of recognized professional standards and considerable experience, that annoyance to residents on and near Olympic Boulevard is a matter of volume rather than frequency. When police are called upon to stop a boisterous conduct in residential neighborhoods, noise is always the basis of the complaint. If citizens in a preponderantly residential district are deprived of necessary sleep and rest by excessive noise, it is immaterial

whether the noise is caused by drunken revelers or diesel trucks. If the police can halt peaceful gatherings and gay parties in residential neighborhoods after 10 p.m., solely on the basis of noise, it would seem that any noise, no matter what its source, could be stopped by the same ordinance.

"If the normal noise inherent in each class of vehicle is to be the sole standard by which excessive noise can be determined, we face an appalling future. In the case of *Say v. New York*, the majority of the divided Supreme Court declared an ordinance invalid, and said it set up no amount of sound in decibels was permissible unless unmistakable evidence is received by the court.

"I earnestly recommend to you gentlemen of the Legislature that you consider the adoption of laws that definitely limit sound in decibels, which is just as reliable and well-known a unit of sound as miles per hour are in speed or pounds per wheel in weight. Until such time as that is done we might succeed by one method or another of relieving ourselves of this excessive noise, but then again it's in someone else's territory.

"These noises in diesel trucks can be curbed. They could be entirely eliminated. The cost there is the whole matter. The representative of the trucking industry admitted that there was a new muffler that was quite satisfactory, but it involved overhauling those diesel engines once every 30,000 miles instead of once every 100,000. In other words, strictly a matter of dollars and cents, but if this thing of permitting any vehicle to operate with the noise that is inherent to that type of equipment and type of engine that comes from the factory is continued, we really do face an appalling future, because there is no limit to what would happen if we got turbo-jet engines on these big trucks, and therefore I earnestly request that you gentlemen consider some basis of sound just as you recognize miles per hour and weight per wheel."

Howard Mason, Secretary Metropolitan Traffic and Transit Committee, Los Angeles Chamber of Commerce

Mr. Mason said his organization had held conferences on the problem and found the Motor Truck Association willing to cooperate if some method of moving trucks to another route can be found. He said Hugo Winter, Street and Parkway Design Engineer for the City of Los Angeles, favored development of thoroughfares to be used exclusively by trucks, but that money wasn't available to make the surveys required. Wade Sherrard, General Manager of the Motor Truck Association for Southern California, he added, had agreed to make such a survey and provide the money for it.

Ralph T. Dorsey, Los Angeles City Traffic Engineer

Mr. Dorsey said he thought the proposed Olympic Freeway would solve the problem, and that this freeway should be given a high priority in the freeway construction program. He also suggested that Beverly Hills might enact an ordinance prohibiting trucks in excess of two tons.

Mr. Goldstone, Olympic Boulevard Committee of Beverly Hills

pointed out that 98 percent of the buildings between Sepulveda Boulevard and Crenshaw Boulevard are residences, whereas in the same area on Pico Boulevard, there are fewer than two hundred fifty people

in residences. He said this section of Olympic Boulevard contained between 20,000 and 25,000 people in residence. His suggestion was that truck traffic be routed on Olympic Boulevard from the ocean to Sepulveda Boulevard or Bundy Avenue, then moved south to Venice Boulevard, Pico or some other street, to Crenshaw, and then back to Olympic.

William Bishop, 20th Century-Fox Studios

Mr. Bishop said his company had no objection to the use of Pico Boulevard, but that truck traffic on Olympic constituted a serious problem for studio production.

Mr. Dorsey interposed the following statement at this point:

Trucks can now come in Olympic, turn on Sepulveda to Pico, and use Pico on into the city. It isn't good reasoning for any trucker to turn back north once he reaches Crenshaw because the objective is the center of gravity—Washington and Alameda. Therefore, he should turn south and pick a route, preferably Washington. Washington, within our city limits, is a truck route. Pico, within our city limits, is a truck route. Sepulveda is a state highway. By its very nature I say trucks seek their own level. These truckers do what they want to do, and their natural level is Washington.

Mr. Goldstone added that he felt certain the State would approve prohibition of trucks on Olympic Boulevard in Beverly Hills, if the City of Los Angeles would join Beverly Hills in such a petition to the State. The State Department of Public Works has discretionary power concerning such petitions and resolutions, he said.

It was pointed out by Beverly Hills residents that groups in both Westwood, Los Angeles and on Olympic Boulevard east of Beverly Hills, are in process of organization to fight the use of trucks on Olympic.

GLENDALE HEARING

Henry A. Babcock, Babcock, Stearns & Van Hook, Inc., Engineers

Mr. Babcock said, "The metropolitan community is breaking up into smaller communities—semi-isolated and semi-provincial—with populations ranging from 30,000 to 100,000. In many cases these sub-units have their own chambers of commerce, business men's and merchants' associations, service clubs, churches, hospitals, and other activities of a highly localized character. The advantages of metropolitan life increase in proportion to the size of the population, everything else being equal. With the disintegration of the metropolitan area into small, self-centered "towns" isolated from each other to a considerable extent by the inadequacy of transit facilities, there is a loss of these metropolitan advantages. The inhabitants must content themselves with the facilities for living which can be provided in a small city of 30,000 to 100,000 population and forego, to a large extent, the greater and more diverse advantages available in a metropolis. The common economic, social, cultural, recreational and administrative interests which bind the population into a unit are tending to break apart.

"The disintegration of the Los Angeles and the San Francisco-Oakland metropolitan districts, with its attendant losses, can be averted, in my opinion, by the installation of adequate, comprehensive, and unified public transit facilities designed to permit travel from any point to any other point within the region. A considerable study of this problem, extending over the past 20 years, indicates that existing forms of transit facilities can be utilized only in part, and that the major portion of the transit load must be handled by some new type of full coverage, high speed, high frequency system capable of competing with the private automobile. To make such an integration of transit systems self-supporting and self-liquidating, without tax subsidy or burden on property owners—an end highly to be desired—it must be attractive from the rider's viewpoint and must be economical in operation. There is every indication that this can be accomplished.

"Because these metropolitan districts embrace a considerable number of separate municipal governments and because the very nature of the problem requires integration of the area, it cannot be solved at the local government level.

"Furthermore, it appears that the sale of bonds to finance the construction of transit facilities, even in the case of a self-supporting, self-liquidating system, is infeasible unless interest and principal payments are insured by the power to levy a tax to meet possible deficits. For these reasons, legislation permitting the formation of transit districts appears necessary.

"In my opinion, such legislation should be enabling in character and not restrictive. It should be broad enough in phraseology to permit consideration of any and all plans offered for the solution of this major problem.

"I believe that a transit system of an integrated type making use not only of subways, but monorails, streetcars, busses, trolleys—I hope I made that clear: No one type of transit can do the whole job. Your chairman has made it clear that very probably the ultimate solution will be an integrated combination of known forms of transportation plus new types.

"The result of our investigation over quite a number of years leads us to say it doesn't appear feasible to sell securities as a private enterprise to finance any form of transit facilities. The reason for that is historical.

"Our proposed plan of financing is the issuance of bonds by a transportation district which would be a creature created by the State Legislature. That district would issue bonds to finance the cost of construction, acquisition, and so forth. The interest and principal payments on those bonds would be met out of the revenues of the system itself. But they would have to be guaranteed. That is, a definite guarantee would have to be based upon the taxing power of the district.

"In other words, to make the sale of bonds practical in the security market, they would have to guarantee if there were a deficit at any time, the district would submit to taxation to cure the deficit.

“On the other hand, as citizens and not engineers, we are not in favor of any form of subsidy to a transit system. We believe that an integrated transit facility can be designed which will support itself from its own revenues and therefore be entitled to be called self-supporting and self-liquidating.

“The type of operation which we contemplate would probably net after operating expenses, replacement reserves, something on the order of 4 percent per annum on the investment. That type of interest is interesting to bond buyers of tax guaranteed bonds, but I don't think it is very interesting to private capital.”

Joseph A. Mellen, Planning Director, City of Glendale

“Most of our transportation problems are produced by those who move through rather than into or out of this city. Traffic and transportation problems of Glendale are not just those related to the radial movement of people and freight in and out of the highly congested central core of Los Angeles City, but are made up to an equal extent of movements of people who seek varied destinations in the fringe areas around the central core of the City of Los Angeles, and seek to avoid this congested center as much as possible by traveling on any route or means of transportation open or available which lies in the general direction of their destination.

“The citizens of Glendale shop more in Pasadena and Hollywood than in Los Angeles. Their places of daily employment are distributed throughout the metropolitan area as well as in the center of Los Angeles. Their destinations for social engagements other than Glendale are all over Southern California, and their recreational destinations all over the southwestern portion of the United States.

“Our observations are these:

“Any transportation system, highway or rail, intended for either mass or individual transportation must be of the ‘network’ variety rather than just a radial system to some particular center (such as the center of Los Angeles) because of the even spread of destinations of persons who seek to use the system throughout the whole metropolitan area.

“Any mass rail transportation system should be coordinated with the freeway system so as to cut through the residential communities in as few places as possible.

“All fast interurban mass transportation routes should be on separate, exclusive rights of way separated from cross traffic or be placed in subways or on elevated structures.

“Where possible, mass rail and highway routes should be within the same over-all right of way for economy of construction, neighborhood convenience, and safety.

“There should be at least one freeway and one mass transportation facility, directly connecting each major population center with each other near major population centers, within six miles, within this metropolitan area insofar as possible with coordinated schedules to provide reasonable continuous rides across the entire metropolitan area in any one direction.

"The average frequency of service should be not less than five minute intervals at the peak hours and not less than 15 minute intervals at off-peak hours. The fares should be not to exceed $1\frac{1}{2}$ cents per mile for short hauls and 1 cent per mile for long hauls.

"Coaches must be comfortable, well ventilated, and of sufficient quantity and capacity to avoid standing in the aisles for long hauls.

"Speed should average 60 miles per hour for interurban runs. Road beds must be safe, well maintained, and avoid sway or rough motion of the coaches. Operating facilities must be modern, safe, and efficient. Employees must be well trained and courteous.

"For public support, any system to be authorized or established will have to be one which provides services and facilities commensurate with the cost to all of the district or area to be assessed for that cost and at a time reasonably near the time of assessment.

"This applies to either a rail rapid transit system, or the freeway system. It is not to be expected that any district or area will sit idly by and be assessed, make contributions or vote for a facility which only indirectly serves them or which provides good service to some other community at their expense.

"In the Los Angeles metropolitan area, it is possible to divide the region into areas of reasonably equal service necessity and to assess each of these areas for the facility that each district needs most and still be able to plan and maintain a transportation network. Such a plan would receive good support because of uniform benefit derived.

"Under such a system the citizens of the central highly congested core of Los Angeles could provide for themselves a transportation system adequate for their needs without seeking support from outlying communities.

"The outlying districts could likewise assess themselves individually for the connections to neighboring centers or join with Los Angeles for a connection to the downtown Los Angeles center and each receive the benefit at the time of being assessed because the services would be localized as well as interconnected.

"It is anticipated that any legislation proposed, in order to receive wide-spread support, will have to provide a degree of local control to a governing body within each individual district and to the governing bodies of the cities included within those districts to assure the even distribution of control and benefits of the transportation facility. Politically, no other system will work.

"It is also desired that any new legislation make it possible to perform the task of providing a mass transportation system rapidly since the need is so acute as to demand urgency treatment.

"As a general policy it would seem appropriate that the legislation provide for some existing private transportation agency to provide the operating services, but a means should be provided for ownership and operation by the public as a last resort should private enterprise be unable or unwilling to do the job.

"The specific needs of the City of Glendale would be normally met if communities surrounding Glendale and this city were placed in a district and assessed for the construction of transportation facilities that

interconnect points within this general area such as a two-way rapid transit rail line connecting the centers of Hollywood, North Hollywood, Burbank, and Glendale to downtown Los Angeles with a branch connection to the La Crescenta Valley. Similarly a connection from Hollywood to Pasadena via Glendale would be beneficial; or a connection from Alhambra to Pasadena, Glendale and Burbank would be useful. A speeding up of the Burbank to Los Angeles rail traffic through Glendale by means of a subway under congested points or by the development of a high-speed protected right of way on the surface that would cut the time to Los Angeles in half would be a great benefit to a large number of persons residing in Glendale, Burbank, and the easterly portion of the San Fernando Valley and would unquestionably cause many auto riders to leave their autos at home, thus helping to solve the existing highway congestion problem.

"This city is not interested in legislation which will assess this city or district for large capital investments with only a promise of some improved service at some uncertain date in the future.

"We are interested in sound legislation that assures Glendale and the Glendale area of adequate representation to be able to procure good, comfortable, efficient transportation at a price commensurate with modern standards of service and provided at a time when it is most needed, the present or immediate future.

"Legislation which will produce such a transportation system will include the following fundamental requirements:

"1. Legislation patterned after the metropolitan water district.

"2. Permissive rather than mandatory, insofar as the annexation of new areas or districts are concerned.

"3. Local representation on the board of directors for each district served in proportion to assessed value of land and improvements and population.

"4. Long term amortization of revenue bonds backed by the credit of the area to be served.

"5. Right for the cities served to investigate charges, profits, reserves, operating and managing personnel and such other matters as affect the efficiency of the system.

"6. Rates to be fixed after public hearings and technical reports have been prepared on service demands and operating costs.

"7. Right of districts to operate independently if desired as a transportation district, provided the system is coordinated with adjacent transportation facilities.

"8. Districts to be formed by election within the proposed district boundaries with a simple majority of voters required to establish the district.

"9. Power of eminent domain to be granted to the district to acquire land and improvements.

"10. Cost of creating the district for electing procedure, etc., to be levied only against area included in the district.

"11. District to own all rights of way and fixed equipment.

"12. Rolling stock to be owned by the operator.

"13. Power for any district to extend its lines beyond district boundaries in order to complete connections of a loop system.

"14. Within a district where surplus electric power is available, the district should be permitted to supply such power if desired by that district.

"15. The district should have power to acquire the rights and use of any existing operating facility now serving in the district.

"It is anticipated that all of the planning and engineering work up to the point of construction and actual income from the revenue bonds could be financed by federal aid under existing legislation.

"Because of the utility and importance of such a system to national defense, an increment of federal aid may be expected to aid in the actual construction costs.

"All of the above are ideas as to what such legislation and such a mass transportation system might include to improve the mass transportation needs of this district, and are intended as constructive recommendations of mass transportation needs. In addition, legislation is also needed to be able to speed up the timing of freeway and highway construction which, though greatly improved by provisions of the Collier-Burns Act, is obviously still lagging far behind for timely benefit to large population centers and the outlying communities around Los Angeles. At the present rate of construction, these areas will not receive any direct benefit for approximately 8 to 25 years. Some legislation is needed which will permit more immediate construction of the portions of the freeway and highway net work around the center of Los Angeles as well as those now on the program and under construction through the central core of that city.

"Legislation is needed which will permit a state-wide bond issue to permit a long-term amortization of bonds and immediate wholesale construction program of freeways to meet today's problem, paid for from a portion of highway user tax revenues of this State.

"The City of Glendale will be pleased to cooperate in any move to more adequately meet the transportation problems of this area, provided there is some reasonably immediate or near future benefit to the plan proposed to the citizens of Glendale and surrounding communities.

"We are not too interested in how this is to be done as long as it is done quickly and in a manner so we have a reasonable element of local control and the assurance that we get what we pay for."

A. Davino, Davino Suspended Rapid Transit System

(See Mr. Davino's testimony at South Gate Hearing and Appendix Exhibit ----.)

Mr. Davino said that under his system, a line from Los Angeles to Glendale could be operated for a 10-cent fare and be self-liquidating. On a county-wide basis, he said, "we figure we can carry about 180,000,000 passengers per year. The city and the transportation department estimate they carry 200,000,000 passengers a year. We estimate we can give a round trip for 40 cents and they figure 27 cents for a single trip."

At this point *Mr. Babcock* declared: "The central core of Los Angeles is an area of 175 square miles and now has a population of about 12,000 people per square mile, and that area, in our opinion, should be served almost exclusively by a network of underground tubes.

"There are two reasons why they have to be underground. You have to have a network to get your coverage and the diversification which we consider essential. The other thing is that if you are going to have a network, you can't put it in the air. People will be opposed to having elevated structures of any kind going by their property, at least in residential areas. I don't think you can run any type of elevated structure except through a business district or an industrial district. Therefore, as an engineering matter, you have to put the thing underground.

"If you have a network, you have the question of intersections. You can't stop trains while one goes by at a grade separation at this late date. Therefore, we propose at our intersections one tube goes under the other one."

Following Mr. Babcock, *George D. Roberts, President of Monorail Engineering and Construction Company*, declared that based on 7,000,000 passengers a year, his proposed line would show an annual profit of \$190,188. This would be based on a charge of 70 cents on the Long Beach run.

Clarence Knox, Manager, Bank of America Building

Declaring that he represented the owners of \$2,000,000 worth of property in Glendale, Mr. Knox said: "We very definitely do need additional transportation of all kinds, whether rapid transit or freeways. With respect to freeways, I also want to say that the freeways that are now being constructed in the City of Los Angeles and surrounding territories, including the Santa Ana Freeway, will, naturally, be of some benefit to the City of Glendale. Our big problem at the present time in Glendale is to get from Glendale to those freeways.

"We do need, not 10 or 12 years from now, but now, additional freeways. Maybe not of such an expensive type as the Hollywood Freeway. I think the correction of a few very bad stretches and intersections would help materially, such as the Los Feliz and the Glendale Boulevard crossing at the Southern Pacific tracks. Some money can be spent and access improved between Glendale and the Arroyo Seco Freeway.

"We need immediate relief of that kind along with a little bit longer range program of freeways. A correction that would give us relief from Pasadena to San Fernando Valley to North Hollywood traffic would be the extension of Colorado Street. I think improvements of this kind should be given consideration along with the problems we are going to face in the future.

"Whether Mr. Davino's System or Mr. Roberts' System should be constructed is an engineering decision. If we have to have above-ground transportation, let it be of a suspended monorail type. Over 12 years ago, I had occasion to study some of the data and reports that were made for a suspended monorail system for the City of Queens. Information was gathered by a company known as the Atlantic Suspended Monorail Company, and I think that is the least objectionable of any elevated type of structure.

"I believe very definitely that every property owner on Brand Boulevard would fight any kind of an elevated structure. I can see no reason why, if you have a wide divide just as on West Glenoaks Boulevard or on some streets through San Fernando Valley, that have divided highways, a modern type of monorail might not be acceptable to the people.

"Your biggest difficulty is your stations. Any time you put a station up in the air, it will require structures that will block and shadow the ground or the roadway underneath, as well as the adjoining property.

"I think with the use of the monorail system, present freeway rights of way, which have not been designed for rapid transit use, could be converted to rapid transit use without the addition of any more rights of way except possibly for station plots. I think that would be preferable to operating heavy busses over the freeways. Of course, there are some freeways that busses would probably be more economical on and would be the only thing to be used.

"If you go to highspeed freeways and put big busses on them, it is also going to raise the safety factor, and I believe the monorail would work well there."

POMONA HEARING

Stuart G. Wheeler, Mayor of Claremont

Mayor Wheeler declared, "Our requirements for rapid transit here would be different than the requirements for rapid transit in the City of Los Angeles. We all appreciate that Los Angeles and the area down there need a traffic system and need it badly. We feel out here that with three transcontinental railroads and the P. E. traversing our narrow valley within a distance of less than four miles, that for our present needs that and the bus service might be enough. In the future, perhaps 30 years from now as you say, when our valley grows up to where that need for a rapid transit is warranted, we feel we would like to be in a position to join a rapid transit system, that we could attach to it and be a part of it."

He suggested that the committee give thought to creation of a number of rapid transit districts. He said he felt his district could take care of its own needs at present, but that it might later want to join a metropolitan district when the growth of his area warranted.

John C. Price, Mayor of La Verne

agreed with Mayor Wheeler. He said, "I would like to emphasize that we feel that a rapid transit system in a section as sparsely populated as this could not possibly pay its own way, and we can see no reason why we couldn't work out our own problem out here since we know it better than anyone else. If we need busses or lines or special cars we would be subsidized. We want to have the right to form our own district. We don't feel that the central district is going to worry about our transportation problems like we are. We don't feel that we can stand any more tax load until our incomes out here have been increased by a greater population and business. I think that is the general feeling in our whole valley. I believe we are pretty well agreed."

He said at present it takes longer to get into the downtown Los Angeles area than it did years ago, and that a freeway is an absolute necessity. He said bus service was very inadequate, and that one possibility might be putting some up-to-date trains on the railroads that run through his area and into Los Angeles. It is his belief that the public would use good public transportation if it were provided.

Karl Dienes, Faculty Member, Men's College, Claremont

Professor Dienes pointed out that the metropolitan area is not a contiguous and uniformly spreading area from a central core. Beyond the central district there are numerous small centers such as Pomona, and busses, he declared, probably could solve the problem.

He expressed belief that busses might solve the problem of transportation between the various small communities. He added, "Commuting is not the lucrative business many of us think. If it were, the railroads would give service, rather than shy away from it. In other words, incentive to make a profit would create service. The fact is, they are all trying to give minimum service or stay away from it completely. It is not a money making proposition."

"There are systems that can be devised to pay according to our pocket. It is difficult to see what is in store for us 25 years hence, but let's not set the pattern where we are mortgaged for 50 years and bind ourselves when developments are still going on. We don't know now where we will end. We can't foresee the end of this metropolitan area 50 years ahead.

"I am thinking if we have a huge district that covers so many square miles from one end of the county to the other, it is awfully difficult to move along those lines simultaneously. If you break the problem up and let each natural economic segment work out its own solution and progress in its own way, its progress and advancement will stimulate other districts to do likewise. It's the old American system of competition. By breaking a problem down and allowing progress in one segment, we would put an end to this endless master planning that always fails."

P. Frederick Wellensick, Chairman, Pomona Planning Commission

"Take the problem of a man living in Pomona," he said "True, we need freeways, but they are not going to be the ultimate solution of our problems. We have already cited the case of the amount of traffic flow on the freeway between Pasadena and Los Angeles.

"Population density might conceivably be very great some day, and we should plan for that now. We would like to have your committee consider a type of enabling legislation that will allow our politically fragmented valley, or our economically united valley, to act as a unit without going before the Public Utilities Commission. We would like to be able to solve our problems as they are now so the traffic can converge on a point, to solve our problems so that the space between this point and the city can be bridged either through commuter train service, or some other more modern means."

George D. Roberts, President of the Monorail Engineering and Construction Company

(See testimony by Colonel Roberts at earlier hearings.)

Mr. Roberts declared, "I am not saying that a line from the Pomona Valley to Los Angeles would pay, but it might if the proper survey were made. It appears to me that the communities must take it upon themselves to make origin and destination surveys themselves to find out conclusively whether any type of rapid transportation, no matter what it might be, will pay from their community into the hub if they want to get there."

As the hearing closed, *Assemblyman Kilpatrick* said he believed the community was far from united on the transportation policy for this area, and that before the committee reached any conclusions, it should study the various and complicated segments of opinion existing in the Pomona area.

WHITTIER HEARING

Ralph Thynnes, Manager Whittier Chamber of Commerce

Mr. Thynnes said his community was faced with the same problem existing in others in his area, i.e., lack of transportation facilities to Los Angeles and then "no place to park your car." In addition, he pointed out Whittier people lack transportation to the beach or to places where they are working in Long Beach and other areas. He was joined by *Mr. Herman Perry*, who said a major traffic problem exists which "we don't know how to solve." He was joined by *Howard Church, City Manager of Whittier*, who said his city's bus transportation was inadequate and a traffic problem existed which his community did not know the answer to. He suggested a community committee be formed to study it.

Lindsay van Tongeren, Manager El Monte Chamber of Commerce

Discussing the Ramona Freeway he said, "It is the question of the method of construction of the freeway. The community and the City of El Monte have suffered for years from the fact that the State has set up the route of the freeway and nothing has ever been done about it in the acquisition of property and otherwise. Therefore, it has meant a loss of property evaluation and an area that is undeveloped, and it will continue to be in that undeveloped state until such time as the freeway is constructed.

"The thought is in our minds that it is far worse to have the freeway through on its proposed method of construction than to suffer the loss in valuations which now exists because the freeway is not constructed.

"The freeway is proposed on a 20-foot embankment following the P. E. Railway. It is maybe 90 to 100 feet or more wide, and one-half block from the business district which, to our mind, would create a China Wall through the middle of El Monte and block major streets.

"The city has been successful in obstructing that method of construction because, under state law, the major streets cannot be blocked. We have made a counterproposal repeatedly to the State Division of Highways to have the freeway constructed as a recessed highway through the community of El Monte. We suggest they make a deep cut through which the freeway can go. The State has arbitrarily refused to consider our plan.

"We have had experts employed at a cost of thousands of dollars to present their evidence to show that they are wrong in insisting that the freeway cannot be constructed as a recessed highway. I think the construction of the Ramona Freeway is one of the most helpful factors in solving the transportation problem for the whole San Gabriel Valley. It would permit travel of the people throughout the valley into all parts of the Los Angeles area and would also get them out to the valley.

"The State Division of Highways should be influenced to come to some compromise or agreement whereby the interests of all parties would be properly served."

Fred King, Administrative Officer, City of El Monte

supported the views of the preceding witness. He said, "We have taken this problem before different committees of the Legislature. We have been before the Highway Commission at various times. We are in the same position today that we were in six years ago. Nobody is getting anywhere with it.

"Getting away from our freeway problem and into another one, I think we in the outlying districts feel that rail rapid transit is highly preferable to all concerned over the busses. This is our reason: We recognize the situation in Los Angeles; we recognize the traffic congestion. We know that every day and every year more people must rely upon some sort of transportation other than their own automobile to get into Los Angeles and find a place to light. We recognize that sufficient busses to take care of the load would place an added burden on the highways, something we are trying to get away from as much as possible.

"That leaves only the rail method of transportation as a feasible means of getting us into Los Angeles. I have attended a number of meetings of the rapid transit committee in Los Angeles, which was attended by many of the best brains in Los Angeles County on transportation.

"We always got down to the fact of 'Who was going to pay for it?' We recognize that rail transit does operate in the red as a rule. We have heard that it does operate in the red in other cities where it has been on trial. How is this deficit going to be taken care of?

"When the matter of formation of districts was brought to us, we find it very unlikely the districts are going to bond themselves to provide a method of transportation that doesn't pay its way.

"Also, in the formation of districts we find that those of us who are immediately adjacent to a proposed rapid transit line might be more or less agreeable, but how about a city that is four or five miles from that line? Are they going to be willing to pay any portion of the bonded indebtedness?

"It's a tough problem, and I haven't heard any sign of a plan that would be acceptable to the people as a whole.

"I do feel quite strongly that rail lines are the proper method of getting people into our metropolitan center."

Jack DeVriez, Norwalk Chamber of Commerce

said he understood the freeway link between Lakewood and Rosencrans was not expected to be built until 1955 and urged that it not be postponed as is contemplated. Following him,

A. L. Stennard, Downey Chamber of Commerce

said that

"Both Norwalk and Downey are closely related as far as transportation is concerned. I feel for immediate relief the freeway that is now under construction should be pushed ahead of schedule if it is possible. That will relieve some of the east and west traffic.

"I understand there is another freeway, or a truck route that is being proposed for the north and south traffic, and that will relieve Lakewood Boulevard considerably.

"If there are any other plans for freeways, and I understand there are for parkways to the south of us, I think all of that should be pushed ahead of schedule.

"Growth at the present time is moving east of Los Angeles. The acres west of Los Angeles have had their big growth, and we are having ours now."

Henry A. Babcock; Babcock, Stearns & Van Hook Incorporated, Engineers:

declared any adequate rail system should not show a deficit. He said the local area was 25 years behind eastern cities and that Los Angeles had not even started "on its transit problem." If it imitates the New York Subway or the New York Elevated, he declared it would make a serious mistake and be stuck with an obsolete type of transportation. He said the best answer was a publicly owned system with the public's money in it and giving the public maximum service with the revenues available.

(Mr. Babcock then showed a series of lantern slides bringing out the following points: He suggested a network of subways in the Los Angeles Central area supplemented by a network of feeder lines, mostly on the surface.) Explaining his proposal, he said,

"We have had to develop a very high speed system, and one which can stop every mile because we are after coverage. There is no problem at all in designing a high speed railroad if you are not going to stop. If you are going to run for quite a few miles and make slow starts and stops it is no trick at all. We are shooting at 40 miles an hour average speed including a fifth of a minute average stop to unload and load, which is 50 percent more than you need. I don't have to negotiate a ride with a conductor on this system like you generally do. You don't have to ask him where you are going and what the fare is. There are no zone fares, and you don't have to stop for collection of fares or the punching of transfers. To make 40 miles an hour with a 12 second stop, we have

to make the miles, start, run, and stop, as you can figure out, in 78 seconds. To do that we have to hit 70 miles an hour in the between places. We also have to accelerate those trains at a relatively low rate. You can't take off like an airplane. We have to maintain a rate of acceleration and deceleration inside of four miles per hour per second. The trains are semi-automatic, and the driver can't throw you off your feet and can't do what every manual car does in the United States. The operator puts the power on and he takes the power off, jerking your neck. You have to have a semi-automatic train, one that will take off automatically. All the motor-man does in our system is punch a button that closes the door. When the train gets up to that speed, it runs for a very short period, running over a switch in the tracks. These motors are converted into regenerative regenerators, and we have a new plan, not disclosed to the public as yet but which we will disclose to your committee, a new means of taking kinetic energy of that train and storing it at the station ahead and using the energy over again. We have solved the power problem which has been one of the biggest stumbling blocks.

"There are specifications which I say any man or any group should be required to meet. First—coverage. You must have a system which puts a loading point within walking distance of everybody. Not 22 percent like we have in Chicago or 39 percent like in Manhattan and Long Island. You have got to cover the territory.

"Second, you have to have what we call trip diversification. You have to be able to go from any station to any other station. There are new ideas. On the Chicago Elevated and the Boston Elevated, you can't do that. You can go downtown and out again. If you want to go cross-town you can't do it in those towns. You can't do it in New York.

"Third, you must design a system which is fast enough, convenient enough, and comfortable enough to attract the traffic away from the automobile. You have got to actually compete with the private automobile. Don't think of public transportation or the submerged population that can't afford an automobile. You have to think of a transit system that everybody will ride, and the automobile will very largely be left at home for the wife and the children and for local service. That is where the automobile belongs; nothing will beat the private automobile for traveling around a city like Whittier. You will never get a transportation system that can compete with the private automobile in a city of this kind, but you have got to do something about transportation in the bigger communities.

"You have got to design a system with sufficient passenger carrying capacity not only to handle the whole load now, but to be able to pick up an increased load when you get eight or nine or ten million people.

"To do that, you have to have a track and station pattern of a type which can be expanded into territory which is now not sufficiently densely populated to make it pay. This pattern of ours can be expended. You can expand just as far as you want because there are no branches to intersect and no switches. You can just keep expanding.

"Lastly, you should have a system which will pay its own way. In other words you have to set up a system with a reasonable revenue per ride, somewhere between 10 and 15 cents. You could go to 15 cents at the present value of the dollar and people would be happy about it, but you can't go above 15 cents and get people to ride.

"You have got to have a system, the operating expenses of which are very low. We have a system which, due to a high speed of 40 miles an hour, has the most amazingly low pay-roll-ratio to revenue. In fact, one of the old line transit company engineers walked out of my office in disgust when I told him that the pay-roll would be 20 percent of the revenue. He said, 'That is the most ridiculous thing I ever heard of. No system has a ratio lower than 50 percent and most of them range from 50 to 80 percent'".

The point is this: Your busses, your streetcar, your interurbans run so slowly you have to have a lot more men and cars to handle the load. The economy of speed is a tremendously important thing. We can operate our system, on our current estimates, for between 50 and 55 percent of our revenues. With 900,000,000 riders a year at a 10 cent fare, that is \$90,000,000 a year of revenue and with an operating ratio of 55 percent, we are left with about \$40,500,000 of net revenue per annum to meet the retirement of the debt.

"You are going to ask what this thing is to cost. I say that you are not interested in the cost unless you also are interested in how much it is going to earn. You have no business to say that this thing is too costly unless you relate it to its earning power. The total cost of this system is large, because you are covering a large community. Our cost per square mile served is less than any system of high speed anywhere in the world. Our total cost per square mile served is less than \$6,000,000. If you are going to cover 175 square miles, which I say you have to do if you are going to get a system that is going to serve the public, you are going to need a billion dollars. It is going to cost between \$900,000,000 and a thousand million dollars. That, of course, scares everybody to death, but if you can earn net better than \$40,000,000 you can support that amount of investment. It is high time we quit thinking of ourselves as small town people. We are the third largest metropolitan area in the United States.

"The whole thing probably will take about 10 years, but the first loops could be in operation probably in two years if we started now. Our plan of building would be to start with the central business district and go out to the first circular turn around and put that in operation.

"The 2,000,000 people who live outside of the city's central core we propose to serve with a very much augmented service of busses and streetcars and interurbans, whatever would be best adapted to those areas. That will all be short hauls.

"For example, I live in Glendale. There is no subway station near me, the nearest one being three miles away. I would take a bus from my house to that subway station, then I would transfer to the subway and go downtown or anywhere in the community. As the community fattens up, then we move the subway out."

Peter van Loben Sels, as operator of a bus line serving El Monte and the unincorporated areas of Baldwin Park, Temple City and portions of Monrovia and West Arcadia, said:

He thought efficient bus lines serving smaller communities and acting as feeders to a metropolitan transit system would be effective. He asked the committee to investigate present transportation taxes, pointing out that, "there is a flat 3 percent tax of the total gross receipts that

must be paid to the State each month. It is my feeling that that particular tax is one which hampers the growth of a bus line to the extent that we are not able to give adequate service that we would if it were not for the tax."

LOS ANGELES HEARING

Wendell Van Hook, Consulting Engineer; Babcock, Stearns and Van Hook:

Mr. Van Hook appeared to present information on the financial aspects of transit operations, particularly those conducted by the New York City Board of Transportation in the fiscal years ending June 30, 1948 and June 30, 1949. (See Appendix, Exhibit 1.)

"The selection of the New York City Board of Transportation figures is because of the fact that it handles rapid transit streetcars, motor busses, and trolley busses. It makes public the revenues, the expenses and statistics of operation for each type of public transit. The year ending June 30, 1948 and June 30, 1949, are used because they are the two latest years in which the board reports and furthermore, up until June 30, 1948, the rapid transit and other fares were on a 5-cent basis in New York City.

"On July 1, 1949, the fare was changed to 10 cents on the rapid transit and to 7 cents on the surface line operations. That is not the average fare. That is the adult fare but there are special fares for students as is customary in most transit operations so the average comes down lower than 10 cents and 7 cents.

"For the years ending June 30, 1948, all services by the board under the 5-cent fare schedule were operated at a deficit.

"The rapid transit deficit is shown in the first page of my report. With the 10-cent fare, a different situation was brought about in rapid transit. The rapid transit lines had an operating profit for the year ending June 30, 1949, of \$23,366,910.

"While the streetcars and the motor busses had large size deficits, the trolley busses were first operated in that year and they had a profit of \$311,014."

Assemblyman Conrad asked concerning the cost of excavation if there would be anything in the law or from an engineering standpoint that would cause an additional expenditure in Los Angeles over New York, inasmuch as excavation costs of rock structure appeared to be 10 times as high in New York as in Los Angeles.

Mr. Van Hook said that he knew of no such reason but the point certainly should be considered in any local consideration of subways.

Discussing subway problems in other cities and their relation to Los Angeles, Van Hook said, "you only have one city that has a large amount of subway line, and that is New York. What they have in Chicago is a four-mile line, a double track line, at present to take care of the elevated lines through the more congested part of the city. They are also in the process of building a second subway line which will go out north-west on Milwaukee Avenue.

"Boston has a subway elevated lines, but with not very great mileage. That is also true of Philadelphia.

"You have to realize, also, that in Boston, and to some extent in New York, and in Pittsburgh and Chicago, you have a tremendous volume of truck lines and railroad commutation service. In Chicago there are five railroads. They provide a tremendous amount of what practically equals rapid transit service within the city and within the metropolitan area. In Boston, very much of the service there is rapid transit service provided by the New Haven Railroad, and the Boston and the Maine. The Pittsburgh and Pennsylvania Railroad runs a large volume of such service in all directions."

Considering communities such as Long Beach, Santa Monica, Beverly Hills, San Fernando Valley, Pomona, etc., he said, "it has been my opinion with respect to that in any city you cannot have rapid transit except in areas with reasonably dense population and which can give reasonably heavy passenger traffic. When you go beyond that area, you have to provide some other form of transit."

"When you come to Long Beach and San Fernando Valley, I think that they need a form of rapid transit but they can't have it by subway. There is not enough business. It either has to be surface or elevated. I think that is a very good out for those distant areas. When it comes to Pomona, I don't know. There are not so many people who live in that area, but you might have it from Monrovia clear on out to Pomona, and to Claremont, although the intervening towns are small. There is a difficult problem out there."

"San Fernando Valley is another situation. Possibly that could be worked out with monorail. Possibly a rapid transit line could go through the pass north of Hollywood, and you would have connecting surface transportation."

Chairman Burkhalter at this point asked whether or not people have become so accustomed to driving their own cars that they might refuse to use up to date transportation, even with greatly reduced running time.

Mr. Van Hook cited the situation involving the Cleveland Rapid Transit Line and the adjoining communities of Shaker Heights and Cleveland Heights: "That serves the City of Shaker Heights and the adjoining City of Cleveland Heights. That is the source of most of their traffic. The people used to drive downtown to Cleveland, but during the war because of the gasoline shortage the people from those two cities found it advantageous to go over and take the Cleveland Rapid Transit Line. The rapid transit lines provided that each station at the southerly extremity of the line in Shaker Heights have parking space along the right of way. I know many people out there, and I have been out there since Shaker Heights took over the operation. My friends out there told me they would never drive downtown again. The rapid transit service had been so improved and was now so fast they much preferred to park their cars out there and ride in on the rapid transit because they got to town quicker and it was altogether more comfortable, and they got rid of the traffic congestion on the boulevards leading into downtown."

"I don't have their last figures, but they were losing practically no patronage since the war, whereas all other transit lines in the Country were suffering to 10 or 12 percent loss in traffic."

"How much of that loss is due to higher fares I don't know. Many of these cities that I quote here with fares of 8 cents, 9 cents and 10 cents, have gone up to 11 cents, 12 cents and 13 cents, and then some went to 15 cents. That was true in Chicago on the surface lines.

"That forces a lot of people to consider using their cars when you get the fare too high for the type of service you have. In Chicago there are only about 13 percent of the total transit passengers who use the elevated line for the simple reason that the elevated lines are generally parallel to the much better service they can receive on the steam railroads for commutation purposes."

Robert L. Reichenstall, Civic Betterment League

Mr. Reichenstall suggested that too much of the discussion had been based on the idea of solving the transportation problem with automobiles. As a result, he said, we have a proposed network of freeways, whereas it is evident that even with the use of such freeways as we now have, congestion builds up rapidly, particularly at the point of entrance.

"It is becoming more and more clear that we cannot rely on mass use of the automobile to solve our traffic problems.

"The capacity of the individual automobile at times of heavy traffic is one and nine-tenths persons. A three-lane highway at that average capacity can carry a maximum of 21 or 22 thousand persons per hour.

"It seems a shame that up to this point that has not been realized. We must reach a definite conclusion that the only way we can solve our traffic and transportation problems is by construction of a rapid transit system which will accommodate conveniently and comfortably large masses of people. Such an efficient system will eliminate the parking problems which has arisen because so many people feel they must rely on their private automobile to get from home to work.

"Another thing is the tremendous expense which will be involved in the construction of large masses of super highways which will not give the return warranted by their expense because of the small number of people that can be carried on it. A good rapid transit system will avoid that cost. The cost of construction of any type of rapid transit system will compare favorably with that required to move a corresponding number of people by automobile. At the time the New York subways were constructed, constructions costs were less than they are now, but at the present time such subways probably would cost 6 or 7 million dollars per mile. I believe the best estimates of the cost of freeway construction is 3 to 4 million dollars per mile. I do not believe that includes the cost of property and the cost of condemnation. I believe the best estimate would be 5 or 6 million dollars per mile; and after all this expense has been incurred for an estimated 200 miles of freeway, which I believe is eventually expected to be constructed in Southern California, I don't think we will be any nearer to the solution of the traffic problem. Even were we now to plan a rapid transit system and build at the same time the type of freeways that we have not, we would be simply wasting a large part of the money we would be spending on the freeways, because, as I said before, of the limited number of people the freeways can carry.

"Here is another point I would like to make. This whole subject of transportation and traffic problems should not merely be approached from a narrow viewpoint by referring the whole matter to one committee or one governmental body and giving them full priority or *carte blanche* to plan merely for the solution of one phase of the problem. I refer to the problem of automobile traffic. The problem of automobile traffic is one phase of the entire problem of moving people from place to place and is a matter of city and regional planning. The original viewpoint when this project was first contemplated perhaps 15 or 20 years ago, and more thoroughly developed possibly 10 years ago, when the parkway plan was developed, was that the attention of the engineering department was focused on the traffic problem created by automobile congestion. Nothing else was considered.

"The basic principles of planning seemed to indicate that any one phase of this entire picture cannot be given such priority without consideration of its relation to the entire phase. In the development of the freeway program, it has become clear that it is necessary to condemn large strips of property with the result of eviction of many, many people from their homes, the closing of schools and playgrounds, the creation of traffic bottlenecks, because of the stopping of cross traffic at various points, and a general detrimental effect on the entire community by reason of the denial of access to places of business.

"Were the gain to be realized from that outweighing the detriment caused, I would say there certainly could be no objection, but I do not believe that it has been demonstrated so far or will be demonstrated in the future that automobile congestion will be lessened by the construction of such a network of highways. Even if automobile congestion were considerably reduced, there still would remain the need for a modern and attractive system of rapid transit. I would say that the basic problem in freeway construction is the fact that at the point of ingress, the point where other highways enter upon the freeway, there is a tendency to jam up. On the Arroyo Seco, you will notice that at Castelar Street the traffic jams develop in the evening rush hours. There is a delay of 10 to 15 minutes in getting into the open stretch of the freeway which negates the whole gain realized by the saving on the highway.

"Motorists knowing there is a freeway are attracted for a considerable distance away and there is a tendency to jam up at these points of ingress. I think it is a principle of automobile movement that no lane of traffic can move faster than the slowest automobile in it, and any congestion along the route tends to back up and slow automobiles for long distances back.

"Now, another point is that in the closer-in areas of town, the time to be gained by the use of the freeway is not balanced by the loss of time involved in the gaining access of it. Therefore, it is evident that the freeway, whether it was planned that way, is designed for the use of the driver who goes considerable distances. If that is the case, then I think where the motorist is going long distances or from one city to another, it would be the wisest plan for a freeway to make a sweep around the business areas.

"Freeways which were planned to centralize upon a particular area tend to attract thousands and thousands of additional areas, which will only increase the congestion in the downtown Los Angeles central district.

"In view of the fact that planning has gone this far, I will maintain that emphasis should be immediately changed from the accent on highway construction to rapid transit construction. Where such highway construction is to continue, I believe it should be in a form which will cause the least inconvenience and loss to the community at large as it is integrated into the entire planning of the community.

"I believe various ways can be found to ameliorate this automobile congestion. There are certain tactics which have not been employed in the past to their fullest advantage. One is the simple matter of signal synchronization. I believe another thing that could be tried would be the use of natural avenues down which highways could be built. One is the Los Angeles River bed. That has been advanced in the past. I don't know why no further work has been done on it. I estimate the river bed could be converted into a freeway and in use all but 10 or 15 days in the year, probably not over two years and that would provide a natural artery for people from San Fernando to the harbor area with no conflicting cross traffic.

"Another idea is one that has not been studied very much. That is the construction of elevated highways, double deck streets, particularly in industrial districts where it will not cause a great detriment to property values. I think the cost would be less than constructing a freeway paralleling other highways between blocks and at a probable cost of three to three and a half million dollars per mile, and with no necessity for the eviction of people, or anything of that sort.

"We have other incidental problems arising from the fact where freeways are planned, the whole basic plan was devised and the City of Los Angeles made contracts with the State, if not in all phases of it at least in portions of it, to turn the entire authority, if the State did not have sufficient authority to plan all details of the various freeways, over to the State Highway Commission, and various injustices have arisen such as the choice of routes or type of highways. Certainly, steps should be taken so final authority on such matters would rest with a state planning authority of some kind or with the local planning bodies. Ultimately, it should rest with the people of the city and the legislative bodies of the community.

"Since the end of the war, many of us have come to the realization that while we believe that high speed highways were necessary, in addition to that rapid transit is also necessary. I feel that the emphasis has been wrong end to. We should emphasize rapid transit, and where necessary and where beneficial, we should relieve our automobile traffic problem with certain types of highway construction, but not the type of freeways constructed so far.

"I would like to state that experience will demonstrate and facts and figures will show that where the resident is confronted with a choice of driving his own automobile downtown with its attendant disadvantages, such as danger of driving in heavy traffic, cost of gasoline, and no parking space on arrival downtown, or with taking an efficient public

transportation route, he will choose the public transportation. He may not be aware at first of the advantages of the rapid transit, but I believe with a little time and given the opportunity there is no question but he would prefer to leave his automobile at home and use the rapid transit system. There have been many reasons why rapid transit systems have failed in the past. Mismanagement and the tendency to use rapid transit with low fares is a talking point of officials to demonstrate that they have carried out their responsibility to the public. I don't think the point is on fares but on service. Even a fare as high as 30 cents or 45 cents or 50 cents to San Fernando Valley one way, would be less than the cost of driving an automobile.

"I have one figure that I can recall having seen in a booklet produced by the P. E. Company about two or three years ago showing the capacity of the freeways and the rapid transit lines. According to their figures, the maximum capacity of a two-track rapid transit system without specification as to the type, would be approximately 110,000 per hour as against a three-lane freeway, which would probably be four lanes when you included the shoulders and parking and safety strips, with a capacity for 21,000 persons."

E. L. Barker, Civic Betterment League

Mr. Barker said he had watched and recognized the impossibility, with the growth of Southern California, of transporting its people by private automobiles.

Quoting a tabulation which he said had been prepared by the General Electric Company:

"It shows the vehicles required per hour to carry the number of passengers, the maximum number, which will be approximately 80,000 passengers. Automobiles with 1.75 passengers it would take 45,000 per hour to take care of the maximum number of passengers which is 80,000. A 30-passenger bus, seated load, would take 2,667 busses. It would take 1,820 trolley coaches. The rapid transit trains, whether subway, private right of way, or elevated, based on a 10-car train, with seated load, it would take 80 trains. That is a comparison of 80 trains per hour, which is a little over a train a minute, with 45,700 automobiles.

"I have been informed," he said, "by people who have checked more closely than I have, that it would mean about 20 freeways to carry what one rapid transit line would carry, which shows it is practically impossible to carry that many people by the freeways if we wanted to build them. We couldn't afford to build 20 freeways to Hollywood or to Long Beach. Also, on the freeways as the traffic increases your normal speed of 50 or 60 miles per hour drops down to 35 miles per hour.

"I feel that the practical thing for Los Angeles in the metropolitan district is to depend on rapid transit to certain terminals and from those terminals out, operate some sort of feeder lines. There could be parking lots at these terminals so the people, instead of trying to get downtown, would park their cars at the outer point and come in on the rapid transit."

Oscar Smith, President, Pacific Electric Railway:

Mr. Smith said, "I have studied the monorail system in Germany, which has been referred to many, many times. I have studied every plan of monorail system that has been suggested in the United States. In my opinion there is no monorail system that is practical in metropolitan Los Angeles. I am not attacking the monorail system as such, it is impractical for operation in metropolitan Los Angeles to do the job that we are asking.

"You can pick out two points and you can operate a monorail system between those two points and you can probably make it pay and it will improve the service. The farther out that point is the more improvement there will be in the service. You can take a point like San Diego and operate a monorail system between Los Angeles and San Diego and do a good job and make it pay providing you did not have the competition of the Santa Fe Railroad. But in view of the fact you have the Santa Fe Railroad, there is no room for two carriers and it would be an unreasonable duplication of cost at the present time to build a monorail system to a general pattern of transportation for the metropolitan area, it is just impractical.

"The Shaker Heights proposition has been mentioned many times. I know the details of the Shaker Heights original operation and how it went broke and what they are doing at the present time. The system is reasonably successful because it is one line running from here to there. If I can pick out two points between which I will run a line, I will do fairly well. When you apply it to a number of lines in a system, the situation is entirely different. From the L. A. Transit Lines or the P. E. Lines, you pick out lines that are doing much better than other lines. It is like the grocery man selling groceries. He will have one commodity on which he makes good money, and then he will sell sugar at cost. It averages up.

"The proper type of operation of the freeway from downtown Los Angeles to the Hollywood area is to operate on the freeway to a point in Hollywood and then digress from the freeway and run your motor coach along the streets in order to distribute your passengers. You can do the same on the return trip. One motor coach will supplant 55 automobiles.

"A monorail system either from San Fernando to Los Angeles or from Los Angeles to Long Beach would not pay its operating costs. There isn't enough business to warrant it. The only way you can get passengers on a transportation line is to distribute those passengers to and from where they want to go and on any system your time would be too slow and your stops too frequent. That is the trouble with the present system. People wouldn't ride on it. While the service might be slightly better, it wouldn't be sufficiently better to cause a passenger to ride to Long Beach and then take his automobile and ride two or three miles back. He won't do it. I will say this: If you can operate a service from Los Angeles to Long Beach and not make any intermediate stops, it will improve the service for the passenger who lives right at the station in Long Beach and who has his business at the station in Los Angeles. But he is one out of 200. There is not sufficient volume of him."

Chairman Burkhalter said he had heard that banks, finance companies, and FHA appraisers would not lend new money on valley subdivisions until better transportation is provided. *Mr. Smith* replied, "I didn't come here to retry our case. We have tried it before the Public Utilities Commission in the State and the Board of Public Utilities in Los Angeles. We have yet to try it before the Interstate Commerce Commission. If those three bodies are not competent to pass on that entire situation we don't want to keep on trying it.

"But to answer this one question, first, the Director of the FHA in Los Angeles has denied he ever made any such statement. We don't therefore, believe it to be true. Second, there is no community entitled to public transportation until there is a sufficient riding population to reasonably justify that transportation. I don't mean by that, that it should pay the full costs immediately you start the service, but there should be a sufficient number to indicate that within a reasonable time the operation will pay the costs and will not be too much of a burden on the rest of the system. As for that part of the San Fernando Valley you mention, we put service on there and we have tried it out and it is not commencing to pay its operating cost. I don't believe it pays 20 percent of its operating costs, and there is not sufficient riding public in there yet to justify service. That is the situation. There is only one way to get back those losses, and that is from some other rider in some other part of the system. It is not just that this other rider should pay those losses. When the territory builds up so that there is adequate patronage, then service is justified."

Chairman Burkhalter then commented: "I have been in the valley for 27 years, and when I came there was very little population west of Van Nuys. The P. E. operated then. They must have been making a profit or they wouldn't be in business all those years. The thing on the minds of the people out there is this: If you can operate then with 10 or 15 thousand people, why is it that they can't operate today with, for example, a possible 75,000 people in the west end. Is it that they are traveling in their automobiles and you can't take them out? Is that the problem?"

Mr. Smith's reply was that the problem was decentralization. "If all those people came downtown to the central district," he said, "it would be one thing and it would be simple, but they don't. They go all over the territory. That is the reason why the service is not convenient to them. You can't provide a service that is convenient to any large percentage of them."

Ralph T. Dorsey, Traffic Engineer, City of Los Angeles:

Mr. Dorsey said decentralization of the city would be accelerated with completion of the freeways. He said recent studies by his department showed a declining number of people moving into the downtown area, both by common carrier and private automobile.

Earl Anderson submitted a statement of policy for the *Los Angeles Realty Board* (see Exhibit ---). He urged that the freeway system be completed as rapidly as possible.

H. W. Wilkins, Brotherhood of Railroad Trainmen:

Mr. Wilkins at this point, read a statement for his organization which appears in the Appendix (Exhibit ---).

Other statements submitted at this point were by *Mr. A. Davino of Suspended Rapid Transit System* (see earlier testimony and Appendix, Exhibit ---). *Samuel B. Morris, General Manager and Chief Engineer, Los Angeles City Department of Water & Power* (see Exhibit ---), and *Arthur H. Adams, Los Angeles Regional Planning Commission* (see Exhibit ---).

D. L. Campbell, Manager and Vice President, Asbury Rapid Transit:

Mr. Campbell said that 85 percent of the service rendered by Asbury is in the San Fernando Valley or service its gateway, i.e., the principal points of entry, Glendale, Los Feliz Boulevard, Hollywood, and Cahuenga Pass.

"The Asbury Rapid Transit and its predecessors," he said, "have at all times tried to keep abreast of the transportation needs of these territories. As the growth of the San Fernando Valley has become apparent, we have in all instances tried to keep at least abreast and sometimes slightly ahead of that development. I can truthfully say, in doing so we have not only served but at times we have suffered by that policy. However, I am authorized to say that that will remain the position of the Asbury Transit System. In other words, as the development takes place, we are ready, willing, and able, and anxious to inaugurate a service if there is a hope of that service in reasonable time paying its going way.

"We believe that the traffic congestion can be materially reduced if the authority is granted for public mass transportation on the freeways. We base that statement on the experience we have had over several years where we have operated in part on the Arroyo Seco Freeway and on the Hollywood Cahuenga Parkway. We have been able to reduce running times between the points served as to time before these traffic arteries were available to us.

"We also believe with that condition existing it would tend to reduce the vehicular travel on the public streets. In that regard, we would particularly call the committee's attention to the fact that we are further of the opinion that if that transportation tax—that is the transportation tax of 15 percent on any transportation costing in excess of 35 cents—could be eliminated. That would tend to cause the people to leave their automobiles in their garage. After all, a 15 percent reduction on anything is still 15 percent and can be a substantial amount. We would further take the liberty at this time by asking, if it be proper, that this committee direct the attention of individuals or committees in Washington, D. C., that have to do with this tax that they endeavor to get rid of that 15 percent tax which was imposed as a wartime measure with the hope of discouraging unnecessary travel."

Stanley M. Lanham, Los Angeles Transit Lines:

Mr. Lanham suggested that too few people realize the importance of public transit operations from the standpoint of their value in reducing traffic congestion.

"I would like to give one illustration which, it seems to me, not many people take time enough to think out for themselves. On our east-west streets in downtown Los Angeles, 40 automobiles will completely fill two city blocks in one direction. At the average number of passengers per vehicle that means that those 40 automobiles would normally transport 60 persons. Just one streetcar or bus can transport an equivalent number. In other words, if those 60 people should, instead, travel on just one streetcar or bus, there would be a tremendous amount of vacant space in those two blocks. I think that is a rather impressive picture."

He added, "One-way streets in this area have forced changes in type of operation. The design problems in connection with providing for exit ramps on the parkway on the west side made it necessary to establish some one-way traffic thoroughfares in downtown Los Angeles. When Sixth and Fifth became one-way streets, that forced the abandonment of the Third Street car or rail line of the Los Angeles Transit Line and the substitution of rubber-tired vehicles for those rails and forced the rerouting of a large number of motor coach lines, which routing increased added walking distances for a large number of people.

"There has recently been quite a flurry of talk on the part of those who were intrigued with the one-way street idea to the effect that we should have a whole network of one-way streets. It seems to me that proper consideration of the relative merits of the different types of travel and the types of facilities to be used would say that there should not be carried out a change in traffic control procedure which will force the abandonment of rail lines which are efficiently and effectively meeting the service demand made upon them, when the result may or may not finally prove to be of benefit to some limited number of additional automobiles.

"That doesn't mean that busses can't meet the requirements if such changes are made. Certainly, busses that were substituted for the rail lines on Fifth and Sixth Streets are doing the job reasonably effectively. But it does mean that there must be constantly kept in mind in planning for traffic movement or public transit, the economic factors that are involved and the final effect upon street use so as to carry out that program which will result in the most efficient use of the street space that is available to the community.

"As you know, the Los Angeles Transit Lines operate all three types of vehicles, that are normally used in transportation—streetcars, busses, and trolley busses.

"We have spent several million dollars in the last three or four years acquiring new vehicles of each type. It is our belief, and we do in our planning work attempt to determine that point, we must choose vehicles which are best adapted to the requirements of the time and the requirements as they can best be predicted for the future. On the other hand,

we try to look at the economic effect of using one type of operation as compared to another and then to give full and proper weight to trends as best we can. By trends, I mean trends in community development and trends in the development of the transportation art. We note the change in operating costs between the different types of vehicles as advancements take place.

"It seems to me that regardless of sentiment and differences in feeling with respect to one type of vehicle or another, that is just the kind of thing this committee will want to do in connection with any recommendations it may make for meeting the mass transit requirements of this community. Certainly, if one type of operation is justified in a given area or on a given route that can be supported without approving a financial burden on those who have no interest in it, that is the one that should be used. But certainly, regardless of what may have been elsewhere sometime in the past, or even as of today, if it won't support itself, then there should be decided upon that type which will be economically justified. I say that because I am sure this committee is sincerely interested in the economic well being of this community as a whole, and it is certainly necessary if that is its interest that the matter be approached open-mindedly and that each situation be studied and decided upon its own merits."

Mrs. Clara McDonald, President People's Lobby of California and Alessandro Extension League

Mrs. McDonald opposed subways because of local smog and the semi-tropical climate and urged overhead transit systems. She also suggested municipally owned transportation. She submitted proposed amendments to the Elliott Assembly Bill 147 which are included in the Appendix, (Exhibit --).

The hearing was concluded with a letter from *P. O. Harding, Assistant State Highway Engineer, Division of Highways, District 7* (see Exhibit --), which sums up progress on construction of the Los Angeles Metropolitan Area Freeway System.

CANOGA PARK HEARING

Chairman Burkhalter opened the hearing by declaring that before the extension of Reseda Boulevard can even be considered, it must be declared a primary or secondary state highway, which requires action by the Legislature. If a special session should be called he explained, with roads and highways included as matters for consideration, the Legislature can introduce a bill declaring Reseda Boulevard a highway and it would then be possible to use state money under the Burns-Collier Act of 1947. Failing such procedure, he added, action could be taken at the regular session in March.

Thomas Van Horn, Reseda Boulevard Traffic Control and Reseda Chamber of Commerce

Mr. Van Horn said the project involved converting between seven and nine miles of roadway into the State Highway System. The City of Los Angeles has been acquiring rights of way along the route for the last 10 years, he said, but state funds are essential to carry the project

through. He estimated it would benefit approximately a million people including 180,000 people asking for it on the Santa Monica side. The valley has 450,000 people in it at present he pointed out, with the board of education estimating it will be 600,000 within five years. He added that it will serve the foothill country running through Tujunga, including some of the people in Pasadena and Glendale and would be of service to people in the Antelope Valley and the part of the Mojave Desert at which such towns as Lancaster and Palmdale are located.

"If it were put in effect in two or three years, you would have a million people using it because it would be the shortest and quickest way to get to the valley, to the ocean, and to the beaches.

"The other routes now in existence are slow winding routes and are not as short as this proposed route because they run up water courses.

"This route is a fine straight highway on which good time could be made. It should be a freeway because we are not interested in having anything but a quick connecting line between the valley and the ocean.

"We need the road for three reasons. The first is access to the beaches. A trip to the beach is not a luxury in this valley when summer comes. The people will give up groceries and almost anything to get out of it and get over to the beaches. It will be easy to give an example of what that highway would mean. Living close around here are 25,000 families, and they make an average of 20 trips a year to the beach. That highway would save a dollar a trip. Expanding that to the others who would use it to some degree, it will save a million dollars to the people of this valley and raise their standard of living just that much.

"The second reason we need that highway is because of employment. The employment situation here will grow more and more acute. This will make an easy route to go to Douglas and other airplane companies

"The third is for fire protection in the hills.

"The cost would be five to seven million dollars. As soon as it was completed it would start saving this valley a million dollars, and it would do a lot for the people beyond us. That's why we want this put through. Give it your consideration. It is something you can do.

"The question of rail transportation is a big question. You may come to some conclusions about it, but here is something you can do now. On behalf of the chamber of commerce and the other groups including the newspapers of the valley—practically all of them have sent telegrams to the Highway Commission and to Governor Warren—we ask that you make this recommendation when you go back."

Mr. Van Horn said the project had wholehearted support from the City of Los Angeles. "The City of Santa Monica wants it, he said, and I am sure the City of San Fernando. Other cities are North Hollywood, Sherman Oaks, Van Nuys, San Fernando, Northridge, Reseda, Tarzana, Canoga Park, and Chatsworth."

He explained that in an appearance before the State Highway Commission he was treated courteously and he thought the project was viewed favorably. After the meeting, he said several of the commissioners told him privately they thought it was a two year project and that "I had

better not hurry it but bring it up in the session of the Legislature following the next one." Trying to get it included in a special session, they told him, might be embarrassing to the Governor because "every place in the State will be demanding money just prior to election." Mr. Van Horn estimated a six-lane freeway would be the most desirable plan.

It was explained that all the rights-of-way have been acquired except for about 2,400 feet.

Mr. Burkhalter pointed out that the route would greatly help to alleviate traffic problems and congestion over Cahuenga Pass and on Riverside Drive.

Judge David Fulwider, Chairman, Valley-Wide Transportation Committee of the Associated Chamber of Commerce

(See testimony given at North Hollywood hearing by Judge Fulwider)

Turning to general transportation problems in the valley, Judge Fulwider said:

"I don't know that there is anything material that I can add except to state, of course, as your committee knows, that we have had a report from the Los Angeles Public Utilities Committee which, in effect, granted most of the plea of the P. E.

"Their findings, so far as it has to do with the west valley, is that the bus line from Tarzana to Woodland Hills is to be discontinued. There is no mention that I have been able to find, although I haven't seen their printed report, as to what is to be done with the other bus lines which they suggested in their finding should be transferred to another carrier. I do know that negotiations have been in progress between the Asbury Transit Line and the Pacific Electric as to the taking over of the West Hollywood busses.

"My understanding is—and I am not certain as to the accuracy of this except information that came from the Asbury Transportation Company—that the Asbury Transit Company does not care to take over these shorter lines and the west valley lines unless they can also acquire from the Pacific Electric the Riverside Bus Line which is now being used, and that the P. E. are loath to and have refused up to this time surrender their franchise to any other carrier on that Riverside Line.

"I think we all realize what it will mean to the valley if they tear up the rails from North Hollywood to Van Nuys. You know, of course, that our desire is for direct rapid rail transportation from the west city limits or approximately therein to downtown Los Angeles, and from there on to the outlying cities such as Long Beach and others.

"The statement has been made to me and to others of our committee that the monorail system could run a train from Canoga Park to the subway station in Los Angeles, serving three or four of the interlying towns, in 28 minutes. You can see what that would mean to the people of the west valley.

"Interurban service on bus lines has not been a success, as has been proved by the fact that Detroit, Philadelphia, and other eastern cities, which gave up and considered obsolete their rail lines to outlying communities, have now come to see their mistake and are reestablishing rapid rail transit in the long hauls. Busses are all right for the short hauls.

"Our plan was that perhaps there could be rapid rail to Canoga Park with a branch line to the City of San Fernando with feeder bus lines, thus enabling people to get downtown or to get to the other side of the city or far out into the county to their places of business or employment.

"We know that more than half of the people who have business and jobs, the employed class, go out of this valley every morning. * * *

"Our transportation needs in the valley are immediate, and it has become so because of the rapid growth in population. Something must be done. We feel, that while the Pacific Electric is furnishing very poor transportation, their system at the present time is better than no system. We don't want to give it up until we can establish something better to take its place.

"I don't know whether this is the proper place to bring that out, but it seems to me that the state commission and the city commission are overlooking entirely the fact that the law is very plain as to railroads and public utilities which have auxiliary systems within an integral part of their rail system.

"The courts have held time and again that when a public franchise is given to a public utility that the community and the people of the community are to be considered just as much as to their rights as to the rights of the utility.

"The courts also hold that where a public utility is earning money, that is, the whole system, that they cannot discontinue and should not be allowed to discontinue their auxiliary system or any branch line which they may have because that branch line in particular, and this is the language in effect in those decisions, 'They must not discontinue their service when the mother company is showing a profit.'

"We all know that the Southern Pacific continues to pay its dividends despite the fact of this \$2,000,000 loss, which, taking into consideration the entire earnings and income of both the auxiliary system and of the mother company, is minute. It is trivial.

"Now as long as they have made their plea and the president of our city commission has stated publicly that it was done because of the severe losses which the Pacific Electric is claiming at the present time upon its passenger business, they seem to have overlooked those findings of other courts. When we tried to establish the identity of the Pacific Electric with the Southern Pacific, they refused to accept our brief and our points and authorities as to these cases.

"What we asked was that the City Utilities Commission and the State Public Utilities Commission withhold their decisions until we could have the survey, the disinterested survey of the committee or of the engineers appointed by the committee, which was brought up before our board of supervisors at the time they made the allocation of \$300,000 for

that survey. Our committee felt that it was only fair that the matter be held in abeyance, and there was also to be a hearing before the Interstate Commerce Commission. I filed with the Interstate Commerce Commission a protest against the granting of the application of the Pacific Electric. The Interstate Commerce Commission has been brought into this because of the fact that the Pacific Electric, while it is only local, carries freight which is delivered to the Southern Pacific outside the city at other points and to other railroads so that the ICC enters the picture. I was notified that the ICC will hold their hearing in the Federal Building on April 3, giving no consideration whatever to our application to continue this matter or to hold in abeyance their reports until the whole picture was complete. They have gone ahead, and the city has filed its findings. We are told that the State will file theirs along the first of next month even before the ICC hearing on it and before the engineering group, which has been established by our county supervisors, has had any chance whatever to make this disinterested survey."

Mr. Burkhalter added that: "A resolution was unanimously passed by the Legislature last spring urging them to withhold action until these committees make their survey. They have seen fit to ignore the will of the Legislature as well as the citizenry of the valley and the entire City and County of Los Angeles, as well as the various committees that have appeared before their members."

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Lowrey, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Culver and Mr. Munn, teachers of the Washington School of Broderick, and the following pupils: Jerry Adcock, Richard Aguilar, Jimmy Blackwood, Ralph Bonetti, John Burgard, Frank Castello, Raymond Eddy, Richard Farmer, Raymond Flores, Paul Foust, Raul Garcia, John Ivanusich, Walter Jackson, Donald Knapp, Robert Martinelli, Lawrence Melendez, Xavier Melendez, Ernest Montez, Frank Onofre, Jimmy Ripley, Savino Sanchez, Richard Santos, William Shrader, Betty Blankenship, Norma Borghesi, Margaret Brown, Cruz Cervantes, Lucille Doak, Beverly Gorcion, Stella Gutterz, Lorene Haney, Barbara Herman, Rose Macias, Lucille Martinez, Josephine Mercado, Barbara Moore, Betty Moore, Dixie Neil, Bertha Payne, Glenda Shanks, Barbara Weir, and Rosalie McRay.

On request of Mr. Stewart, the usual courtesies of the Assembly for this day were unanimously extended to Cliford Kenworthy, Arthur Althouse, Drumond McCucund, and Orin Fox of Pasadena.

On request of Speaker Sam L. Collins and the Assembly, the usual courtesies of the Assembly for this day were unanimously extended to Tex Hurley of Oakland.

ADJOURNMENT

At 3.30 p.m., pursuant to Mr. Dickey's motion, the Speaker declared the Assembly adjourned until 10.15 a.m., Monday, March 27, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY
TWENTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 27, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, 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, Hahn, Hansen, Hawkins, Hinchley, Hoffman, Hollibaugh, Huvck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Mevers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Siliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—76

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Evans asked for, and was granted, unanimous consent that the prayer, offered by the Rev. Robert S. Romeis during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

Upon invitation of the Speaker, the following prayer was offered by the Rev. Robert S. Romeis of St. John's Lutheran Church:

Almighty and Everlasting God, By Whose eternal will and power we live and move and have our being, endow us with grace from on high to shape our destinies after Thy good pleasure. Cause Thy glory to dwell among us that mercy and truth, righteousness and peace may everywhere prevail. Enlighten our minds, strengthen our hearts, that all our works, begun, continued, and ended in Thee may redound to Thy glory, and help in making Thy Kingdom come and Thy will be done on earth. Through Christ, our Lord.—AMEN.

PLEDGE OF ALLEGIANCE TO FLAG DEEMED GIVEN

By unanimous consent, as the pledge of allegiance to the Flag had been given this morning in the Regular 1950 (Budget) Session, Speaker Sam L. Collins deemed the pledge of allegiance to the Flag as having been given, in this session

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr Erwin, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Beck asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Beck.

Mr. Hagen, on motion of Mr. Beck.

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

Mr. Crowley, on motion of Mr. Beck.

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

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

Assembly Bill No. 109: By Mr. Lindsay—An act to amend Sections 154 and 6500 of the Welfare and Institutions Code, relating to state hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered.

Referred to Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES**Committee on Social Welfare**

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 27

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Ways and Means.

NIEHOUSE, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Senate Bill No. 10

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

HOLLIBAUGH, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 63

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

HOLLIBAUGH, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 13

Assembly Bill No. 31

Assembly Bill No. 14

Assembly Bill No. 32

Assembly Bill No. 28

Assembly Bill No. 33

Assembly Bill No. 29

Assembly Bill No. 50

Assembly Bill No. 30

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

NIEHOUSE, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred.

Assembly Bill No. 24

Assembly Bill No. 25

Assembly Bill No. 62

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 bills ordered to second reading.

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

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

Assembly Bill No. 110: By Mrs. Niehouse—An act to add Sections 14238, 14259 and 14292 to the Health and Safety Code, relating to the financing of public works and improvements by fire protection districts and the levy of taxes to pay principal and interest of bonds issued by such districts, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Governmental Efficiency and Economy.

RESOLUTIONS

The following resolutions were offered:

By Mr. Weber:

House Resolution No. 20

Relative to the standing committees of the Assembly and amending the Standing Rules in reference thereto

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

- (1) That the Committee on Agriculture and the Committee on Livestock and Dairies are combined into a committee to be known as the Committee on Agriculture;
- (2) That the Committee on Social Welfare and the Committee on Public Health are combined into a committee to be known as the Committee on Public Health and Welfare.

(3) That Rule No. 8 of the Standing Rules of the Assembly be amended to read:

STANDING COMMITTEES

Standing Committees

8. For their convenient functioning and in furtherance of the thorough consideration of all bills on a given subject, the several standing committees of the Assembly are respectively grouped into the following categories:

A. LEGISLATURE:

Two committees to consider legislative organization, functions and procedure:

Committee on Rules

There is a Committee on Rules, No. 1, which shall act as an executive committee of the House having the following powers:

To recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attaché or employee for incompetency or dereliction of duty, pending final action by the Assembly.

The Committee on Rules shall for the purpose of Joint Rule No. 2 be deemed to be the Rules Committee of the Assembly.

Committee on Legislative Procedure

There is a Committee on Legislative Procedure, No. 2, which shall have and exercise the following powers:

To be the Committee on Engrossment and Enrollment within the meaning of the Joint Rules. It shall be the duty of the Committee on Legislative Procedure to compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Legislative Procedure shall be in order at any time.

To consider and report on bills introduced after the constitutional recess.

To assist the Speaker, upon his request, in recommending the reference of bills to the appropriate standing committees.

Twenty-three standing committees of the Assembly are hereby created, upon the several subjects, and numbered respectively, as follows:

1. Rules
2. Legislative Procedure
3. Conservation, Planning, and Public Works
4. Fish and Game
5. Governmental Efficiency and Economy
6. Revenue and Taxation
7. Ways and Means
8. Education
9. Crime and Correction
10. Public Morals
11. Public Health and Welfare
12. Civil Service and State Personnel
13. Military Affairs
14. Municipal and County Government
15. Elections and Reapportionment
16. Judiciary
17. Constitutional Amendments
18. Agriculture
19. Public Utilities and Corporations
20. Manufacturing, Oil, and Mining Industry
21. Industrial Relations
22. Finance and Insurance
23. Transportation and Commerce

Prior to the assignment of members to serve on the several standing committees, the Speaker shall consider the preferences of the members with regard to committee assignments, while keeping in view the practical necessity of making assignments so that members will not serve on more than one committee which meets at the same time, and the Speaker thereafter shall determine the number and members to serve on each standing committee. Upon the publication in the Journal of the number of members on each standing committee, no further change in the number of members of the committee shall be made otherwise than by a majority vote of the elected membership of the Assembly.

No Member of the Assembly shall be a member of more than three standing committees except that upon appointment by the Speaker or the approval of the House a member may serve on four committees.

There shall be published weekly in the Assembly Weekly History during each session of the Legislature a chart showing the Rational Organization of the Standing Committees of the Assembly and showing Chairman and Vice Chairman, Number of Members, Time of Meeting, Room Number, Total Number of Measures, "referred" and "action pending," and a meeting schedule for each day of the week.

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

By Mr Weber :

House Resolution No. 21

Relative to the standing committees of the Assembly and amending the Standing Rules in reference thereto

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

1. That the Committee on Agriculture and the Committee on Livestock and Dairies are combined into a committee to be known as the Committee on Agriculture.
2. That Rule No 8 of the Standing Rules of the Assembly be amended to read :

Standing Committees

Standing Committees

8. For their convenient functioning and in furtherance of the thorough consideration of all bills on a given subject, the several standing committees of the Assembly are respectively grouped into the following categories.

A. LEGISLATURE :

Two committees to consider legislative organization, functions and procedure :

Committee on Rules

There is a Committee on Rules, No. 1, which shall act as an executive committee of the House having the following powers :

To recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

The Committee on Rules shall for the purpose of Joint Rule No 2 be deemed to be the Rules Committee of the Assembly

Committee on Legislative Procedure

There is a Committee on Legislative Procedure, No. 2, which shall have and exercise the following powers :

To be the Committee on Engrossment and Enrollment within the meaning of the Joint Rules. It shall be the duty of the Committee on Legislative Procedure to compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto, and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Legislative Procedure shall be in order at any time.

To consider and report on bills introduced after the constitutional recess

To assist the Speaker, upon his request, in recommending the reference of bills to the appropriate standing committees

Twenty-four standing committees of the Assembly are hereby created, upon the several subjects, and numbered respectively, as follows :

1. Rules
2. Legislative Procedure
3. Conservation, Planning, and Public Works
4. Fish and Game
5. Governmental Efficiency and Economy
6. Revenue and Taxation
7. Ways and Means
8. Education
9. Crime and Correction
10. Public Morals
11. Public Health
12. Social Welfare
13. Civil Service and State Personnel
14. Military Affairs
15. Municipal and County Government
16. Elections and Reapportionment
17. Judiciary
18. Constitutional Amendments

19. Agriculture
20. Public Utilities and Corporations
21. Manufacturing, Oil, and Mining Industry
22. Industrial Relations
23. Finance and Insurance
24. Transportation and Commerce.

Prior to the assignment of members to serve on the several standing committees, the Speaker shall consider the preferences of the members with regard to committee assignments, while keeping in view the practical necessity of making assignments so that members will not serve on more than one committee which meets at the same time, and the Speaker thereafter shall determine the number and members to serve on each standing committee. Upon the publication in the Journal of the number of members on each standing committee, no further change in the number of members of the committee shall be made otherwise than by a majority vote of the elected membership of the Assembly.

No Member of the Assembly shall be a member of more than three standing committees except that upon appointment by the Speaker or the approval of the House a member may serve on four committees.

There shall be published weekly in the Assembly Weekly History during each session of the Legislature a chart showing the Rational Organization of the Standing Committees of the Assembly and showing Chairman and Vice Chairman, Number of Members, Time of Meeting, Room Number, Total Number of Measures, "referred" and "action pending," and a meeting schedule for each day of the week.

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

REPORTS OF STANDING COMMITTEES

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1950

MR. SPEAKER: Your Committee on Elections and Reapportionment, to which was referred:

Assembly Bill No. 69

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

WATERS, Chairman

Above reported bill ordered to second reading.

NOTICE OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notice of motion to reconsider votes on the following bill was continued until the next legislative day:

Assembly Bill No. 23, on motion of Mr. Beck.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 6—An act to amend Sections 19601, 19601.5, 19601.6, 19602, 19603, 19604, 19605, 19606, 19606.5, 19607, 19607.5, 19608, 19609, 19609.5, 19610, 19611, 19612, 19613, 19614, 19615, 19617, 19618, and 19619, and to repeal Sections 19613.5, and 19613.6 of the Education Code, relating to child care centers.

Bill read second time, and ordered engrossed.

Assembly Bill No. 41—An act to amend Section 9905 of the Government Code, relating to influencing legislation.

Bill read second time.

Motion to Amend

Mr. Collier moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "9904", and insert "9903".

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 40—An act to add Section 18010 to the Education Code, relating to sewers and drains for schools, and declaring its urgency.

Bill read second time

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government:

Amendment No. 1

In line 1 of the title of the printed bill, after "18010 to", insert ", and to amend Section 7401 of."

Amendment No. 2

On page 1, line 3 of said bill, strike out "The", and insert "In addition to the other powers granted the"

Amendment No. 3

On page 1 of said bill, between lines 10 and 11, insert

"SEC. 2. Section 7401 of said code is amended to read

7401. Except as otherwise provided by law, the governing board of any school district may, when in its judgment it is advisable, and shall, upon a petition of the majority of the qualified electors residing in the school district, call an election and submit to the electors of the district the question whether the bonds of the district shall be issued and sold for the purpose of raising money for the following purposes:

- (a) The purchasing of school lots.
 - (b) The building or purchasing of school buildings.
 - (c) The making of alterations or additions to the school building or buildings other than such as may be necessary for current maintenance, operation, or repairs.
 - (d) The repairing, restoring, or rebuilding of any school building damaged, injured, or destroyed by fire or other public calamity.
 - (e) The supplying of school buildings with furniture or necessary apparatus of a permanent nature.
 - (f) The permanent improvement of the school grounds.
 - (g) The refunding of any outstanding valid indebtedness of the district, evidenced by bonds.
 - (h) *The carrying out of the projects or purposes authorized in Section 18010*
- Any one or more of the purposes enumerated, except that of refunding any outstanding valid indebtedness of the district evidenced by bonds, may, by order of the governing board entered in its minutes, be united and voted upon as one single proposition.

Amendment No. 4

On page 1, line 11, of said bill, strike out "Sec. 2", and insert "
"SEC. 3."

Amendments read, and adopted

Bill ordered reprinted, and engrossed.

Assembly Bill No. 49—An act to amend Sections 73 and 2121 of the Streets and Highways Code, relating to the relinquishment of portions of state highways to counties.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government.

Amendment No. 1

On page 1 of the printed bill, strike out lines 9 to 15, inclusive, and insert "Prior to relinquishing any portion of a state highway to a county, the department shall give 30 days notice in writing of intention to relinquish to the board of supervisors."

Amendment No. 2

On page 2 of said bill, strike out lines 7 to 9, inclusive, and insert "On relinquishing any state highway or portion thereof to a county, the department shall immediately certify to the State Controller the mileage so relinquished and the same shall immediately be added to the county's maintained mileage of county roads for purpose of subsequent apportionments."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

Assembly Bill No. 20—An act to add Article 1a to Chapter 1, Division 1, of the Agricultural Code, to provide for the acquisition of land and the construction and equipment of buildings, offices, and facilities for use of the Department of Agriculture and other state and official agricultural agencies.

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 1 of the printed bill, strike out line 20, and insert "Treasury. All rentals collected under the provisions of this article shall be deposited in the Department of Agriculture Building Fund."

All moneys in the Department of Agriculture Building fund are hereby appropriated without regard to fiscal years to carry out the provisions of this article, including the costs of operation, maintenance, repairs, and other reasonable and necessary expenses of said buildings or improvements."

Amendment No. 2

On page 2 of said bill, strike out lines 29 to 33, inclusive

Amendment No. 3

On page 3, line 35, of said bill, immediately following "shall", insert "on order of the Controller upon request of the director,".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly 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 a new article thereto to be numbered XXV, relating to the prevention and alleviation of hardship, and correction of economic maladjustment, caused by unemployment by instituting a comprehensive program of public works, making provision for the administration thereof and the issuance of bonds.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 12, line 4, of the printed measure, strike out "----- dollars (\$-----)", and insert "two hundred thousand dollars (\$200,000)".

Amendment No. 2

On page 9, line 7, of said measure, strike out "required by the board"; and strike out lines 8 and 9, and insert "shall be done in accordance with provisions of law, including ordinances and charter provisions, requiring the construction of public buildings and facilities to be done by contract awarded after competitive bidding to the lowest responsible bidder and prescribing the procedure therefor, which are applicable to the eligible agency concerned. Invitations for bids."

Amendment No. 3

On page 10, line 49, of said measure, after "Code", strike out "and", and insert ", of".

Amendment No. 4

On page 10, line 50, of said measure, after "article", insert ", and of Chapter 3, Part 5, Division 3 of Title 2 of the Government Code and provisions of law, including ordinances and charter provisions, requiring the construction of public buildings and facilities to be done by contract awarded after competitive bidding to the lowest responsible bidder and prescribing the procedure therefor, depending upon the type of eligible agency concerned."

Amendments read, and adopted.

Resolution ordered reprinted, and engrossed.

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

The following resolution was offered:

Assembly Joint Resolution No. 6: By Mrs. Niehouse, Messrs. Yorty, Anderson, Fletcher, Doyle, Elliott, Evans, Hawkins, Hollibaugh, McMillan, Morris, and Thomas—Relative to enactment of the Townsend Plan.

Referred to Committee on Rules.

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

Assembly Bill No. 111: By Mr. Meyers—An act to amend Section 151 of the Unemployment Insurance Act, dealing with disability insurance

Referred to Committee on Finance and Insurance.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Assembly Journals for Monday, March 13, 1950; Tuesday, March 14, 1950; Wednesday, March 15, 1950; Thursday, March 16, 1950; Friday, March 17, 1950; Monday, March 20, 1950; Tuesday, March 21, 1950; Wednesday, March 22, 1950; and Thursday, March 23, 1950, were approved, as corrected by the Minute Clerk.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILLS NOS. 103, 104,
105, AND 106 FROM COMMITTEE**

Mr. Collier gave notice that on the second legislative day he would move to withdraw Assembly Bills Nos 103, 104, 105, and 106 from the Committee on Governmental Efficiency and Economy, and have them placed upon the file

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 53—An act to amend Section 644 of the Penal Code, relating to habitual criminals

Bill read third time.

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

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

NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 52—An act to amend Section 647a of the Penal Code, relating to vagrancy.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Malonev, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—70.

NOES—None

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 8—Relative to adjournment in respect to the memory of Albert A. Rosenshine.

Resolution read, and adopted unanimously by a rising vote.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 12

By Messrs Conrad and Smith:

House Resolution No. 12

Relative to an investigation by the Assembly Interim Committee on Governmental Efficiency and Economy of the local administration of existing laws for the prevention of fraud in connection with television and motion picture talent schools

Resolved by the Assembly of the State of California. That the Assembly Interim Committee on Governmental Efficiency and Economy (created by H. R. No. 253, 1949 Regular Session) shall, if the Committee determines that reasonable grounds exist for so doing, exercise its authority to investigate and report to the Assembly on the efficiency and effectiveness of local governmental agencies in the administration and enforcement of existing laws for the prevention of fraud and "rackets" in connection with television and motion picture talent schools, and matters related thereto.

Resolution read, and adopted.

SECOND READING OF SENATE BILLS

Senate Bill No. 17—An act to amend Section 1851 of the Insurance Code, relating to insurance upon property purchased from the Department of Veterans Affairs.

Bill read second time, and ordered to third reading.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 2—Relative to proclaiming March 7, 1950, as Masaryk Day, in commemoration of the one hundredth anniversary of the birth of Dr. Masaryk.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 3—Relative to the death of John L. McNab.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT REMARKS OF
MR. GAFFNEY BE PRINTED IN THE JOURNAL

Mr. Berry asked for, and was granted, unanimous consent that the remarks by Mr. Gaffney relative to Senate Concurrent Resolution No. 3 which pertains to the passing of Mr. John L. McNab be reduced to writing, and ordered printed in the Journal, in 10-point type:

Remarks by Mr. Gaffney on the Passing of John L. McNab—
Senate Concurrent Resolution No. 3

John L. McNab, born at Ukiah 77 years ago, passed away at San Francisco after a long and eventful life. He was:

Nationally famed, confidant of Presidents of the United States, eloquent orator, philanthropist and religious leader.

A disciple of the American Way of Life who not only championed the American way, but lived it day by day.

Wise, but humble; just, but merciful; comfortably endowed with the world's goods, yet ever mindful and charitable to others in need.

In the arena of politics, national and State, he recognized the need of a strong two-party system and, while a stalwart Republican, he was ever friendly towards Democratic opponents and aided movements for the general welfare and candidates with ideals, regardless of party origin.

John L. McNab, fervent in all things, was likewise an ardent member and leader of the Presbyterian Church, but, as a true Christian, he loved all mankind.

May God be as merciful and loving towards him as he ever was towards his fellowman.

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

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

Assembly Bill No. 112: By Messrs Coats and Moss—An act to amend Section 4538 of, and to add Sections 4505 and 4538.1 to, the Elections Code, relating to the influencing of legislation by campaign expenditures.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 113: By Messrs. Morris and Levering—An act to amend Sections 53 and 54 of the Unemployment Insurance Act, relating to unemployment insurance and disability insurance.

Referred to Committee on Finance and Insurance.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred.

Assembly Bill No. 45

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.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Geddes, Doyle, Stanley, and Lowrey:

House Resolution No. 22

Relative to commending the Honorable Thomas H. Kuchel, State Controller

WHEREAS, In conformity with the Collier-Burns Highway Act of 1947, the State Controller has furnished to the Legislature the "Financial Report Concerning Streets and Roads of Cities and Counties of California," showing the distribution of moneys during the fiscal year ending June 30, 1949, to the cities, counties, and joint highway districts under that act; and

WHEREAS, To facilitate the flow of basic statistics from the cities, counties, and joint highway districts, the State Controller has devised and provided forms to the officials of these local agencies to enable them to supply the needed information with the minimum amount of effort; and

WHEREAS, To ascertain the type of report which would be most helpful to the Legislature, the State Controller has consulted with the individual Members of the Legislature to obtain their suggestions and comments; and

WHEREAS, The report distributed by the State Controller will greatly assist the Members of the Legislature in considering legislation and reflects the skill and care employed in its compilation; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly do hereby commend and congratulate the Honorable Thomas H. Kuchel, State Controller, for the very excellent "Financial Report Concerning Streets and Roads of Cities and Counties of California;" and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Honorable Thomas H. Kuchel.

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

By Messrs. Geddes and Stanley.

House Resolution No. 23

Relative to specific directives to the Assembly Interim Committee on Finance and Insurance

WHEREAS, The Assembly Interim Committee on Finance and Insurance was created by the Assembly in the 1949 Regular Session of the California Legislature by House Resolution No. 239 and charged with investigating and reporting on the matters specified therein; and

WHEREAS, The First Extraordinary Session of 1950 finds the Assembly Interim Committee on Finance and Insurance organized and in the midst of its studies and investigations, particularly those pertaining to unemployment insurance and unemployment disability insurance as well as workmen's compensation insurance, all of which are of particular interest and importance to the people of the State of California; and

WHEREAS, There are presently introduced in the First Extraordinary Session of 1950 the following bills relating to the subjects enumerated above, to wit: Assembly Bills 56, 57, 58, 59, 66, 75, 76, 78, 79, 85, 86, 87, 88, 90, 91 and 94; and

WHEREAS, The Assembly would be in a position to better evaluate the above mentioned proposed legislation if it had before it the data accumulated and reported upon by the Assembly Interim Committee on Finance and Insurance together with transcripts of testimony bearing on the matters under consideration and the recommendations of the committee and its members; now, therefore be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Finance and Insurance is specifically requested and directed to hold hearings on the subject matter covered by the bills enumerated above and to include

in its report to the Assembly, not later than January , 1951, its findings and recommendations thereon, together with all relevant data, and testimony, relating thereto, including but not limited to, a review of the laws relating to unemployment insurance, unemployment disability insurance, and workmen's compensation insurance, both federal and state, and estimates of the solvency of the several funds and effect by existing provisions providing for merit rating, benefit rates and duration of benefits under existing statutes and any proposed modification.

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. 7: By Messrs. Lewis, Anderson, Condon, and Moss—Relative to memorializing the United States Senate and House of Representatives, and the Appropriation Committees thereof, to restore to the budget proposed by the President of the United States for the Central Valley Project construction program in 1950-1951, a reduction of \$4,450,000 made therein by a sub-committee of the House of Representatives' Interior Department Appropriation Committee

Referred to Committee on Rules

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

Assembly Bill No. 114: By Mr. Dunn—An act to add Chapter 18, comprising Sections 5121 to 5150, inclusive, to Division 3 of the Education Code, relating to loans of state funds to school districts for the acquisition of school sites, creating a revolving fund and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency and Economy.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined Assembly Bill No. 6

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bill ordered to third reading.

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

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

Assembly Bill No. 115: By Mr. Dunn—An act to add Sections 11512, 11513, 11556, 11557, 11558, 11559 and 11560 to the Business and Professions Code, relating to the acquisition of sites for school buildings.

Referred to Committee on Governmental Efficiency and Economy.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 24, 1950

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

The following resolution was read:

Senate Joint Resolution No. 3—Relative to the distribution to unemployed seasonal agricultural workers of surplus food in storage in the State of California owned by the Federal Government to be made available to them through state and county agencies.

Referred to Committee on Rules.

ANNOUNCEMENT

Speaker Sam L. Collins announced a Republican breakfast meeting, and Caucus, to be held tomorrow morning, Tuesday, March 28th, at 7.30 a.m., at the Hotel Sacramento, in the Venetian Room; and that all Democratic members are cordially invited to be guests of the Republicans, Dutch treat style

CONGRATULATIONS EXTENDED

Mr. Maloney extended congratulations to Mr. C. J. Haggerty, Secretary of the State Federation of Labor, on his recent appointment by Governor Warren as a Regent of the University of California; and announced that he took his oath of office this morning.

Speaker Sam L. Collins also extended congratulations to Mr. Haggerty, and stated that his appointment to this important board is a valuable addition, as Mr. Haggerty has had a vast experience in labor-management matters; and expressed regret that Mr. Haggerty's oath had not been administered by the Secretary of State, in the Assembly Chamber, during a recess between sessions. today

REQUEST FOR UNANIMOUS CONSENT THAT SCHEDULES AND CHARTS OF COMMITTEES BE PRINTED IN HISTORY

Mr. Weber asked for, and was granted, unanimous consent that Assembly Committee Schedules and Charts be ordered printed in the Assembly Weekly History.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today at 3 p.m.—

Social Welfare.

Tonight at 8 p.m.—

Finance and Insurance, in Room 432.

Judiciary.

Today upon adjournment—

Rules.

It was announced that the following committee would not hold a meeting today:

Ways and Means.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to James D Porter, Mrs. Edna

Monson, teachers, Patterson High School of Patterson, and the following pupils: June Alberti, Roberta Barnes, Frank Bettencourt, Frank Boze, Marian Bridenbaugh, Clara Brunoni, Mary Buleao, Gloria Cabral, Beverly Carlson, Eugene Carson, Manuel Costa, Joy Cox, Joe Dias, Joseph Earnhart, Gerald Enslinger, John Farinha, Dolores Figueiredo, Deloris Frank, Gerald Garrett, Kenneth Goodrich, Emerald Halseth, Evelyn Hill, Jack Jackson, Billy Kenedy, Dixie Lee, Mark Levy, Charles Martin, Joe Martin, Virginia Martin, Joyce Penney, Don Rogers, Isabel Santos, Alfred Scheuber, Mary Louise Schuler, Coralyn Searl, Norman Silva, Richard Skidmore, Troy Stewart, Joan Stivers, Eugene Tamo, Mildred Trueman, Mary vonMoos, Keith Weisenberger, Annie Wells, and Marvin Williams.

On request of Mr. Dunn, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Katherine Zachariades, John Costas, C. Orville Blose, James Hester, teachers of the San Lorenzo David E. Martin School, and the following pupils: Geraldine Bjork, Douglas Burt, Robert Cunningham, Robert Dutra, Diana Eggleston, Teddy Hooper, Dolores Kempel, Sharon Kest, Lois Light, Bernice Lynch, Ronny McDowell, Jean McGeorge, Ronnie Meier, Arlene Mendro, Phyllis Mills, Dona Parker, Bertha Price, John Rochford, Robert Russ, Tom Salmon, Alan Scheibli, John Schmidt, Dennis Schoffeitt, Wayne Schwammel, Ted Seipel, Jack Sim, Evelyn Smith, Mona Smith, Robert Smith, Glenn Souza, Mike Stewart, Jean Todd, Donna Vickerson, Edward Volpe, Gerald Wacks, Dawn Wild, Myrle Williams, Leonard Wolf, John Woods, Robert Amann, Verla Armstrong, Alan Belt, Peter Berman, Kathleen Burford, James Burpee, Robert Brown, Eugene Chapman, Burdit Culbertson, Gary Haagenenson, Shirlee Hansen, Ralph Harsha, Rodney Helm, Arline Holmes, Gerald Hyatt, Marjorie Johnson, Jacqueline Klaperich, Robert Kuder, Alfred LaCrone, Barbara Leach, Thomas Lowden, Joan Marr, Beverly Martin, Nedra McCreery, Jeri McMillin, Kenneth McWilliams, Alexandra Miller, Norma Minor, Suzanne Naudresy, Larry Owen, Joan Parks, Marilyn Poston, Mathew Salayko, Larry Shetterly, Jacqueline Simon, Richard Skaar, Aloria Stewart, Jerome Tetrault, and Shirley Trotter.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Evelyn Post, David Myers, Roger Donahu, and Kenneth Peterson, students of Grant School in San Joaquin County and their teacher, Ella Moos.

ADJOURNMENT

At 11.28 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 15 a.m., Tuesday, March 28, 1950, out of respect to the memory of the late John L. McNab, and the late Albert A. Rosenshine of San Francisco.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY
TWENTY-THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 28, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huickley, Hoffman, Hollbaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Sillman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—75.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Evans asked for, and was granted, unanimous consent that the prayer, offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God. 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 the wilderness and 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 expecting social assistance.

Let us see the danger of the easy life, of that mendicant spirit which leans upon others, looks for short cuts, the danger of paralyzing industry and personal initiative

by trying to make a living in lawless ways by punching a board or pulling a lever, and the ever present danger of that crippling spirit which looks to government for hand-outs.

Let us proclaim that society should not do for men what they should do for themselves and emulate the pioneer who won success by blood, sweat, and tears.
AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Rumford, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Butters asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Reagan, on motion of Mr. Butters.

Mr. Price, on motion of Mr. Butters.

Mr. Crichton, on motion of Mr. Butters.

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

Mr. Doyle, on motion of Mr. Butters.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 116: By Mr. Morris—An act to amend Sections 2181 and 2224 of, and to add Sections 2020.01 and 2188.5 to, the Welfare and Institutions Code, relating to aid to the aged in respect to the responsibility of relatives of recipients to contribute to their support and the payment and disposition of the contributions of such relatives.

Referred to Committee on Social Welfare

Assembly Bill No. 117: By Mr. Hagen—An act to add Section 1523 to the Welfare and Institutions Code, relating to eligibility for aid to needy children.

Referred to Committee on Social Welfare.

Assembly Bill No. 118: By Messrs. Fleury and Moss—An act to amend Sections 1601 and 3866 of the Education Code, relating to the apportionment of the bonded indebtedness of school districts, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 119: By Messrs. Burkhalter, Fletcher, and McMillan—An act to add Part 12, comprising Sections 30001 to 30651, inclusive, to Division 2 of the Revenue and Taxation Code, imposing a gross receipts tax for the keeping of motor vehicles for compensation in the State of California, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 120: By Mr. Smith—An act to amend Section 6550 of the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 121: By Messrs. George D. Collins and Elliott—An act to regulate the rental of housing accommodations, establishing a Temporary State Housing Rent Commission, setting forth its powers and duties, and making an appropriation therefor.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 122: 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. 123: 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.

Assembly Concurrent Resolution No. 10: By Mr. Davis—Relative to a survey and preparation of plans by the Department of Public Works, Division of Highways, for a highway from the vicinity of Doyle, in Lassen County, to the Sierra Ordnance Depot.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 11: By Mr. Davis—Relative to commending Judge J. O. Moneur on his services to the judiciary.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Hahn:

House Resolution No. 24

Relative to the opening of school grounds for recreational activities

WHEREAS, A great many school facilities are closed after the school day, holidays and weekends; and

WHEREAS, One of the largest capital investments of the people of the State of California is the school system; and

WHEREAS, The majority of these schools already have the necessary recreational facilities at their disposal, or easily so, by merely constructing new lighting equipment; and

WHEREAS, The existing juvenile delinquency problem may, in part, be adequately combatted by proper use of leisure time; and

WHEREAS, There is great need for more recreational facilities for the youth and senior citizens of our State with supervised activities; and

WHEREAS, There exists a serious traffic hazard by children playing in streets near schools with a possibility of being killed or injured by automobile and truck traffic; and

WHEREAS, There is doubt existing on the part of our school boards and other political subdivisions of the State as to the stand and legal authority and justification for the extra expense involved in the use of these facilities after school hours; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Revenue and Taxation hold hearings throughout the State of California to ascertain why our schools are not being fully utilized to the benefit of the taxpayer

and what funds will be needed to open every school yard as an afternoon, holiday and weekend playground; and be it further

Resolved, That the Committee recommend to the Legislature the necessary legislation for the use of our school recreational facilities for afternoon, holiday and weekend recreation.

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

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March, 28, 1950

MR. SPEAKER. Your Committee on Finance and Insurance, to which was referred :
Senate Bill No. 7

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

GEDDES, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, March, 27, 1950

MR. SPEAKER. Your Committee on Social Welfare, to which were referred :

Assembly Bill No. 35

Assembly Bill No. 36

Assembly Bill No. 21

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

NIEHOUSE, Chairman

Above reported bills ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March, 28, 1950

MR. SPEAKER. Your Committee on Rules, to which were referred :

House Resolution No. 14

House Resolution No. 19

House Resolution No. 22

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.

ASSEMBLY CHAMBER, SACRAMENTO, March, 28, 1950

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.

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

MR. SPEAKER. Your Committee on Rules, to which was referred :

Senate 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 on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

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 amendments with the recommendation: Amend, and re-refer to the committee.

DICKEY, Chairman

Above reported resolution ordered on file

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

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

Assembly Bill No. 40

Assembly Bill No. 49

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

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

Assembly Bill No. 20

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bill ordered re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined

Assembly Constitutional Amendment No. 1

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 102

Has had the same under consideration, and respectfully reports the same back without recommendation, and be re-referred to the Committee on Ways and Means.

NIEHOUSE, Chairman

Above reported bill ordered re-referred to the Committee on Ways and Means.

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 55

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Education.

BROWN, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 5

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.

ASSEMBLY CHAMBER, SACRAMENTO, March 27, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Assembly Bill No. 11

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.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 28, 1950

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

Assembly Concurrent Resolution No. 8

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

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 27, 1950

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

Assembly Bill No. 12

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

Above bill ordered enrolled.

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

The following resolution was offered.

Assembly Concurrent Resolution No. 12: By Messrs. Stanley, Babbage, Hahn, Morris, Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyd, Coats, Collier, Sam L. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hansen, Hawkins, Hoffman, Hollibaugh, Huyek, Kilpatrick, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Mrs. Niehouse, Messrs. Porter, Rosenthal, Rumford, Smith, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—Relative to requesting the California Centennials Commission to cooperate with the American Legion in publicizing the Centennial of California at the Legion Convention in Los Angeles.

Referred to Committee on Rules.

ANNOUNCEMENT

Mr. Hahn announced that Rev. and Mrs. Johnny Lavender, guests of the Assembly this morning, are holding meetings at the First Baptist Church, at 24th and L Streets all this week, at 7.30 p.m., and cordially invited all members to attend.

NOTICE OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

Assembly Bill No. 23, on motion of Mr. Beck.

**MATTERS ON FILE CONTINUED UNTIL THE NEXT LEGISLATIVE
DAY BY UNANIMOUS CONSENT**

By unanimous consent, Mr. Collier's notices of motion to withdraw Assembly Bill No. 103, Assembly Bill No. 104, Assembly Bill No. 105, and Assembly Bill No. 106 from committee were continued until the next legislative day.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 13—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.

Bill read second time, and ordered engrossed

Assembly Bill No. 14—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.

Bill read second time, and ordered engrossed.

Assembly Bill No. 28—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Bill read second time, and ordered engrossed.

Assembly Bill No. 29—An act to amend Sections 3047 and 3047.3 of, and to add Sections 3047.01, 3047.02, 3047.2, 3047.21, 3047.24, 3047.25, and 3047.27 to, and to repeal Section 3047.1 of, the Welfare and Institutions Code, relating to aid to the needy blind in respect to property qualifications of applicants and recipients.

Bill read second time, and ordered engrossed.

Assembly Bill No. 30—An act to add Section 3000 to the Welfare and Institutions Code, relating to aid to needy blind persons, and the purpose of the laws relative thereto.

Bill read second time, and ordered engrossed.

Assembly Bill No. 31—An act to amend Section 3447 of the Welfare and Institutions Code, relating to aid to the partially self-supporting blind

Bill read second time, and ordered engrossed

Assembly Bill No. 32—An act to add Section 3451 to the Welfare and Institutions Code, relating to eligibility for aid to partially self-supporting blind residents.

Bill read second time, and ordered engrossed.

Assembly Bill No. 33—An act to amend Section 3075 of the Welfare and Institutions Code, relating to the Rules and Regulations of the Department of Social Welfare in respect to aid to the needy blind and aid to partially self-supporting blind residents.

Bill read second time, and ordered engrossed.

Assembly Bill No. 80—An act to amend Sections 3083 and 3471 of the Welfare and Institutions Code, relating to aid to the blind, including aid to the needy blind and aid to partially self-supporting blind residents, in respect to determination of blindness.

Bill read second time, and ordered engrossed.

Assembly Bill No. 63—An act to create a fund to provide for the alleviation and prevention of unemployment by means of construction of public works; to authorize the issuance of bonds for the above purpose; and to provide for the appropriation of money in the fund created.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

On page 2 of the printed bill, between lines 16 and 17, insert

"(e) Any and all work provided for in this section shall be done in accordance with provisions of law, including ordinances and charter provisions, requiring the construction of public buildings, public works and other facilities to be done by contract awarded after competitive bidding to the lowest responsible bidder and prescribing the procedure therefor, which are applicable to the eligible agency concerned."

Amendment No. 2

On page 2, line 4, of the printed bill, after "agency", insert "in accordance with the provisions of the Local Agency Allocation Act and".

Amendment No. 3

On page 2, line 9, of the printed bill, after "kind", insert "in accordance with the provisions of the Local Agency Allocation Act and".

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Assembly Bill No. 25—An act to amend Sections 111, 3076, 3078, and 3461 of the Welfare and Institutions Code, relating to aid to the blind and to the organization and powers of the State Department of Social Welfare in relation thereto.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2 of the printed bill, strike out lines 11, 12, and 13

Amendment No. 2

On page 2 of said bill, strike out lines 15 to 43, inclusive, and insert

"3078 The Department of Social Welfare may, on behalf of the State, at any time inquire into the management by any county of aid to blind persons under the provisions of this chapter and Chapter 3 of this part. The Division for the Blind shall

have its own staff to supervise the administration of aid to the blind, and all employees of the division shall be responsible to the Chief of the Division for the Blind irrespective of their headquarters.

If at any time the Department of Social Welfare has reason to believe that aid to the needy blind or aid to partially self-supporting blind residents has been obtained improperly, it shall cause special inquiry to be made and may suspend payment for any installment pending the inquiry. It shall notify the board of supervisors of such suspension. If it appears, upon the inquiry, that the aid has been obtained improperly, it shall be cancelled by the Department of Social Welfare and if it appears that aid was obtained properly, the suspended payment shall be payable.

Any person dissatisfied with the action of the Department of Social Welfare in suspending or cancelling aid may appeal to the State Social Welfare Board and upon such appeal shall be granted an opportunity for a fair hearing.

Any county which refuses, upon due demand, to permit such inquiry or to comply with any provision of this chapter, shall not thereafter receive any aid or reimbursement from the State under the provisions of this chapter until it has complied with all the requirements of this chapter."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Assembly Bill No. 24—An act to amend Sections 3081 and 3470 of the Welfare and Institutions Code, relating to applications for aid to the blind.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 15, of the printed bill, after "residence," insert "This section shall not be interpreted to preclude a full and complete investigation by the agency administering aid to the blind."

Amendment No. 2

On page 2, line 8, of said bill, after "residence," insert "This section shall not be interpreted to preclude a full and complete investigation by the agency administering aid to the blind."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Assembly Bill No. 62—An act to amend Sections 5, 6, 12, 21, and 23, and to repeal Section 28 of the Relief Act of 1945, relating to relief of hardship and destitution.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2 of the printed bill, after line 28, insert
"Sec. 5.1. In case of dispute, the application and supporting documents pertaining to his case on file in the Department of Social Welfare or on file in any county office or elsewhere shall be open to inspection at any time during business hours by the applicant or recipient, or by his designated attorney or agent upon proof of his designation as such attorney or agent."

Amendment No. 2

On page 2 of said bill, after line 34, insert
"The board of supervisors, directly or through an authorized investigator, shall upon receipt upon an application for aid, promptly, without any unnecessary delay,

and with all diligence, make the necessary investigation. Such investigation shall be completed within 60 days after receipt of the application."

Amendments read, and adopted.

Bill ordered reprinted, engrossed.

Assembly Bill No. 69—An act to amend Sections 5911, 5930, and 5931, and to repeal Section 5931.5 of the Elections Code, relating to absentee voting, 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 Elections and Reapportionment:

Amendment No. 1

On page 1 of the printed bill, between lines 16 and 17, on the left-hand side of the page, insert "-----

Date of Signing".

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

Assembly Bill No. 45—An act to add Sections 2201 and 3090.5 to the Welfare and Institutions Code, relating to public assistance, including aid to the aged and aid to the needy blind, in respect to recipients who have removed from one county to another county within the State, 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 Social Welfare:

Amendment No. 1

On page 1 of the printed bill, between lines 19 and 20, insert

"No aid shall be denied because of lack of one year's residence in any county. No aid shall be discontinued or delayed because of this section."

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

SECOND READING OF SENATE BILLS

Senate Bill No. 10—An act to amend Section 2117.5 of the Streets and Highways Code, relating to the Highway Users Tax Fund.

Bill read second time, and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 28, 1950

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

Senate Bill No. 15

Senate Bill No. 25

Senate Bill No. 30

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. 15—An act to add Section 7043 to the Education Code, relating to the support of the Public School System, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 25—An act to amend the Water Conservation Act of 1931 by adding thereto new sections designated 3.1, 30.1, 36.1, 61.1, 67.1, and 77.1, relating to the authorization, issuance and payment of bonds of water conservation districts and improvement districts created under said act, and the levy of special assessment taxes for the payment thereof.

Referred to Committee on Municipal and County Government.

Senate Bill No. 30—An act to amend Sections 5911, 5930, and 5931, and to repeal Section 5931.5 of the Elections Code, relating to absentee voting, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Elections and Reapportionment.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 27, 1950

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

Senate Bill No. 22
Senate Bill No. 23

Senate Bill No. 26
Senate Bill No. 27

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. 22—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 Governmental Efficiency and Economy.

Senate Bill No. 23—An act to amend Section 6010 of, to add Section 6011.5 to, the Insurance Code, relating to insurance and to the standard form of fire insurance policy for county mutual fire insurers.

Referred to Committee on Finance and Insurance.

Senate Bill No. 26—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies as herein defined.

Referred to Committee on Municipal and County Government.

Senate Bill No. 27—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies as herein defined, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Municipal and County Government.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 46—An act to amend Sections 5512 and 5513 of the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMullan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—72.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 47—An act to amend Sections 5501, 5502, and 5503 of the Welfare and Institutions Code, relating to sexual psychopaths.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMullan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—72.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50—An act to amend Section 288a of the Penal Code, relating to sex perversion.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dunn, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMullan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49—An act to amend Sections 73 and 2121 of the Streets and Highways Code, relating to the relinquishment of portions of state highways to counties.

Bill read third time, and ordered temporarily passed on file.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 41

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF ASSEMBLY BILL NO. 41
(BY UNANIMOUS CONSENT)

Assembly Bill No. 41—An act to amend Section 9905 of the Government Code, relating to influencing legislation.

Bill read third time.

Point of Order

Mr. Dolwig arose to the following point of order: That amended copies of Assembly Bill No. 41 are not at the desks of members, and that Mr. Collier is not in order.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Assembly Bill No. 41 ordered temporarily passed on file.

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

Mr. Collier asked for, and was granted, unanimous consent that the following three 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, March 23, 1950

Hon. John L. E. Collier
Assembly Chamber

APPLICATION OF STATUTE REGULATING
LEGISLATIVE REPRESENTATION—No. 1473

DEAR MR. COLLIER: You have asked whether a person who engages himself for pay for the purpose of influencing legislation or the approval or veto of legislation and, hence, a person who must register under Section 9906 of the Government Code, is also subject to the provisions of Sections 9901 to 9903 of that code which require, respectively, the keeping of accounts of contributions received and expenditures made for the purpose of influencing legislation and the obtaining of a receipt for certain expenditures (Gov. C. 9901); the rendering to a principal of an account by an individual receiving such contributions (Gov. C. 9902); and the filing of reports of such contributions and expenditures with the Chief Clerk of the Assembly and the Secretary of the Senate (Gov. C. 9903).

In order to arrive at a conclusion, it is necessary to consider the general effect of the whole regulation imposed by Chapter 4 of the Statutes of the First Extraordinary Session of 1949 which added to the Government Code the sections here under consideration. *It is our opinion*

that Chapter 4 is comprised of what may be considered two separate and distinct types of regulation.

The first of these separate regulations appears to be designed to affect persons who solicit or receive contributions for the purpose of influencing legislation and to be expressed for the most part in Sections 9901, 9902, and 9903 as limited by Section 9905. This conclusion is substantiated by the facts that each of Sections 9901 to 9903 is incomplete on its face, making cross-reference to "purposes hereinafter designated" and the purposes "designated in subparagraphs (a) and (b) of Section 9905." Section 9905, in turn, imposes no requirements on anyone but amounts to a statement of scope and purposes and deals with the same subject matter as do Sections 9901 to 9903.

On the other hand, a second type of regulation imposed by Section 9906 requires the registration and making of financial and other reports by persons who engage themselves for pay to influence legislation. That it is a distinct regulation seems well substantiated by the fact that it appears complete in and of itself, since it makes no cross-reference to Section 9905 to incorporate the statement of purposes therein contained and contains its own statement of purposes. It also contains all other provisions necessary to its application, including a specification of information necessary when registering, a requirement of filing monthly reports prescribing the information to be contained therein, and its own specifications of exemptions which would not be consistent if read in conjunction with Section 9905.

Thus, since these are two separate regulations, it becomes apparent that a person may become subject to one without becoming subject to the other and to become subject to either the person must act as to come within the definition of persons regulated. The person who engages himself for pay to influence legislation, unless he qualifies for exemption, must register and otherwise comply with Section 9906. The person or organization (since person is broadly defined for the purposes of Chapter 4) which is subject to the regulation of Sections 9901 to 9903 is, generally, one which solicits or receives contributions for the purpose of influencing legislation. With respect to a paid representative, the person subject to regulation for soliciting contributions would be the employer of the representative and not the representative who is merely the agent of such person rather than the person himself.

The key to this conclusion is the fact that a distinction is made in description of persons subject to Sections 9901-9903 in that Section 9901 and 9903 speak of the broad term "person" while Section 9902 speaks of an "individual." The apparent purpose of the distinction is to require that the human being who does the action of soliciting or receiving contributions render an account to his principal. No such intent is revealed with regard to keeping accounts and obtaining receipts for expenditures under Section 9901 or filing reports of contributions and expenditures with the Chief Clerk of the Assembly and the Secretary of the Senate under Section 9903 since the term "individual" is not used.

Such a construction is apparently in accord with the administrative interpretation placed on the Federal Regulation of Lobbying Act (2 U. S. Code, Secs 261-270) by the Clerk of the House of Representatives (Zeller, 42 American Political Science Review 239 at pages 257 and 263).

Pursuant to such a construction, it is our opinion that the hired representative required to register under Section 9906 would be required, since he is an individual, to do no more under Sections 9901 to 9903 than to render an account to his employer or principal as provided in Section 9902 and only then if he should receive a contribution for the purpose of influencing legislation in behalf of his employer. He would not, however, be required to comply with Section 9901 (except insofar as his employer might require him to obtain receipts for expenditures he has made to enable it to comply with the provisions of Section 9901) nor with Section 9903.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By PHILIP J. O'DONNELL, Deputy

OPINION OF LEGISLATIVE COUNSEL

Letter of Transmittal

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 27, 1950

Hon John L. E. Collier
Assembly Chamber

**Enforcement of Statute Regulating
Legislative Representation—No. 1167**

DEAR MR. COLLIER: We submit herewith an opinion prepared pursuant to your request, discussing the enforcement of Chapter 4 of the Statutes of the First Extraordinary Session of 1949, which regulates legislative representation. We are transmitting copies of this opinion to the Chief Clerk of the Assembly and the Secretary of the Senate according to your authorization

Very truly yours,

FRED B. WOOD, Legislative Counsel
By PHILIP J. O'DONNELL, Deputy

Opinion of Legislative Counsel

SACRAMENTO 2, CALIFORNIA, March 27, 1950

Honorable John L. E. Collier
Assembly Chamber

**ENFORCEMENT OF STATUTE REGULATING
LEGISLATIVE REPRESENTATION—No. 1167**

DEAR MR. COLLIER:

Question

You have asked us to determine what officers are responsible for the enforcement of the statute regulating legislative representation (Chapter 4 of the Statutes of the First Extraordinary Session of 1949) and, more specifically, what duties of enforcement devolve on the Chief Clerk of the Assembly and the Secretary of the Senate.

Opinion

The only express duties imposed on any state officers are those imposed on the Chief Clerk of the Assembly and the Secretary of the Senate and these are confined generally to taking registrations and accepting and preserving as public records statements and reports filed with them by persons subject to the regulation of Chapter 4. As to

enforcement, since there is no express reference made, it must be assumed that the duty of enforcement is in the officers generally made responsible for the enforcement of penal laws. The Attorney General, the various district attorneys, and other law enforcement officers of the State.

Analysis

The only duties expressly given to the Chief Clerk of the Assembly and the Secretary of the Senate are in substance as follows:

(1) Duty to notify persons required to file statements under Chapter 4 of nonreceipt of a statement (Government Code 9904, Subdivision (a)).

(2) Duty to preserve for a period of two years statements filed with them under Chapter 4 as public records. (Gov. C. 9904, Subdivision (b)).

(3) Duty to compile information filed by persons employed for compensation to influence legislation in order that it may be published in the legislative Journals. (Gov. C. 9906, Subdivision (b)).

In addition to these express duties, the chapter makes provision for the filing of monthly reports with the Clerk and the Secretary by persons soliciting or receiving contributions for the purpose of influencing legislation (Gov. C. 9903, Subdivision (a)), and the registration of, and filing of monthly reports by, persons engaged for compensation to influence legislation with the Clerk and Secretary (Gov. C. 9906, Subdivision (a)).

The sum total of these duties appears to have no further effect than to constitute the Clerk and the Secretary custodians of the required records and reports. Even as to registration of persons engaged for pay to influence legislation the regulation requires no more than the submission of specified information to the Clerk and the Secretary and vests no discretionary powers or duties in them.

It may be assumed that public officers have in general only those duties which are prescribed by law or which may arise by necessary or fair implication from duties expressly given (*City of Napa vs. Rainey* (1881), 59 Cal. 275, 278). Since the express duties here given reasonably have reference only to the receiving and keeping of records, any implied duties should be limited to duties generally of the same character. In our opinion it is beyond the scope of fair implication to find that the Clerk and the Secretary, in addition to having custodial duties, have enforcement duties as well such as determining when violations of the law have occurred and instituting proceedings against the suspected violators.

A somewhat similar situation was presented in the case of *Wheeler vs. Halt* (1922), 188 Cal. 49. There a mandate was sought to compel a county clerk to omit from a special election ballot the names of certain persons claiming to have been nominated on the ground that such persons were not eligible candidates under the law. The court said at page 54:

"The clerk is a mere ministerial officer and he is not required to ascertain whether or not the candidate who offers himself to be voted for at an election is or is not eligible to hold the office for which he stands. * * * It is sufficient to say that we do not think the clerk can raise the objection and refuse to place the name on the ballot because of his knowledge, information, or belief that the proposed candidate is not eligible to the office, and consequently that it would

not be cause for mandamus to compel him to omit such candidate from the printed ballot."

Thus, it appears that merely because an officer is given ministerial duties with regard to certain records, it is not to be implied that a correlative duty is given to make judgments as to whether such records reveal violations of the law.

Having determined that the Clerk and the Secretary do not have enforcement duties as to the regulation of Chapter 4 with the exception of the obligation of all citizens to facilitate the enforcement of laws, and since there is no express vesting of enforcement powers in any person or office, we conclude that the duty of enforcement falls upon those who generally have the duties of enforcing the penal laws. Section 21 of Article V of the Constitution gives the Attorney General the duty "to see that the laws of the State of California are uniformly and adequately enforced in every county of the State." District attorneys are likewise charged with enforcement of the laws (Gov. C. 26501) and so also are sheriffs (Gov. C. 26601).

In our opinion the above officers and others who have a law-given duty to enforce penal statutes are those who must enforce the provisions of Chapter 4 of the Statutes of the First Extraordinary Session of 1949.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By PHILIP J. O'DONNELL, Deputy

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 15, 1950

Hon. John L. E. Collier
Assembly Chamber

FORMS FOR USE UNDER STATUTE REGULATING LEGISLATIVE REPRESENTATION—No. 1166

DEAR MR. COLLIER: We submit herewith sample forms prepared pursuant to your request for use in connection with the statute regulating legislative representation (Chapter 4 of the Statutes of the First Extraordinary Session of 1949).

The forms are substantially similar to those now used in connection with the Federal Regulation of Lobbying Act (U. S. Code, Title 2, Secs 261 to 270, inclusive), varying from those used in the federal regulation only to conform to the differences from the federal act to be noted in Chapter 4.

Three separate forms have been prepared, designated Forms 1, 2, and 3. Form 1 consists of two pages and the others of one page, but the reverse side of each page has been prepared on a separate page for convenience.

We are transmitting copies of the forms to the Speaker of the Assembly according to your authorization.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By PHILIP J. O'DONNELL, Deputy

1166

(Front of Page 1)

FORM 1

(To be filed monthly with the Chief Clerk of the Assembly and the Secretary of the Senate)

DETAILED STATEMENT TO BE FILED WITH THE CHIEF
CLERK OF THE ASSEMBLY AND THE SECRETARY OF
THE SENATE UNDER THE STATUTE REGULATING LEG-
ISLATIVE REPRESENTATION

(Chapter 4 of The Statutes of the First Extraordinary Session of 1949)

Name _____

Business Address _____

STATEMENTS TO BE FILED WITH CLERK AND SECRETARY

(If additional space is required, the information may be attached)

(a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of Section 9905 shall file with the clerk and the secretary between the first and tenth day of each calendar month, a statement containing complete as of the day preceding the date of filing—

CONTRIBUTIONS

(1) The name and address of each person who has made a contribution of \$20 or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of \$20 or more to such person since the effective date of this chapter:

[illegible]

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1):

	Amount
--	--------

(2)

Total sum of contributions reported under (2) _____

[SEE LAST PAGE FOR EXTRACTS OF LAW]

(Reverse of Page 1)

(3) The total sum of all contributions made to or for such person during the calendar year: Amount

(3) _____

Total sum of contributions reported under (3) _____

Total sum of contributions reported in previous statement	
---	--

Grand total of all contributions to date of filing for calendar year_____

(Front of Page 2)

(6) The total sum of expenditures made by or on behalf of such person during the calendar year:	Amount
(6)-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----
-----	-----

Total sum of expenditures reported under (6) -----

Total sum of expenditures reported in previous statement -----

Grand total of all expenditures to date of filing for calendar year -----

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

OATH OF PERSON FILING

STATE OF CALIFORNIA }
COUNTY OF ----- } ss:

I, -----, being duly sworn, depose
(Name of person filing)

(affirm) and say that the foregoing has been examined by me and to the best of my knowledge and belief is a true, correct, and complete declaration.

(Name of person filing)

Subscribed and sworn to (affirmed) before me this ----- day
of -----, A. D. 19-----.

(Official authorized to administer oath)

(Reverse of Page 2)

FORM 1

(To be filed monthly with the Chief Clerk of the Assembly
and the Secretary of the Senate)
(To be filled out by person filing)

**DETAILED STATEMENT TO BE FILED UNDER THE STATUTE
REGULATING LEGISLATIVE REPRESENTATION**

Name -----
Address -----
City -----
State -----
Date of filing -----

**EXTRACTS FROM CHAPTER 4 OF THE FIRST
EXTRAORDINARY SESSION OF 1949
DETAILED ACCOUNTS OF CONTRIBUTIONS**

Government Code Section 9901. (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of

- (1) All contributions of any amount or of any value whatsoever;
- (2) The name and address of every person making any such contribution of twenty dollars (\$20) or more and the date thereof;
- (3) All expenditures made by or on behalf of such organization or fund; and
- (4) The name and address of every person to whom any such expenditure is made and the date thereof.

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding ten dollars (\$10) in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

RECEIPTS FOR CONTRIBUTIONS

Sec. 9902. Every individual who receives a contribution of twenty dollars (\$20) or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

**STATEMENTS TO BE FILED WITH CHIEF CLERK
OF ASSEMBLY AND SECRETARY OF SENATE**

Sec. 9903. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of Section 9905 of this chapter shall file with the clerk and secretary between the first and tenth day of each calendar month, a statement containing complete as of the day next preceding the date of filing

(1) The name and address of each person who has made a contribution of twenty dollars (\$20) or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of twenty dollars (\$20) or more to such person since the effective date of this chapter;

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such person during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of ten dollars (\$10) or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4);

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

STATEMENT PRESERVED TWO YEARS

Sec. 9904. A statement required by this chapter to be filed with the clerk and secretary

(a) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Chief Clerk of the Assembly and Secretary of the Senate, of the State of California, Sacramento, California, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the clerk of its nonreceipt;

(b) Shall be preserved by the clerk and secretary for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection

PERSONS TO WHOM APPLICABLE

Sec. 9905. The provisions of this chapter shall apply to any person, except a political committee, who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(a) The passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

(b) To influence, directly or indirectly, the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California.

REPORTS AND STATEMENTS TO BE MADE UNDER OATH

Sec. 9907. All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths.

PENALTIES

Sec. 9908. (a) Any person who violates any of the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment.

(Face)

Req. #1166

FORM 2

REGISTRATION WITH THE CHIEF CLERK OF THE ASSEMBLY AND THE SECRETARY OF THE SENATE UNDER
STATUTE REGULATING LEGISLATIVE REPRESENTATION

(Chapter 4 of the Statutes of the First Extraordinary Session of 1949)

Name -----

Business address -----

INFORMATION REQUIRED FROM PERSON REGISTERING

(See reverse side of sheet for extract of Act)

(1) The name and address of the person by whom employed:

(1) -----

(If additional space is required, the information can be attached)

(2) In whose interest he appears or works:

(2) -----

(3) The duration of such employment:

(3) -----

- (4) How much he is paid and is to receive :
 (4) -----

- (5) By whom he is paid or is to be paid :
 (5) -----

- (6) How much he is to be paid for expenses :
 (6) -----

- (7) What expenses are to be included :
 (7) -----

See Form 3 for monthly report to be filed.

OATH OF REGISTRANT

STATE OF CALIFORNIA }
 County of } ss:

I, -----, being duly sworn, depose
 (Name of registrant)
 (affirm) and say that the foregoing has been examined by me and to
 the best of my knowledge and belief is a true, correct, and complete
 declaration.

 (Signature of registrant)
 Subscribed and sworn to (affirmed) before me this ----- day of
 -----, A. D. 19-----.

 (Official authorized to administer oath)

(Reverse Side)
FORM 2

(To be filled out by person registering)

REGISTRATION WITH THE CLERK AND SECRETARY UNDER STATUTE REGULATING LEGISLATIVE REPRESENTATION

Name -----
 Business -----
 Address -----
 City -----
 State -----
 Date of filing -----

EXTRACT OF LAW FOR FORM 2, REGISTRATION

Any person who shall engage himself for pay or for any considera-
 tion for the purpose of attempting to influence the passage or defeat of
 any legislation by the Legislature of the State of California or the

approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included.

EXTRACTS FROM CHAPTER 4 OF THE STATUTES OF THE
FIRST EXTRAORDINARY SESSION OF 1949

REGISTRATION WITH CHIEF CLERK OF THE ASSEMBLY
AND SECRETARY OF THE SENATE

Government Code Section 9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and expended by him during the preceding calendar month in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal

of Senate and the Journal of the Assembly if the Legislature is in session and if it is not in session as soon as practicable after the Legislature next convenes.

REPORTS AND STATEMENTS TO BE MADE UNDER OATH

Sec. 9907. All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths.

PENALTIES

Sec. 9908. (a) Any person who violates any of the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment

(Face)

FORM 3

Req. #1166

MONTHLY REPORT OF PERSONS REGISTERED UNDER STATUTE REGULATING LEGISLATIVE REPRESENTA- TION TO BE FILED WITH THE CHIEF CLERK OF THE ASSEMBLY AND THE SECRETARY OF THE SENATE

(Chapter 4 of Statutes of First Extraordinary Session of 1949)

Name-----
Business Address-----
Employed by-----
Address of Employer-----

INFORMATION REQUIRED IN MONTHLY REPORT

(See reverse side of sheet for extract of Act)

Each such person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the Chief Clerk of the Assembly and the Secretary of the Senate—

(1) A detailed report of all money received and expended by him during the preceding calendar month in carrying on his work.

(1)-----

(If additional space is required the information can be attached)

(2) To whom paid :
(2)-----

(3) For what purposes:

(3) -----

(4) The names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials:

(4) -----

(5) The proposed legislation he is employed to support or oppose:

(5) -----

OATH OF REGISTRANT FILING MONTHLY REPORT

STATE OF CALIFORNIA }
County of ----- } ss:

I, -----, being duly sworn, depose
(Name of registrant filing report)
(affirm) and say that the foregoing has been examined by me and to the best of my knowledge and belief is a true, correct, and complete declaration.

(Signature of registrant filing report)

Subscribed and sworn to (affirmed) before me this ----- day
of ----- A.D. 19--.

(Official authorized to administer oath)

(REGISTRANT WILL SUPPLY INFORMATION REQUIRED
ON REVERSE OF THIS FORM)

(Reverse side of Form)

FORM 3

(To be filled out by registrant)

MONTHLY REPORT OF PERSON REGISTERED UNDER STATUTE REGULATING LEGISLATIVE REPRESENTATION TO BE FILED WITH THE CLERK OF THE ASSEMBLY AND SECRETARY OF SENATE

Name -----
Business -----
Address -----
City -----
State -----
Month ending -----
Date of filing -----

EXTRACT OF LAW FOR FORM 3, MONTHLY REPORT

Each person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the Chief

Clerk of the Assembly and Secretary of the Senate a detailed report under oath of all money received and expended by him during the preceding calendar month in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose.

EXTRACTS FROM CHAPTER 4 OF THE STATUTES OF THE
FIRST EXTRAORDINARY SESSION OF 1949

REGISTRATION WITH CHIEF CLERK OF THE ASSEMBLY
AND SECRETARY OF THE SENATE

Government Code Section 9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the clerk and secretary a detailed report under oath of all money received and expended by him during the preceding calendar month in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of Senate and Journal of the Assembly if the Legislature is in session and if it is not in session as soon as practicable after the Legislature next convenes.

REPORTS AND STATEMENTS TO BE MADE UNDER OATH

Sec. 9907. All reports and statements required under this chapter shall be made under oath, before an officer authorized by law to administer oaths.

PENALTIES

Sec. 9908. (a) Any person who violates any of the provisions of this chapter, shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months, or by both such fine and imprisonment

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment.

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

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

Assembly Bill No. 124: By Mr. Dickey—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately.

Referred to Committee on Rules.

Assembly Bill No. 125: By Messrs. Kilpatrick and Condon—An act for the prevention or alleviation of unemployment through the construction of public works by cities, counties, cities and counties, housing authorities, districts, and other local public agencies, making an appropriation for allocation to such agencies, and providing for the administration thereof.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 126: By Messrs. Kilpatrick and Condon—An act for the prevention or alleviation of unemployment by providing for stimulation of employment in private industry through a system of insured business loans, creating a State Finance Corporation as the public agency to administer this act, prescribing its powers and duties, and making an appropriation.

Referred to Committee on Governmental Efficiency and Economy.

CONSIDERATION OF DAILY FILE (RESUMED)
FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 49

Assembly Bill No. 49—An act to amend Sections 73 and 2121 of the Streets and Highways Code, relating to the relinquishment of portions of state highways to counties.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, George D. Collins, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—66.

NOES—None.

Bill ordered transmitted to the Senate.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 40—An act to add Section 18010 to the Education Code, relating to sewers and drains for schools, and declaring its urgency.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—64.

NOES—Lowrey—1.

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

AYES—Anderson, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—64.

NOES—Lowrey—1.

Bill ordered transmitted to the Senate.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 41

Assembly Bill No. 41—An act to amend Section 9905 of the Government Code, relating to influencing legislation.

Bill read third time.

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

AYES—Babbage, Beck, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Rumford, Sherwin, Silliman, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—60.

NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, March 28, 1950

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

Assembly Bill No. 12—An act to validate the expenditure of certain major city street funds by the Town of Los Gatos;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-eighth day of March, 1950, at 11 a.m.

HUYCK, Chairman

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
SENATE CONCURRENT RESOLUTION NO. 4**

Mr. Cooke asked for, and was granted, unanimous consent that he be permitted to take up Senate Concurrent Resolution No. 4, out of order, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 4**Senate Concurrent Resolution No. 4**—Relative to the death of Charles Collins Teague.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS****Senate Bill No. 17**—An act to amend Section 1851 of the Insurance Code, relating to insurance upon property purchased from the Department of Veterans Affairs.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—70.

NOES—None.**Notice of Motion to Reconsider Senate Bill No. 17**

Mr. Brady gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 17 was this day passed.

ANNOUNCEMENT

Mr. Beck announced a luncheon meeting and Democratic Caucus upon adjournment.

ADJOURNMENT

At 11.15 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.30 a.m., Wednesday, March 29, 1950, out of respect to the memory of the late Charles Collins Teague of Ventura.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY

TWENTY-FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Wednesday, March 29, 1950

The Assembly met at 10.30 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crowley, Davis, Diekey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Habu, Hansen, Hawkins, Hinckley, Hoffman, 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—75.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Dunn asked for, and was granted, unanimous consent that the prayer, offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Righteous God: May we look over America today and see the monstrous menace of lawlessness and crime attacking our very foundation and let us sound the call for a rebirth of righteousness in our commercial and political life.

May we honor the glorious name of California by rallying all men of incorruptible integrity, high sense of honor and courage to do right at any cost.

May we, the honored representatives of this far famed State, crusade incessantly against the underworld of little character, the masters of subterfuge, the bribe givers and bribe takers, the profiteer and the racketeer, sapping the Nation's resources.

Let us see that America cannot be destroyed by outside enemies, but only by rottenness within that corrupts our virgin soil and by the unscrupulous that sap the moral vigor of a pioneer people.

For America, let us call all patriots to rise up and subdue the crooked and lawless, this sixth column of surreptitious enemies, who would rob and blacken this fair and golden land.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Dickey, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. George D. Collins asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

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

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

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

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

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

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

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 127: By Mr. Yorty—An act to add Sections 2506.1, 2506.2, and 2506.3 to the Welfare and Institutions Code, relating to county aid to indigent persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 128: By Messrs. Clarke, Hoffman, and Hansen—An act to amend the California Water District Act, relating to delinquent taxes and the redemption of property sold therefor.

Referred to Committee on Agriculture.

Assembly Bill No. 129: By Messrs. Geddes, Waters, Grant, and Burkhalter—An act to amend Section 2 of, and to add Sections 3.1, 3.2, and 3.3 to, the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District and authorizing the establishment of zones therein to reclaim, acquire and import water, and to spread the same and cause it to percolate into the soil, and to levy special taxes therefor.

Referred to Committee on Governmental Efficiency and Economy.

RESOLUTIONS

The following resolutions were offered :

By Messrs. Thompson, Dolwig, McCollister, and Dickey :

House Resolution No. 25

Relative to commending the Department of California Highway Patrol

WHEREAS, The fine performances of the Federal Bureau of Investigation and other federal, state, and local law enforcement agencies are continually praised and brought to the attention of the public through newspaper items, magazine articles, radio reports and dramatizations, and motion pictures ; and

WHEREAS, These agencies are justly deserving of such praise and publicity ; and

WHEREAS, There exists in California the Department of California Highway Patrol, whose members daily render efficient service to the citizens of this State in patrolling the highways and enforcing the laws of the State ; and

WHEREAS, The service rendered by the Department of California Highway Patrol often involves great personal risks and many of the members of the patrol have been injured or killed in the line of duty ; and

WHEREAS, The Department of California Highway Patrol is equally deserving of public recognition and praise but seldom is accorded such public acclamation ; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby commend the Department of California Highway Patrol on the faithful and efficient service it has rendered to the people of the State of California ; and be it further

Resolved, That the people of the State of California be requested to take notice of the praiseworthy achievements of the Department of California Highway Patrol and to take pride in this exemplary law enforcement agency of the State ; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Department of California Highway Patrol

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

By Messrs. Hahn, Morris, and Evans :

House Resolution No. 26

Relating to the location of the Harbor Freeway in Los Angeles County

WHEREAS, It is now proposed to locate portions of the Harbor Freeway between Main Street and Figueroa Avenue, running south from Olympic Boulevard in Los Angeles ; and

WHEREAS, This area is residential and densely populated ; and

WHEREAS, The construction of the highway in this location would be against the public health and welfare of the people of Los Angeles, and particularly of the southwest section thereof ; and

WHEREAS, There are available routes for a Harbor Freeway along the right of way of the Pacific Electric Railway Company and along the route of the proposed Alameda Freeway, both of which can be constructed without the destruction of thousands of homes ; and

WHEREAS, The integration of rapid urban and interurban transportation in the Los Angeles metropolitan area must be planned before freeway routes for that area are finally adopted if a coordinated transportation system for the Los Angeles metropolitan area is to result ; and

WHEREAS, The Pacific Electric Railway Company is seeking to and probably will abandon this right of way in the near future as that company is abandoning many of its rights of way ; and

WHEREAS, The destruction of homes required for the immediate construction of the Harbor Freeway would further aggravate the existing serious housing shortage in Los Angeles without any purposeful result being accomplished in view of the further planning necessary for an integrated transportation system for the Los Angeles metropolitan area ; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Fact-Finding Committee on Highways, Streets, and Bridges is respectfully requested to investigate the advisability and feasibility of constructing the proposed highway ; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the Assembly Fact-Finding Committee on Highways, Streets, and Bridges.

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

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 63

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 24
Assembly Bill No. 25
Assembly Bill No. 45

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 13
Assembly Bill No. 14
Assembly Bill No. 28
Assembly Bill No. 29
Assembly Bill No. 30

Assembly Bill No. 31
Assembly Bill No. 32
Assembly Bill No. 33
Assembly Bill No. 80

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bills ordered to third reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:
Assembly Concurrent Resolution No. 9
Assembly Concurrent Resolution No. 10
Assembly Concurrent Resolution No. 11

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

DICKY, Chairman

Above reported resolutions ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

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.

DICKY, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:
Assembly Bill No. 124

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

DICKY, Chairman

Above reported bill ordered to second reading.

Committee on Agriculture

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Agriculture, to which was referred:
Assembly Bill No. 100

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

CLARKE, Chairman

Above reported bill ordered to second reading.

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER Your Committee on Revenue and Taxation, to which was referred,
Assembly Bill No. 65

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

HOLLIBAUGH, Chairman

Above reported bill ordered to second reading

**SECOND READING OF ASSEMBLY BILLS
(BY UNANIMOUS CONSENT)**

Assembly Bill No. 65—An act to provide for the Public School System and the raising of revenue therefor, and for that purpose to repeal Chapters 2, 12, 13, 14, 15, and 16 of Division 3 of the Education Code; to repeal Sections 4713, 8704, 8761, 9613, 9614, 9615, 9616, 9617, 9642, 9645, 9809, and 16486 of said code; to repeal Article 10 of Chapter 16 of Division 2 of said code; to repeal Sections 671 and 671.1 of the Welfare and Institutions Code; to add Chapters 2, 12, 13, 14, 15, and 16 to Division 3 of the Education Code; to amend Section 16256 of said code; and to add Sections 8704 and 8761 to said code; and to add Part 13, comprising Sections 30000 to 30473, inclusive, to the Revenue and Taxation Code, declaring the urgency thereof, to take effect immediately

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Revenue and Taxation:

Amendment No. 1

In lines 1 and 2 of the title of the printed bill, strike out "and the raising of revenue therefor,".

Amendment No. 2

Strike out lines 11 and 12 of the title of said bill, and insert "declaring the"

Amendment No. 3

On page 37 of said bill, between lines 11 and 12, insert
"SEC. 14. In the event that there is not sufficient money in the General Fund to pay the apportionments for support of the Public School System as provided in this act, such apportionments shall be paid from the Revenue Deficiency Reserve Fund."

Amendment No. 4

On page 37 of said bill, strike out lines 12 to 51, inclusive; strike out pages 38 to 49, inclusive; and on page 50, strike out lines 1 to 12, inclusive, and insert
"SEC. 15 This act is hereby".

Amendment No. 5

On page 50 of said bill, strike out lines 27 to 29, inclusive.

Amendment No. 6

On page 15, lines 14 and 15, of said bill, strike out "plus capital outlay for school busses as provided in Section 7035,".

Amendment No. 7

On page 15, lines 40 and 41, of said bill, strike out "plus capital outlay for school busses as provided in Section 7035,".

Amendment No. 8

On page 16, lines 8 and 9, of said bill, strike out "plus capital outlay for school busses as provided in Section 7035,".

Amendment No. 9

On page 16 of said bill, strike out lines 38 to 46, inclusive, and insert "7035".

Amendment No. 10

On page 16 of said bill, strike out line 50; and in line 51, strike out "for", and insert "shall be included in addition to the current costs of the district the cost of".

Amendment No. 11

On page 2, line 20, of said bill, strike out "high".

Amendment No. 12

On page 2, line 41, of said bill, strike out "high".

Amendment No. 13

On page 3, line 14, of said bill, strike out "high".

Amendment No. 14

On page 6, line 8, of said bill, strike out "but", and insert "and".

Amendment No. 15

On page 11, line 7, of said bill, strike out "High".

Amendment No. 16

On page 11, line 10, of said bill, after "attending", insert "an elementary school or".

Amendment No. 17

On page 11, line 13, of said bill, strike out "high".

Amendment No. 18

On page 11, line 14, of said bill, strike out "high".

Amendment No. 19

On page 11, line 16, of said bill, strike out "high".

Amendment No. 20

On page 11, line 22, of said bill, after "of", insert "class".

Amendment No. 21

On page 11 of said bill, between lines 23 and 24, insert "A class hour of attendance as used in this section is defined as not less than 50 minutes exclusive of passing time."

Amendment No. 22

On page 21 of said bill, strike out lines 1 to 3, inclusive

Amendment No. 23

On page 22 of said bill, strike out lines 36 and 37.

Amendment No. 24

On page 24 of said bill, beginning in line 31, strike out "twenty cents (\$.20)", and insert "twenty-five cents (\$.25)".

Request for Unanimous Consent That Amending Clerk Be Authorized to Make Technical Changes in Amendments

Mr. McCollister asked for, and was granted, unanimous consent that the Amending Clerk be instructed to make technical changes in amendments to Assembly Bill No. 65 prior to the release of Journal copy to the printer.

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

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

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

Assembly Bill No. 130: By Mr. Levering—An act to amend Sections 2223 and 2223.5 of the Welfare and Institutions Code, relating to recovery of old age security aid received in violation of the law.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 13: By Messrs. Levering and Reagan—Relative to commending the Board of Regents and the Faculty of the University of California for their stand against Communism.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred :

House Resolution No. 23

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

DICKY, Chairman

Above reported resolution ordered on file.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 29, 1950

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

Assembly Concurrent Resolution No. 6

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

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 29, 1950

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

Assembly Bill No. 22

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

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 29, 1950

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

Senate Bill No. 4

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. 4—An act to amend Sections 2163 and 2163.2 of the Welfare and Institutions Code, and to repeal Section 2163.6 thereof, relating to personal property qualifications for aid to the aged.

Referred to Committee on Social Welfare.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 35—An act to amend Sections 2163 and 2163.2 of, to repeal Section 2163.6 of, and to add Section 2163.8 to, the Welfare and Institutions Code, relating to aid to the aged in respect to the personal property qualifications of applicants and recipients.

Bill read second time, and ordered engrossed.

Assembly Bill No. 36—An act to amend Sections 2164, 2165, 2165a, and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients.

Bill read second time, and ordered engrossed.

Assembly Bill No. 21—An act to repeal Sections 3088, 3088.1, 3474, and 3474.1 of the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of, and to make reimbursement for aid granted to, applicants for and recipients of aid to the blind.

Bill read second time, and ordered engrossed.

Assembly Bill No. 5—An act to add Sections 1203.02 and 3053 5 to the Penal Code, to add Section 1767.2 to the Welfare and Institutions Code, and to amend Section 5517 of the Welfare and Institutions Code, relating to the use of alcoholic beverages by persons convicted of certain offenses and by sexual psychopaths

Bill read second time, and ordered engrossed

Assembly Bill No. 11—An act to add Chapter 9 to Part 1, Division 2, Title 2 of the Government Code, relating to lobbying.

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 1, line 9, of the printed bill, strike out "less than one year nor".

Amendment No. 2

On page 1, line 15, of the printed bill, strike out "less than one year nor".

Amendments read, and adopted

Bill ordered reprinted, and engrossed.

Assembly Bill No. 55—An act to amend Sections 16441 and 16443, and to add Article 6, comprising Sections 16501 to 16504 inclusive, to Chapter 3 of Division 8 of the Education Code, relating to the health supervision of public school children, to provide for facilities for detecting and treating children who display tendencies to commit sex offenses, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

On page 2, line 14, of the printed bill, strike out "evi-".

Amendment No. 2

On page 2 of the printed bill, strike out lines 15 through 18

Amendment No. 3

On page 2, line 14, of the printed bill, after "health", insert "or mental abnormality."

Amendment No. 4

On page 1, line 18, of the printed bill, strike out "psychologist".

Amendment No. 5

On page 2, line 4, of the printed bill, after "certificate", insert "Any psychologist employed pursuant to this article shall hold a school psychologist credential issued by the State Board of Education"

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Education.

Assembly Joint Resolution No. 5—Relative to the establishment of an Air Force Academy in Kern County.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 2, line 3, of the printed measure, strike out "and requests".

Amendment No. 2

On page 2 of said measure, strike out lines 5 and 6, and insert "investigate the eastern portion of Kern County in the vicinity of the above-mentioned airfields for the purpose of establishing an Air Force Academy in California; and be it further".

Amendments read, and adopted.

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Rules.

SECOND READING OF SENATE BILLS

Senate Bill No. 7—An act to amend Section 2071 of, and to add Sections 2074.5 and 2082.5 to, the Insurance Code, relating to insurance and the standard form fire insurance policy, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

NOTICE OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

Assembly Bill No. 23, on motion of Mr. Beck.

**MATTERS ON FILE CONTINUED UNTIL THE NEXT LEGISLATIVE
DAY BY UNANIMOUS CONSENT**

By unanimous consent, Mr. Collier's notices of motion to withdraw Assembly Bill No. 103, Assembly Bill No. 104, Assembly Bill No. 105, and Assembly Bill No. 106 from committee were continued until the next legislative day.

**REQUEST FOR UNANIMOUS CONSENT THAT SENATE BILL NO. 17
HOLD PLACE ON FILE**

Mr. Brady asked for, and was granted, unanimous consent that Senate Bill No. 17 be passed on file, and hold its place on file on the next legislative day.

**REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY CONCURRENT
RESOLUTION NO. 1 BE STRICKEN FROM FILE**

Mr. Reagan asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 1 be ordered stricken from the file.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 62

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 6—An act to amend Sections 19601, 19601.5, 19601.6, 19602, 19603, 19604, 19605, 19606, 19606.5, 19607, 19607.5, 19608, 19609, 19609.5, 19610, 19611, 19612, 19613, 19614, 19615, 19617, 19618, and 19619, and to repeal Sections 19613.5, and 19613.6 of the Education Code, relating to child care centers.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Stanley, Stewart, Thomas, Thompson, Weber, and Yorty—59

NOES—Butters, Clarke, Hagen, Hinckley, Levering, Reagan, Smith, and Tomlinson—8.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 62**

Mr. Anderson asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 62, out of order, for purpose of amendment, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 62

Assembly Bill No. 62—An act to amend Sections 5, 6, 12, 21, and 23, and to repeal Section 28 of the Relief Act of 1945, relating to relief of hardship and destitution.

Bill read third time.

Motion to Amend

Mr. Anderson moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 28, 1950, after "23," insert "to add Section 5.1 to,".

Amendment No. 2

On page 2 of said bill, between lines 24 and 25, insert
"SEC. 1.5. Section 5.1 is added to said act, to read:".

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

Motion to Place Rush Order on Printing of Assembly Bill No. 62

Mr. Anderson moved that a rush order be placed upon the printing of Assembly Bill No. 62.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 63**

Mr. Yorty asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 63, out of order, for purpose of amendment, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 63

Assembly Bill No. 63—An act to create a fund to provide for the alleviation and prevention of unemployment by means of construction of public works; to authorize the issuance of bonds for the above purpose; and to provide for the appropriation of money in the fund created.

Bill read third time.

Motion to Amend

Mr. Yorty moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 2, of the printed bill, as amended in the Assembly on March 28, 1950, strike out "to be leased or", and insert "for sale or lease by the Department of Finance, or use, as herein provided. The Department of Finance is hereby authorized to (1) lease any such public buildings or public works to any city, county, city and county, district or other public agency upon such terms and conditions, and for such period of time, as the department may determine; (2) sell any such public buildings or public works to any city, county, city and county, district or other public agency upon such terms and conditions as will provide within a period of 20 years for the complete repayment to the State of the cost, as determined by the Department of Finance, of any such public buildings or public works; provided, however, that where such public building or public works constitutes a building or public works in which there is a state interest the Department of Finance may, upon approval of a three-fourths vote of both houses of the Legislature reduce the selling price of any such public building or public works and modify the terms and conditions of the sale; (3) use any such public buildings or public works for state purposes until leased or sold as herein provided. Title to any such public building or public works shall vest in the State until conveyed as herein provided to a city, county, city and county, district or other public agency."

Amendment No. 2

On page 2 of said bill, strike out lines 3 to 12, inclusive.

Amendment No. 3

On page 2, lines 17 and 18, of said bill, strike out "Full Employment Construction", and insert "General".

Amendment No. 4

On page 2 of said bill, strike out lines 19 to 25, inclusive, and insert "SEC. 3 The jurisdiction and control of any public buildings or public works constructed, improved or equipped under the provisions of this act shall vest in the Department of Finance, and any use or occupancy thereof shall be subject to the approval of said department until such public buildings or public works are leased or sold as herein provided."

Amendment No. 5

On page 2, line 26, of said bill, strike out "3", and insert "4".

Amendment No. 6

On page 2, line 32, of said bill, strike out "4", and insert "5".

Amendment No. 7

On page 3, line 16, of said bill, strike out "5", and insert "6".

Amendment No. 8

On page 3, line 38, of said bill, strike out "6", and insert "7".

Amendment No. 9

On page 4, line 23, of said bill, strike out "7", and insert "8".

Amendment No. 10

On page 5, line 16, of said bill, strike out "8", and insert "9".

Amendment No. 11

On page 5, line 35, of said bill, strike out "9", and insert "10".

Amendment No. 12

On page 6, line 4, of said bill, strike out "10", and insert "11".

Amendment No. 13

On page 7, line 8, of said bill, strike out "11", and insert "12".

Amendment No. 14

On page 7, line 17, of said bill, strike out "12", and insert "13".

Amendment No. 15

On page 7, line 23, of said bill, strike out "13", and insert "14".

Amendment No. 16

On page 8, line 6, of said bill, strike out "14", and insert "15".

Amendment No. 17

On page 8, line 17, of said bill, strike out "15", and insert "16".

Amendment No. 18

On page 8, line 29, of said bill, strike out "16", and insert "17".

Request for Unanimous Consent That Amending Clerk Be Authorized to Make Technical Changes in Amendments

Mr. McCollister asked for, and was granted, unanimous consent that the Amending Clerk be authorized to make technical changes in amendments to Assembly Bill No. 63 prior to the release of Journal copy to the printer.

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 28**

Mr. Crowley asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 28, out of order, for purpose of amendment, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 28

Assembly Bill No. 28—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Bill read third time.

Motion to Amend

Mr. Crowley moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed bill, strike out lines 7 to 10, inclusive

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

RESOLUTIONS

The following resolution was offered

By Messrs. Dolwig, Thompson, Brady, George D. Collins, Meyers, Berry, Maloney, Gaffney, and McCarthy.

House Resolution No. 27

Relative to congratulating Edward J. Carrigan on his nomination for the position of United States Marshal for the Northern District of California

WHEREAS, Mr. Edward J. Carrigan has been nominated by the President of the United States for the position of United States Marshal for the Northern California District; and

WHEREAS, Mr. Carrigan has been active for many years in civic and political affairs of San Mateo County, having served as President of the San Mateo Central Labor Council, Chairman of the San Mateo County Democratic Central Committee, and as Postmaster of the City of San Mateo; and

WHEREAS, His experience as a civic, political and labor leader makes him well qualified for the position for which he has been nominated; and

WHEREAS, This nomination for the position of United States Marshal for the Northern District of California confers upon Mr. Carrigan an honor which is merited by his fine record of public service; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly extend congratulations to Mr. Edward J. Carrigan on his nomination for this position of United States Marshal for the Northern District of California, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to send a copy of this resolution to Mr. Edward J. Carrigan

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

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER Your Committee on Legislative Procedure has examined Assembly Bill No. 69

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bill ordered to third reading

ADJOURNMENT

At 11:02 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10:30 a.m., Thursday, March 30, 1950

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY
TWENTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, March 30, 1950

The Assembly met at 10 30 a m.

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

Chief Clerk Arthur A. Ohnumus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, 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, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, 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—77.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Waters asked for, and was granted, unanimous consent that the prayer, offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite Spirit: How sublime it is that in the midst of the furor of life, there are a few minutes in which we can escape into the presence of that which is altogether beautiful and altogether perfect.

We would tarry in this moment in the presence of the perfect truth, the perfect ideal so that every discord and evil about us might pass away.

May some gleam of that divine beauty and divine majesty that dwells at the heart of things enter into our spirit and lighten us with a touch of the Infinite.

Some touch of indescribable awe, some feeling of unutterable exaltation that sets our hearts a singing to the rhythm of Eternity and makes our noisy days seem but a second in the great Eternal stillness.

A transcendent moment when we dwell in thought on the margin of the horizon less vastness—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Dills, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Reagan asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mr. Price, on motion of Mr. Reagan.

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

Mr. Silliman, on motion of Mr. Reagan.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 131: By Messrs. Sherwin, Waters, Babbage, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Crowley, Evans, Geddes, Grant, Hansen, Hinckley, Hoffman, Huyek, Levering, Lindsay, Morris, Mrs. Niehouse, Messrs. Reagan, Stanley, Stewart, and Thompson—An act to add Sections 16104, 16105, and 16106 to the Business and Professions Code, relating to taxes for county purposes and disposition of the revenues therefrom.

Referred to Committee on Revenue and Taxation.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBLR, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:

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

DUNN, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBLR, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:

Assembly Bill No. 18

Has had the same under consideration, and reports the same back with the recommendation: Do pass, as amended, and be re-referred to Committee on Ways and Means.

DUNN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

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.

DICKY, Chairman

Above reported resolution ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Concurrent Resolution No. 8—Relative to adjournment in respect to the memory of Albert A. Rosenshine;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the thirtieth day of March, 1950, at 9 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Bill No. 28

Assembly Bill No. 62

Assembly Bill No. 63

And reports the same correctly re-engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Bill No. 5

Assembly Bill No. 35

Assembly Bill No. 21

Assembly Bill No. 36

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Concurrent Resolution No. 9

Assembly Concurrent Resolution No. 10

Assembly Concurrent Resolution No. 11

And reports the same correctly engrossed

HUYCK, Chairman

Above reported resolutions ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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 re-referred to Committee on Rules.

NOTICES OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notices of motion to reconsider votes on the following bills were continued until the next legislative day :

Assembly Bill No. 23, on motion of Mr. Beek.

Senate Bill No. 17, on motion of Mr. Clarke.

**MOTION TO WITHDRAW ASSEMBLY BILLS NOS. 103, 104, 105, AND
106 FROM COMMITTEE WAIVED**

Mr. Collier waived his notice of motion that Assembly Bills Nos. 103, 104, 105, and 106, be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

**CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 124—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 100—An act to add an article heading to be numbered Article 1, and to add Article 2 to Chapter 1a of Division 2 of the Agricultural Code, relating to agricultural pest control, and providing for proof of responsibility to respond for damages ensuing from operations involving spraying or otherwise applying pest control materials through the medium of the air, declaring the urgency of this act, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Agriculture :

Amendment No. 1

In line 7 of the title of the printed bill, strike out "the air", and insert "aircraft".

Amendment No. 2

On page 1, line 16, of said bill, strike out "the air", and insert "aircraft".

Amendment No. 3

On page 1, line 18, of said bill, strike out "operations within said"; and strike out line 19, and insert "the application of such materials and substances by an operator."

Amendment No. 4

On page 1, line 20, of said bill, strike out "final".

Amendment No. 5

On page 1, line 22, of said bill, after "proof", insert "to the director"

Amendment No. 6

On page 2, line 2, of said bill, strike out "final".

Amendment No. 7

On page 2, line 18, of said bill, strike out "Section 160.93 fails to do so", and insert "this article fails to do so or fails to maintain".

Amendment No. 8

On page 2, line 19, of said bill, strike out "said section, the director shall", and insert "this article, the director shall forthwith".

Amendment No. 9

On page 2, line 20, of said bill, after "furnishes", insert "or maintains".

Amendment No. 10

On page 2, line 33, of said bill, strike out "the air", and insert "aircraft".

Amendment No. 11

On page 2, line 47, of said bill, strike out "recovered", and insert "rendered".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

CONSIDERATION OF DAILY FILE**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 13—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.

Bill read third time.

Demand for Previous Question

Messrs. Hinekey, Reagan, Weber, Lindsay, and Hoffman demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 13.

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

AYES—Anderson, Beck, Bennett, Brady, Brown, Burkhalter, Coats, Collier, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Evans Fletcher, Fleury, Geddes, Grant, Grunsky, Hahn, Hawkins, Hollbaugh, Kilpatrick, Lewis, Lincoln, Lowrey, Luckel, McCollister, McMillan, Morris, Moss, Nichouse, Porter, Rosenthal, Rumford, Thomas, Tomlinson, Weber, Yorty, and Mr. Speaker—46.

NOES—Babbage, Berry, Burke, Butters, Caldecott, Clarke, Cloyd, Connolly, Conrad, Dolwig, Erwin, Gaffney, Hagen, Hansen, Hinekey, Hoffman, Huyck, Kirkwood, Levering, Lindsay, Lipscomb, Maloney, McCarthy, Meyers, Reagan, Sherwin, Smith, Stanley, Stewart, and Thompson—30

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Name Be Placed Upon Roll Call on Assembly Bill No. 13

Mr. Gaffney asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 13, and that he be recorded as voting "No."

Request for Unanimous Consent That Name Be Placed Upon Roll Call on Assembly Bill No. 13

Mr. Brady asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 13, and that he be recorded as voting "Aye."

Assembly Bill No. 14—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.

Bill read third time.

Motion to Re-refer Assembly Bill No. 14 to Committee

Mr. Levering moved that Assembly Bill No. 14 be withdrawn from the file, and be re-referred to the Committee on Ways and Means.

Messrs. Reagan and Hinckley seconded the motion.

The roll was called and the motion lost by the following vote:

AYES—Butters, Cloyed, Erwin, Fleury, Hinckley, Hoffman, Huyck, Kirkwood, Levering, Reagan, Smith, and Mr. Speaker—12.

NOES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Lincoln, Lindsay, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Stanley, Thomas, Thompson, Weber, and Yorty—53.

The question being on the passage of Assembly Bill No. 14.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Grant, Grunsky, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Thomas, Thompson, Weber, and Yorty—51.

NOES—Babbage, Butters, Conrad, Fleury, Hagen, Hansen, Hinckley, Hoffman, Huyck, Kirkwood, Levering, Lindsay, Lipscomb, Lowrey, Moss, Reagan, Smith, Stanley, Stewart, Tomlinson, and Mr. Speaker—21.

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent That Name Be Placed Upon Roll Call
on Assembly Bill No. 14**

Mr. Lewis asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 14, and that he be recorded as voting "Aye."

Assembly Bill No. 28—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Weber, and Yorty—68.

NOES—Butters—1.

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent That Name Be Placed Upon Roll Call
on Assembly Bill No. 28**

Mr. Sherwin asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 28, and that he be recorded as voting "Aye."

Speaker Pro Tempore Presiding

At 11.27 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Assembly Bill No. 29—An act to amend Sections 3047 and 3047.3 of, and to add Sections 3047 01, 3047 02, 3047.2, 3047.21, 3047.24, 3047.25, and 3047.27 to, and to repeal Section 3047.1 of, the Welfare and Institutions Code, relating to aid to the needy blind in respect to property qualifications of applicants and recipients.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—67.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 30—An act to add Section 3000 to the Welfare and Institutions Code, relating to aid to needy blind persons, and the purpose of the laws relative thereto.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—70.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31—An act to amend Section 3447 of the Welfare and Institutions Code, relating to aid to the partially self-supporting blind.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Weber, and Yorty—68.

NOES—None.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT

Speaker Sam L. Collins announced that an Assembly joint resolution, relative to the tidelands and submerged lands adjacent to the Coast of California, is being held at the desk for a temporary period for the purpose of permitting all members, who wish, to become co-authors of said resolution, prior to its introduction.

Speaker Presiding

At 11.38 a.m., Hon Sam L Collins, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 65

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 124

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 32—An act to add Section 3451 to the Welfare and Institutions Code, relating to eligibility for aid to partially self-supporting blind residents

Bill read third time

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

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

NOES—None.

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Name Be Placed Upon Roll Call
on Assembly Bill No. 32

Mr. George D. Collins asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 32, and that he be recorded as voting "Aye."

Assembly Bill No. 33—An act to amend Section 3075 of the Welfare and Institutions Code, relating to the rules and regulations of the Department of Social Welfare in respect to aid to the needy blind and aid to partially self-supporting blind residents.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, 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, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan,

Meyers, Morris, Moss, Nichouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—71
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 80—An act to amend Sections 3083 and 3471 of the Welfare and Institutions Code, relating to aid to the blind, including aid to the needy blind and aid to partially self-supporting blind residents, in respect to determination of blindness

Bill read third time

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, 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, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nichouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—71
NOES—None.

Bill ordered transmitted to the Senate

Assembly Bill No. 63—An act to create a fund to provide for the alleviation and prevention of unemployment by means of construction of public works; to authorize the issuance of bonds for the above purpose; and to provide for the appropriation of money in the fund created.

Bill read third time.

Members Excused

At 12.12 p.m., Mr. Hinckley asked for, and was granted, unanimous consent that Messrs. Waters and Davis be excused, for the balance of the legislative day, because of legislative duties elsewhere.

The question being on the passage of Assembly Bill No. 63.

Demand for Previous Question

Messrs. Hinckley, Rumford, Connolly, Kirkwood, and Luckel demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 63.

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, 12.35 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Crichton, Dills, Hoffman, Hollibaugh, and Lincoln—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.

**REQUEST FOR UNANIMOUS CONSENT THAT OFFSET
PRINTING BE APPROVED**

Mr. McCollister asked for, and was granted, unanimous consent that authorization be given that the registrations furnished by business representatives, to appear at a later date in the Assembly Journal, be printed in the Journal by the offset process of printing instead of regular type printing, for the reason of eliminating quadruple proof reading.

RE-REFERENCE OF BILL

By order of the Speaker, the following bill was withdrawn from the file, and re-referred as follows:

Assembly Bill No. 65 re-referred to the Committee on Ways and Means.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 24—An act to amend Sections 3081 and 3470 of the Welfare and Institutions Code, relating to applications for aid to the blind.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—67.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 25—An act to amend Sections 111, 3076, 3078, and 3461 of the Welfare and Institutions Code, relating to aid to the blind and to the organization and powers of the State Department of Social Welfare in relation thereto

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Huyck, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—63.

NOES—Butters and Erwin—2

Bill ordered transmitted to the Senate.

Assembly Bill No. 62—An act to amend Sections 5, 6, 12, 21, and 23, and to repeal Section 28 of the Relief Act of 1945, relating to relief of hardship and destitution.

Bill read third time.

Motion to Amend

Mr. Coats moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 28, 1950, after "23," insert "to add Section 14 5 to,".

Amendment No. 2

On page 3 of said bill, between lines 17 and 18, insert

"Sec. 3 5. Section 14 5 is added to said act to read:

Sec. 14.5. In administering any funds appropriated or made available to the department for disbursement through the counties for relief purposes, the department may require that not less than designated percentages of the funds spent by the counties for relief during any quarter year shall be spent for the purchase of such food products produced in California, including canned fruits and vegetables and other processed foods, as the Director of Agriculture shall declare to be in a condition of surplus. The minimum percentages allocated to the respective products shall be designated by the department with the advice of the Director of Agriculture. The Director of Agriculture may declare a condition of surplus to exist with respect to any product when the supply of such product is in excess of that which can be profitably marketed."

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

Motion to Place Rush Order on Printing of Assembly Bill No. 62

Mr. Anderson moved that a rush order be placed upon the printing of Assembly Bill No. 62.

Motion carried.

Request for Unanimous Consent That Assembly Bill No. 62 Hold Place on File

Mr. Anderson asked for, and was granted, unanimous consent that Assembly Bill No. 62 hold its place on file on the next legislative day.

Assembly Bill No. 69—An act to amend Sections 5911, 5930, and 5931, and to repeal Section 5931 5 of the Elections Code, relating to absentee voting, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—68.

NOES—Grant—1.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—68.

NOES—Grant—1.

Bill ordered transmitted to the Senate.

Assembly Bill No. 45—An act to add Sections 2201 and 3090.5 to the Welfare and Institutions Code, relating to public assistance, including aid to the aged and aid to the needy blind, in respect to recipients who have removed from one county to another county within the State, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—64.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—64.

NOES—None.

Bill ordered transmitted to the Senate.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY
DISPENSED WITH ON ASSEMBLY BILL NO. 63**

At 12.55 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 Assembly Bill No 63 passed by the following vote:

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crowley, Dickey, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hahn, Hawkins, Kilpatrick, Lewis, Lincoln, Lindsay, Lowrey, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Stanley, Thomas, Weber, and Yorty—44.

NOES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyd, Collier, Connolly, Conrad, Dolwig, Erwin, Grunsky, Hansen, Hineckley, Huyck, Kirkwood, Levering, Lipscomb, Luckel, McCarthy, Reagan, Sherwin, Smith, Stewart, Thompson, Tomlinson, and Mr. Speaker—27.

Bill ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)
CONSIDERATION OF HOUSE RESOLUTION NO. 14**

By Mr. Rosenthal.

House Resolution No. 14

Relative to civil rights of minority groups

WHEREAS, The Legislature has been informed by virtue of the attached letter that peace officers from the Police Department and the Sheriff's office of Los Angeles have been discriminating against minority groups, particularly persons of Mexican and Negro descent; and

WHEREAS, As part of such discriminatory treatment it is alleged that the civil rights of such groups have been infringed by arrest without warrant and by unnecessary force in making such arrests; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby reaffirm the principles of the Bill of Rights and call upon the authorities in the City and County of Los Angeles to investigate the allegations hereinbefore referred to and to take such steps as may be necessary to eliminate any existing discriminatory practices; and be it further

Resolved, That the Assembly Committee on Crimes and Corrections is hereby requested to investigate, analyze, and study all facts relating to the subject matter of this resolution and to report thereon to the Assembly, including in its report its recommendations for appropriate legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he hereby is, directed to transmit a copy of this resolution to the Board of Supervisors of the County of Los Angeles, to the Mayor of the City of Los Angeles, and to the Sheriff and the Chief of Police of Los Angeles.

(COPY)

March 20, 1950

Assemblyman Wm. Rosenthal

Facts about the case in general terms are that the police department and Sheriff Department are breaking into the homes of the Mexican people with *unwarranted* authority, to the point of intimidation, beating up Mexican-Americans in their own homes, molesting women and children and one among them an *expectant mother*. Fifty people were arrested without warrants, violating all constitutional and civil rights of the people, at which this occurred during the "Baby shower" in the home of Mrs. Natalie Gonzalez, at 186 So. McDonnell Street, Los Angeles.

Since this is happening *only* among the Mexican and Negro community, we resolve:

THAT, the State Assembly have an immediate investigation of the Sheriff and Police Department of Los Angeles, and

WE FURTHER RESOLVE: That all minority groups like the Mexicans and Negroes "*should*" be respected as *first class citizens in our country*, and,

WE FURTHER RESOLVE: That all police blockades in Mexican and Negro communities be stopped, and make them responsible for all the abuses and brutalities committed against the Mexican people.

Delegation from East Los Angeles—

ASOCIACION-NACIONAL
MEXICANA * AMERICANA

Association-National
Mexican-American

(Signed) MAURICIO TERRAZAS
Reg. Div.

Resolution read.

Motion to Amend

Mr. Rosenthal moved the adoption of the following amendment:

Amendment No. 1

In line 1 of the second *Resolved* clause of the printed measure, as printed in the Assembly Journal for March 20, 1950, at page 372, after "Assembly", insert "Interim".

Amendment read, and adopted.

Consideration of House Resolution No. 14, As Amended

By Mr. Rosenthal:

House Resolution No. 14

Relative to civil rights of minority groups

WHEREAS, The Legislature has been informed by virtue of the attached letter that peace officers from the Police Department and the Sheriff's Office of Los Angeles have been discriminating against minority groups, particularly persons of Mexican and Negro descent; and

WHEREAS, As part of such discriminatory treatment it is alleged that the civil rights of such groups have been infringed by arrest without warrant and by unnecessary force in making such arrests; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby reaffirm the principles of the Bill of Rights and call upon the authorities in the City and County of Los Angeles to investigate the allegations hereinbefore referred to and to take such steps as may be necessary to eliminate any existing discriminatory practices; and be it further

Resolved, That the Assembly Interim Committee on Crimes and Corrections is hereby requested to investigate, analyze, and study all facts relating to the subject matter of this resolution and to report thereon to the Assembly, including in its report its recommendations for appropriate legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he hereby is, directed to transmit a copy of this resolution to the Board of Supervisors of the County of Los Angeles, to the Mayor of the City of Los Angeles, and to the Sheriff and the Chief of Police of Los Angeles.

(COPY)

March 20, 1950

Assemblyman Wm. Rosenthal

Facts about the case in general terms are that the police department and Sheriff Department are breaking into the homes of the Mexican people with *unvarnished* authority, to the point of intimidation, beating up Mexican-Americans in their own homes, molesting women and children and one among them an *expectant mother*. Fifty people were arrested without warrants, violating all constitutional and civil rights of the people, at which this occurred during the "Baby shower" in the home of Mrs. Natalie Gonzalez, at 186 So. McDonnell Street, Los Angeles.

Since this is happening *only* among the Mexicans and Negro community, we resolve:

THAT, the State Assembly have an immediate investigation of the Sheriff and Police Department of Los Angeles, and

WE FURTHER RESOLVE That all minority groups like the Mexicans and Negroes "*should*" be respected as *first class citizens in our country*, and,

WE FURTHER RESOLVE: That all police blockades in Mexican and Negro communities be *stopped*, and make them responsible for all the abuses and brutalities committed against the Mexican people

Delegation from East Los Angeles—

ASOCIACION-NACIONAL
MEXICANA * AMERICANA

Association-National
Mexican-American

(Signed) MAURICIO TERRAZAS
Reg. Div.

Resolution read, as amended, and adopted.

REQUEST FOR UNANIMOUS CONSENT THAT ALL MATTERS ON UNFINISHED BUSINESS FILE BE CONTINUED

Mr. Dickey asked for, and was granted, unanimous consent that all matters on the unfinished business file and on the third reading file be continued until the next legislative day; and that all matters now on file hold their places on file.

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

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

Assembly Bill No. 132: By Mr. Rumford—An act to dispose of certain furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 133: By Messrs. Anderson, Hawkins, Fletcher, Lewis, Burkhalter, Condon, Cooke, Dills, Dunn, Elliott, Evans, Hahn, McMillan, Morris, Porter, Rosenthal, Rumford, and Yorty—An act making an appropriation for the cost of state participation in relief under the Relief Act of 1945 and the administration thereof

Referred to Committee on Ways and Means.

Assembly Bill No. 134: By Messrs. Coats, Lewis, Lowrey, Brown, Hagen, and Moss—An act to add Section 14 5 to the Relief Act of 1945,

relating to relief of hardship and destitution through purchase and distribution of surplus food products grown in California.

Referred to Committee on Social Welfare.

RESOLUTIONS

The following resolutions were offered :

By Mr. Dickey :

House Resolution No. 28

Relative to an investigation by the Assembly Interim Committee on the Judicial System and Judicial Process of legal education in California and admissions to the California Bar

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on the Judicial System and Judicial Process (created by H. R. 232, 1949 Regular Session) is hereby requested to investigate and report on all matters relating to legal education and admission to the bar in this State, including but not limited to the availability of educational facilities, the system of accreditation of law schools by the State Bar, and the type of examinations given by the State Bar.

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

By Mr. Dickey :

House Resolution No. 29

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 :

Department of Finance (pro-rate cost of telephone service) -----	\$73 01
Department of Finance (supplies) -----	35 31
Department of Finance (mimeograph service) -----	18 80
International Roll-Call Corporation (roll call forms) -----	36 80

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 29, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Mr. Speaker—68

NOES—None.

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

The following resolutions were offered :

Assembly Joint Resolution No. 8: By Messrs. Sam L. Collins, Yorty, Geddes, Fletcher, Anderson, Beck, Bennett, Berry, Burke, Burkhalter, Butters, Clarke, Cloyed, Colher, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Grant, Hahn, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Mrs. Niehouse, Messrs.

Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, and Weber—Relative to the tidelands and submerged lands adjacent to the Coast of California

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 14: By Messrs. Weber, Clarke, Gaffney, Hagen, Hansen, Lewis, Lincoln, Lindsay, and Yorty—Relative to the location of state buildings in civic centers of cities or counties.

Referred to Committee on Rules

Assembly Concurrent Resolution No. 15: By Messrs. Anderson, Thomas, Fletcher, Hahn, Babbage, Beck, Bennett, Burkhalter, Caldecott, Cloyd, Coats, Condon, Connolly, Cooke, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Hawkins, Hollibaugh, Huyck, Kirkwood, Lewis, Lipsecomb, Lowrey, Luckel, Maloney, McMillan, Morris, Moss, Mrs Niehouse, Messrs Porter, Rosenthal, Rumford, Smith, Tomlinson, and Yorty—Relative to commending the Pacific Southwest Area Council of Y. M. C. A.'s for sponsoring the Model Legislature

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 16: By Messrs. Lindsay, Thompson, Erwin, Lewis, and Hagen—Relative to augmenting the funds of the Joint Legislative Committee on Soil Conservation.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER. Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 103

Assembly Bill No. 104

Assembly Bill No. 105

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

STEWART, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 103—An act to add Section 9906.3 to the Government Code, relating to influencing the legislative process.

Bill read second time, and ordered engrossed.

Assembly Bill No. 104—An act to add Section 9906.1 to the Government Code, relating to influencing the legislative process.

Bill read second time, and ordered engrossed.

Assembly Bill No. 105—An act to add Section 9906.2 to the Government Code, relating to influencing the legislative process.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 43

Assembly Bill No. 106

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

STEWART, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 43—An act to amend Section 9900 of the Government Code, relating to influencing 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

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections".

Amendment No. 2

In line 1 of the title of said bill, after "9900", insert ", 9903, 9904, and 9906".

Amendment No. 3

In line 2 of the title of said bill, strike out the period, and insert ", and registration of legislative representatives with the Secretary of State."

Amendment No. 4

On page 1 of said bill, strike out lines 15 to 18, inclusive, and in line 19, strike out "(e)", and insert "(d)".

Amendment No. 5

On page 1, line 23, of said bill, strike out "(f)", and insert "(e)".

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. 6

On page 2 of said bill, after line 5, insert:

"Sec. 2. Section 9903 of said code is amended to read:

9903. (a) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (a) or (b) of Section 9905 of this chapter shall file with the [clerk and secretary] *Secretary of State* between the first and tenth day of each calendar month, a statement containing complete as of the day next preceding the date of filing

(1) The name and address of each person who has made a contribution of twenty dollars (\$20) or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of twenty dollars (\$20) or more to such person since the effective date of this chapter;

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such person during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of ten dollars (\$10) or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4) ;

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

SEC. 3 Section 9904 of said code is amended to read :

9904. A statement required by this chapter to be filed with the [clerk and secretary] *Secretary of State*

(a) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the [Chief Clerk of the Assembly and Secretary of the Senate.] *Secretary of State* of the State of California, Sacramento, California, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the [clerk] *Secretary of State* of its nonreceipt ;

(b) Shall be preserved by the [clerk and secretary] *Secretary of State* for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

SEC. 4. Section 9906 of said code is amended to read

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the [Clerk of the Assembly and the Secretary of the Senate] *Secretary of State* and shall give to [those officers] *the Secretary of State* in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the [clerk and secretary] *Secretary of State* a detailed report under oath of all money received and expended by him during the preceding calendar month in carrying on his work ; to whom paid ; for what purposes ; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials ; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation ; nor to any public official acting in his official capacity ; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation.

(b) All information required to be filed under the provisions of this section with the [Clerk of the Assembly and the Secretary of the Senate] *Secretary of State* shall be compiled [by said clerk and secretary, acting jointly,] as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the Journal of Senate and the Journal of the Assembly if the Legislature is in session and if it is not in session as soon as practicable after the Legislature next convenes.

SEC. 5 All statements, reports, accounts, records, papers, or other documents which have been filed with the Chief Clerk of the Assembly or the Secretary of the Senate pursuant to Sections 9900 to 9908, inclusive, of the Government Code prior to the effective date of this act shall, as soon as practicable after the effective date of this act, be transferred by the Chief Clerk of the Assembly and the Secretary of the Senate to the Secretary of State."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 106—An act to amend Section 9906 of the Government Code, relating to influencing 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 2, line 15, of the printed bill, change the period to a semicolon, and insert "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 No. 2

On page 1, line 15, of the printed bill, after the period, insert "He shall also, at the time of registering, submit to the clerk and the secretary a written authorization from each person by whom he is employed to act in furtherance of such object"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

RESOLUTIONS DEEMED READ BY UNANIMOUS CONSENT, AND ORDERED REFERRED TO COMMITTEE ON RULES

By unanimous consent, the following resolutions were deemed read, and ordered referred to the Committee on Rules.

RESOLUTIONS

The following resolutions were offered.

By Mr. McMillan:

House Resolution No. 30

Relative to augmenting funds of the Assembly Interim Committee on Public Morals

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of seven thousand five hundred dollars (\$7,500) 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 Public Morals (created by House Resolution No. 240, 1949 Regular Session) and its members, and for any charges, expenses or claims it may incur under said resolution, to be paid from 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. Weber, Lewis, Lindsay, Lincoln, Yorty, Gaffney, Hansen, and Hagen:

House Resolution No. 31

Relative to augmenting the funds of the Assembly Interim Committee on Conservation, Planning, and Public Works

WHEREAS, It is important to the economy of the State that a continuing program of needed and essential public works be planned and financed; and

WHEREAS, Present economic conditions are causing an increase in unemployment in many areas of the State; and

WHEREAS, Such unemployment can be alleviated to a great extent by carefully planned and programmed public works which are urgently needed within such areas; and

WHEREAS, The Governor has stated that the reserves available for the construction of needed public works will be exhausted during this year; and

WHEREAS, There is a great reservoir of necessary public works projects in the fields of water supply, sanitary facilities, urban redevelopment, water conservation, streets, roads and highways, as well as necessary public facilities of all kinds on all levels of government; and

WHEREAS, The State Conservation and Planning Act, Chapter 807, Statutes of 1947, provides a procedure for the planning and coordination of public works programs at state and local level; and

WHEREAS, There is at present no duly constituted agency of State Government, as required by the State Conservation and Planning Act, to which is delegated the task of a survey and analysis of all present and needed public works of every kind and nature within the State; and

WHEREAS, The coordination of all such public works through a single central agency is essential to the proper timing and financing of such public works at both the local and state level of government; and

WHEREAS, It is necessary that a complete survey, analysis, and study be made to enable the Legislature to be prepared to act upon legislation which may be needed for financing and coordination of public works; and

WHEREAS, The Assembly Interim Committee on Conservation, Planning, and Public Works has commenced a survey, analysis, and study of facts relating to the need for coordination of public works; and

WHEREAS, The said committee is in need of additional funds to complete its work in this field; now, therefore, be it

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of ----- dollars (\$-----), 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 Conservation, Planning, and Public Works (created by House Resolution No. 212, 1949 General Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

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

By Messrs Thompson, Dolwig, and Dickey :

House Resolution No. 32

Relative to the creation of the Assembly Interim Committee on State-wide Riding and Hiking Trails Development

WHEREAS, It is the public policy of the State to promote the conservation, development, and use of the natural resources of this State for the purposes of health, recreation, and protection against fire and other hazards; to increase the accessibility and encourage the use of such natural resources by the residents of this State and by nonresidents; to provide opportunity for the development of public and private facilities for the service of persons visiting and utilizing the natural resources of the State; to encourage increase in horseback riding and hiking as an influence for the health of the people; and to make more readily accessible the scenic wonders of the State by providing for the establishment, development, maintenance, and use of a state-wide system of riders' and hikers' trails; now, therefore, be it

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

1 The Assembly Interim Committee on State-wide Riding and Hiking Trails Development is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the establishment, development, maintenance, and use of a state-wide system of riders' trails, either separately from or in conjunction with a system of hikers' trails, 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2 The committee shall consist of three Members of the Assembly appointed by the Speaker thereof. The chairman shall be appointed by the Speaker. 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 commencement of the 1951 Regular Session, with authority to file its final report not later than the twentieth legislative day of that 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 of 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.

5. The committee has the following additional powers and duties :

(a) To select 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 subpoenas, 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.

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

By Messrs. Anderson, Grant, Hawkins, and Mrs. Niehouse :

House Resolution No. 33

Relative to the Y.M.C.A. Model Legislature

WHEREAS, The inculcation of an understanding and love of Democracy among our youth is essential to the preservation and future of our form of government; and

WHEREAS, The Y.M.C.A.'s of the State of California, the Pacific Southwest Area Council of Y.M.C.A.'s, and the Ili-Y and Tri Hi-Y Clubs of our high schools are now engaged in a National Youth and Government Program designed to further this worthy objective; and

WHEREAS, The method of this program is the training of youth in the legislative processes of our democratic form of government through their intensive preparation for, and participation in a Model Legislature held in their State Capitol; and

WHEREAS, The Y.M.C.A. Model Legislature conducted sessions in the years 1949 and 1950 which were of great value to the participants and to all California Youth; and

WHEREAS, The Y.M.C.A. Model Legislature has proven to be an excellent device for stimulating the interest of high school boys and girls in the organization, procedures and operation of our State Government; and

WHEREAS, The Y.M.C.A. Model Legislature is of great value for training and developing political leaders for the future, and for developing a more thorough understanding of the functioning of democratic government; and

WHEREAS, This program is sponsored and conducted by a state-wide committee of educators, public officials, Members of the Assembly and Senate of the State of California, and others known to this body to be public spirited men of integrity with an interest in youth welfare and in the strengthening of our democratic way of life; and

WHEREAS, This Youth and Government Program has been carefully studied and endorsed by the Superintendent of Public Instruction of the State of California, who serves upon its Advisory Committee; and

WHEREAS, This Youth and Government Program has likewise been studied and endorsed by the Chief Counsellor of the Boys State Commission of the American Legion in California, who also serves upon the Sponsoring Committee for the Youth and Government Program; and

WHEREAS, Similar programs conducted by the Y.M.C.A. over a period of years in the State Capitols of 18 states of the Union have proven their value in strengthening the precepts of democracy in the lives of our young people; and

WHEREAS, The logical climax of this program is the conducting of a two-day model legislature held in the State Capitol for the consideration of "bills" of their own choosing developed by the youth elected by their peers as "Model Legislators"; therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Chamber and the Assembly committee rooms in the State Capitol be made available to this program of citizenship training on February 22, 23, 24, 1951.

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

By Messrs. Thompson and Connolly :

House Resolution No. 34

Relative to augmenting the funds of the Assembly Interim Committee on Public Health

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of ten thousand dollars (\$10,000) 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 Public Health (created by House Resolution No. 237, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer

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

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1950

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

Senate Bill No. 34

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. 34—An act to repeal Section 135 of the Welfare and Institutions Code, relating to the compensation of the members of the board or committee appointed by the Director of the State Department of Social Welfare pursuant to Article XXV of the State Constitution.

Referred to Committee on Governmental Efficiency and Economy.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1950

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 reduction of tariffs on Italian lemons.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT COMMITTEE REPORTS
BE DEEMED READ

Mr. Dickey asked for, and was granted, unanimous consent that the following committee reports be deemed read, and that recommended committee action be deemed taken:

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 82

Has had the same under consideration, and respectfully reports the same back without recommendation, and re-refer to Committee on Ways and Means

STEWART, Chairman

Above reported bill ordered re-referred to the Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Senate Bill No. 22

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

STEWART, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 73

Has had the same under consideration, and respectfully reports the same back without recommendation, and refer subject matter to the Interim Committee on Education for further study.

STEWART, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 112

Has had the same under consideration, and respectfully reports the same back without recommendation, and subject matter be referred to Interim Committee on Elections and Reapportionment for further study.

STEWART, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 68

Has had the same under consideration, and respectfully reports the same back without recommendation, and subject be referred to Interim Committee on Governmental Efficiency and Economy for further study.

STEWART, Chairman

Above reported bill ordered to second reading

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 83

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

STEWART, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 28

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, March 30, 1950

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 adopted.

DICKEY, Chairman

Above reported resolution ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Concurrent Resolution No. 6—Relative to investigation of water quality of waters within California;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the thirtieth day of March, 1950, at 11 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Bill No. 22—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined, declaring the urgency of this act, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the thirtieth day of March, 1950, at 11 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Concurrent Resolution No. 12

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Bill No. 11**Assembly Bill No. 55**

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Bill No. 103**Assembly Bill No. 104****Assembly Bill No. 105**

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

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

Assembly Bill No. 62

And reports the same correctly re-engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 61**Assembly Bill No. 97****Assembly Bill No. 77****Assembly Bill No. 107**

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

STANLEY, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Assembly Bill No. 95

Has had the same under consideration, and reports the same back without recommendation, and subject matter be referred to the Interim Committee on Public Utilities.

STANLEY, Chairman

Above reported bill ordered to second reading

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Assembly Bill No. 120

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

STANLEY, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 60

Assembly Bill No. 117

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

NIEHOUSE, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 26

Assembly Bill No. 37

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 bills ordered to second reading

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 81

Assembly Bill No. 109

Assembly Bill No. 110

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

STEWART, Chairman

Above reported bills ordered to second reading.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Agriculture, in Room 432.

Ways and Means.

At 2.30 p.m.—

Rules.

Next Monday, April 3d, at 9 a.m.—

Senate Rules—Subject: Assembly Bill No. 74.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Speaker Sam L. Collins and Mr. Conrad, the usual courtesies of the Assembly for this day were unanimously extended to Ruth Patterson of Hollywood.

On request of Mrs. Niehouse, and Messrs. Luckel and Cloyed, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Lillian Johnson and Mrs. Elizabeth MacGregor of San Diego.

On request of Mr. Stewart, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. Harold Stewart and Mrs. A. I. Stewart of Pasadena.

On request of Mr. McMillan, the usual courtesies of the Assembly for this day were unanimously extended to Nora L. Pearson, Eleanor Willard of Los Angeles, and Gladys Chandler of Culver City.

On request of Speaker Sam L. Collins, the usual courtesies of the Assembly for this day were unanimously extended to Miss Jodine Collins of Fullerton.

On request of Mr. Beck, the usual courtesies of the Assembly for this day were unanimously extended to Gladys E. Moosikian of San Fernando.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Miss Virginia Carroll and Ted Fendler, teachers of the Grant Union High School, and the following pupils: Larry Aldrich, Gene Benson, Millie Bolton, Don Butts, Jim Burton, Geraldine Buzalich, Delores Cagle, Fannie Davidson, Kathleen Dye, Jerry Ferguson, Charley Garrett, Charles Gray, Carolyn Johnson, Dennis Koupal, Joanne Kinkel, Willis Meadors, Claudeva McBride, Jeanne McClain, Thelma Miller, Shirley Nelson, Bob Oates, Marjorie Orpinola, Irving Penrose, Marilyn Rae, James Robinson, Gerald Rosell, Roland Sass, Kenneth Schroeder, Rowena Schucker, Eugene Smart, Dick Steele, Bill Stuart, Mary Walraven, Ronald Whalen, Joyce Woaton, Bettie Jacobs, Theresa Blas, Shirley Carmichael, Francis Chamberlain, Dave Clark, Fred Cook, John Cook, Beverly Crisp, Jim Cunningham, Bill Doerflinger, Eula Green, Jerome Holcomb, Marvin Karnofsky, Melody Blaser, Barbara Bolden, Jacqueline Bonivert, Dick Bouma, Kathryn Burke, Charles Clifford, Mary Ann Clifford, Lola Davis, Alice Dials, Dorothy DiVacky, Frank Goss, Rose Mary Hall, Betty Harmon, Frances Harvey, Pat Hopper, Paul Jones, Katie Keith, Frances Libsack, Melba Linder, Barbara Moore, Clere Overstreet, Patti Perkins, Sondra Peterson, Joyce Redd, Eileen Smith, Ruby Stiles, Leonard Wait, Berman

Watkins, Larry Smoot, Shirlee Teeter, Earl Tucker, June Turner, Theouties Walker, Bert Wiley, Emanuel Williams, Leo Williams, Jack Wright, Geraldine Ahart, Noel Alander, Barbara Breshears, Robert Busch, Doyle Carroll, Richard Cossairt, Jack Engstrom, Rose Mary Ferreira, Dolan Hobbs, Charlotte Hoster, Stan Kundert, Harvey Terry, Ida Thompson, Bob Tyler, Dorothy Vincent, Jack Moore, Howard Sloan, Janice Baker, Flay Balliers, Ganice Billingsley, Frances Bunch, Don Cambell, Larry Clark, Randell Cobb, Jack Corker, Audrey Cridlebaugh, Dora Davenport, Alice Dickinson, Terry Downing, Bill Gibson, Fred Giuntini, Beverly Gordon, Lillian Gower, John Green, Wilma Hough, Elva James, Jack Jones, Kenneth Jones, Lucille Keeler, Hansel Masaki, Kay McCallum, Jack McDonald, Betty McLane, Ruth Peretti, Graham Skeen, Ray Terry, Gail Trousdale, Ann Wagner, Delano Whipple, June Whiting, Pat Wing, Hazel Anderson, Denice Baldwin, La Verne Barbor, Delores Beltz, Arlene Bender, Jean Bredeson, Orville Cissney, Ed Collingwood, Bert MacBride, Narciles McKaughn, Joy Mills, Frank Mortimer, Jack Olmstead, Charles Orth, Dick Phillips, John Pieratt, Mary Rhea, Rosie Rhinehart, Susie Ross, Don LaLonde, Pat Morris, Gwen Oxford, Arlene Shepard, Joanne Strong, Woodie Winaus, Lois Lawrence, Vernon Madderra, Nelson Mathews, Gary Nelson, Jackie Phillips, Arthur Pullman, Everett Rutherford, Patty Scherer, Keith Sellese, Jo Ann Smith, Ed Soto, Betty La San, Darlene Myers, Islanda Papalia, Manuel Silva, Jean Toulouse, Marilyn Whitlow, Barbara Compton, Pat Corker, Clifford Freer, Antoinette Gidaro, Gloria Glass, Pat Hodges, Carole Hunting, Janet Jones, Thelma Keeler, Mary Knoch, Pattie Knutsen, Gil McMillan, Ellen Myers, LaVerne Robertson, Bonnie Stigall, and Lorraine Vincent.

On request of Mr. Lindsay, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Beth Mooney, teacher, Mrs. Cox and Mrs. Allen Lung, P.-T. A. of the Atlantic Street School of Roseville, and the following pupils: Carolyn Arnett, Roberta Banghart, Neva Blakely, Dianne Cox, Andreanna Chuchas, Mary Beth Davis, Katherine Demas, Gloria Espinoza, Roberta Gee, Dolores Hall, Arlene Hasapis, Dorothy Iwasaki, Lynne Johnson, Juanita Korte, Aileene Luid, Marilyn Milton, Mignonette Schmitt, Jeanette Scieliaice, Nancy Smith, Gladys Spina, Juanita Tolentino, Sylvia Traynor, Edward Alexander, Charles Berry, Ralph Barsotti, Tommy Demas, Walter Fiddymment, Donald Gardetto, Roger Gustafson, Okko Harms, Max Hernandez, Richard Korte, Frank Laird, Bob Lawrence, Gerald Lind, Danny Lombard, Kenneth Lung, Sam Mardesa, Warren Murray, John Sibert, Donald Scott, and Ronnie Williams.

On request of Mr. Dunn, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Elizabeth Sylvester, Donald Raffanti, Mrs. Alice Krogstad, teachers of the Ashland School of San Lorenzo, C. O. Blose, coordinator, Laurence Smith, photographer, and the following pupils: Marilyn Brailer, Frances Chedester, Shirley Ferreira, Carmen Guevera, Rose Quintel, Eddie Avelar, Tom Duggins, George Enscoe, Clarence Garcia, Bobby Goddard, Joseph Hilson, James Mayo, Edward Pavon, Bobby Pye, Billy Snook, Edna Carson, Kelley Clary, Diana Garcia, Carol Rackwell, Melba Smith, Raymond Botlon,

Paul Ellis, Frank Gadow, Jackie Gersich, Raymond Galway, Rodney Jones, Donald Mossinger, Richard Pruner, Kenneth Rutherford, Clarence Troché, John Boga, Carol Davenport, Jerry Gordon, Benny Lopez, Jeanne Melvin, Jack Norman, James Palmer, Betty Rose, Dominic Ruggieri, Priscilla Schultz, Randy Scott, Judy Van Nortwick, Louise Wallis, Donald Wyatt, Bertha Zantopoulos, Alice Bradshaw, LaVerne Deininger, Dora Ferrell, Helene Hatakeda, Jimmy Williams, Dorthy Jordan, Bill Martin, Violet Reyes, James Roberts, Nancy Rose, Shirley Simon, Shirley Van Sickle, Donald Williams, Shirley Moore, Sandra Moyle, Harry Harvey, and Jean Valente.

On request of Mr. Condon, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Mary Pelosi, Leader; Mrs. Thelma Chirone, Co-Leader, and Mrs. Marcia Berry and Mrs. Heartha Wilder, mothers; and the following members of the Walnut Creek Troop 11, Girl Scouts: Gail Barber, Janie Berry, Maris Chirone, Mary Anne Crosby, Carol Eisenman, Judy Hoel, Sharon Evans, Georgian Kartoizian, Janice Knox, Charlotte Nixon, Nadine Noeker, Judy Parsons, Beverly Pelosi, Gail Schick, Sandra Wilder, Marilyn Simpson, Beverly Sparks, and Judy Tuttle; Mrs. Charles Conroy, Leader; Mrs. L. W. Van Doren, Co-Leader; Mrs. Julian Ramelli and Mrs. Arvid Johnson, and the following members of Walnut Creek Troop No. 14: Juana Bush, Stephanie Clark, Virginia Clark, Pamela Conroy, Eleanore Cooper, Judy Filbert, Charleyne Greer, Marjorie Johnson, Mary Ann Keller, Kathleen Moore, Irene Pieper, Annette Ramelli, Linda Robinson, Sandra Slingsby, Leslie Van Doren, Karen Wald, and Maureen Walsh.

On request of Mr. McCollister, the usual courtesies of the Assembly for this day were unanimously extended to Valerie M. Ansel, James French, and Isabel Cook, teachers of Wade Thomas School of San Anselmo, and the following pupils: Kenneth Cuneo, Warren Levin, James Delaney, Jerry Conners, Bill Whitney, Earl Bever, Allen Cook, George McLaughlin, Robert Barnes, Dick Jones, Sam Klopstock, Vadein Canby, Topper Glavin, Raymond Crest, Stanley Lewis, Carol King, Norma Walden, Patty Yeager, Martha Yeager, Joan Peoples, Mary Louise Caton, Mary Coleman, Barbara Bloom, K. B. Weetzman, Reatha Thompson, Joan Moffet, Marjorie Sword, Janet Kelly, Carolyn Beins, Johanna Peck, Moy Sine Fong, Barbara Bloom, Rae Wolf, and Barbara Wilson.

On request of Mr. Clarke, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Olive Bourne and Lionel J. W. Tocher, class advisers of the Dos Palos High School, and the following pupils of the Senior Class: Bernell Austin, Jeraldine Austin, Melba Bailey, LaVerne Bristow, Beverly Bourne, LaRue Beel, Patsy Bunch, Doris Carey, Lorraine Cotta, Eyvonne Estep, Diane Gregg, Guanda Hoffman, Jean Harris, Fae Huey, Alma Long, Janice Lynn, Lucille Maron, Edith McClain, Lila Mae Mulkey, Boniface Marshall, Emma Machado, Grace Milbourn, Mary Mayfield, Anita Nickell, Retha Nigg, Evelyn Nommsen, Frances Odom, Dorothy Rogers, Mildred Selement, Mary Satterfield, Syble Sanders, Ruth Sandoval, Lela Stewart, Melba Smith, Darlene Trantham, Elizabeth Thomas, Marg. vonMoos, Mary Whittaker, Demo. Adams, John Britton, Vernon Batey, Dale Brisco,

Kenneth Bell, Dan Cotta, Jack Covington, Oran Crumley, Miles Carter, Manual Cardoza, Clifford Clark, Ronald DuBois, Ed Davis, Kenneth Estep, Dick Fortune, Wm. Gilardi, Wm. Glassey, Stanley Gould, Kenneth Hotz, Kenneth Howard, Dick Howard, Calvin Hogue, Roscoe Hutton, Chris Jessen, James Kelley, Duane Kastrup, Mike Linneman, Oscar Loring, Walter Moore, Albert Mancebo, Eugene McKensey, Ronald Nordstrom, Tony Pires, Wm. Pinto, Richard Pierini, Robert Peterson, Sidney Richey, Russell Tipton, Don Truhett, Tony Vincent, Jim Vance, Ralph Warnes, Henry Wolfson, Lyle Wirth, and Troy Whitlow.

On request of Mr. Lowrey, the usual courtesies of the Assembly for this day were unanimously extended to Principal Korstad of the Esparto Union High School, and the following pupils: Don McCullough, Tom Bishop, Betty Wallace, Shuny Matsamura, Donna Swerder, Rosy Moreno, Mary Lou Mitchell, Betty Alexander, Charlotte Lopes, Geneva Tibbs, Henry Halter, Frank Nichols, Frank Pereira, Ada Bower, Becky Pritchett, Dean Pearson, Bill Hicks, and Herb Owens.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to David T. Perkins, Alleen Peterson, and Charles W. Keaster, teachers of the Rio Linda Union School, and the following pupils: Arnold Nathan, Warren Bain, Billy Belisle, Bobby Cox, Lloyd Cossairt, Earl Douthit, Henry Fagerskog, Frank Flatbush, John Russell, Eugene Young, Roy Young, Dixie Andrews, Barbar Hyatt, Syble Pirtle, Barbara Taylor, Margaret Trogedn, Colene Worrell, James Buckmaster, Richard Brink, Jackie Boesch, Anthony Denatale, James Doris, Jan Firth, Dick Guertin, Robert Hudnall, Bobbie Koster, Leon McKee, Billy Nicholas, Don Overstreet, Eugene Rose, Kenneth Taverna, Alta Mae Duggins, Carol Ann Finch, Lois Lindsey, Aletha Marcum, Beverly Martin, Marilyn Miller, Patty Russell, Hazel Saunders, Opal Smith, Melvin Bain, Robert Best, Bobby Bianco, William Brown, James Brownell, Donnell Cochane, Melvin Griffin, Raymond Griffith, Jack Keeling, Elwood King, Billy MacMurphey, Ralph McCurdy, Gerald Peck, David Posehn, Albert Robinson, Warren Sabin, Richard Schlenker, Norman Thayer, Tony Wardlow, Larry Sherwin, Raymond Antonelli, Lois Allison, Gloria Cottingham, Betty Crisp, Betty Davis, Sharon Eia, Jacquelyn Flanders, Rae Evelyn Hack, Dolores Jennings, Wynone Matthews, Patricia Shorter, Marlene Peterson, Patricia Tryon, Lorraine Batson, Melbourne Davis, Erwin Hayer, David Huckaby, John Masters, Gene Steinagel, Rose Lynne Bengtson, Barbara Johnson, Frieda Klein, Joy Lewis, Barbara Long, and Barbara Rieb.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Shirley G. Steely, teacher of the Clements Union School, and the following pupils: Derrald Adler, Robert Butler, Elda Bracchiglione, Joe Disch, Norma Davies, Donald Gibson, Karen Granlees, Novella Paschal, Eulah Vliet, and Eugene Weber.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Belle Danver, teacher of the Lockeford School, and the following pupils: Bob Agans, Tomme Jo Barbour, Gloria Bischel, Carmen Blewett, Marlene Bowser, Bill Brown, Joe Cavins, Everett Corll, Ronnie Durham, Wilbert Erman, Melba Harty, Shirley Hopkins, Calvin Netz, and Wanda Phillips.

On request of Mr. Maloney, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Schembrie and Mrs. Small, teachers of the Webster School of San Francisco, and the following pupils: Thelma Figueroa, Arline Roberts, Mary Lou Conklin, LaValle Glasemann, Donna Dunbar, Mabel Casely, Beverley Anderson, Shirley Jabin, Shirley Lyons, Charles Escost, Theodore Trujillo, Connie Miller, Ray Lencioni, Phillip Sanchez, Eloy Martinez, Gloria Andreatta, Yvonne Labouré, Arlene Constant, John Brajkovich, Sandra Phillips, Bob Codova, Rita Ramirez, Dixie Tracy, Beatrice Franko, Maria Ibarra, James Andrew, Alfred Romine, Sally Jean Andersen, Irene Backman, Hector Gonzalez, Patsy Funk, Alston Cole, Bob Madsen, Mildred Edwards, Daniel Ruthowski, Gena Brun, Jack Boyd, George Bushneff, Joan Funk, Lotty Bernard, James Allen, Diana Dal Porto, Norman Rosenbalm, Armanda Grays, Irine Bordolon, Mrs. Small, Anita Reid, Lucy Bookman, Jerome Vernale, Gena Brun, Jack Boyd, George Bushnoff, Joan Funk, Veda Hazel, Tommy Kessoloff, Wilbert Pinkston, Veda Hazel, and Tom Kestloff.

On request of Messrs. Thompson and Kirkwood, the usual courtesies of the Assembly for this day were unanimously extended to George F. McLeod, principal of the Franklin School of San Jose, Mrs. George F. McLeod, Vernon Head, Mrs. Lavada Dabney, and Harold Robinson, guests, and the following pupils: Ruben Aldama, Santos Avila, Abram Barron, Mattie Bradley, Edward Brewer, Hector Briseno, Dona Catledge, Isabel Contreras, Mary Corl, Emmaline Deck, Rosaline Deck, Jimmy Dimas, Joan Donatelli, Robert Dwillis, Charles Euley, Estela Garza, Cruz Gomez, Ronnie Gonzales, Eddie Gratton, Dario Guerra, Daniel Guerrero, Patsy Haag, Rosa Haro, Emily Higuchi, Harold Holtznagel, Catherine Hyde, Edna James, Helen Johnson, Jack Kimbriel, Kenneth Labrovich, Richard Ledesma, Olivia Lopez, Ruben Lopez, Fielding Lundy, Bud Martin, Gayle McAtee, Kathleen McGuire, Carmen Mendez, Billie Jean Miller, Sylvia Mitts, Norman Mowat, Irene Muzzin, Joyce Nelson, Raymond Ormonde, Jimmy Overton, Albert Palacios, Lily Pardo, Bertha Perez, Richard Perez, Darline Perry, Kathleen Perry, Patricia Pfeffer, Paul Polston, Rodney Puckett, Richard Reichelt, Sarah Romero, Lois Roe, Walter Sanders, Richard Schaefer, Jackie Sears, Tony Silvera, Arlene Souza, David Stamp, Irene Stamp, Louise Stamp, Ella Taylor, June Uchimura, Mae Uchimura, Margie Wilson, Ocie Woodall, Billie Fay Wornell, Geraldine Yamamoto, and Bobby Tokiwa.

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to Grant B. Jacobs, teacher of the Westport Union School of Modesto, George King and Mrs. Glenna Sanders, parents, and the following pupils: Mary East, LeRoy Gravelle, Esther Grubeck, Leon Harkrader, Shirley Hughes, Norman Hyer, Glenda Jaynes, Dolores King, Pauline Lowe, David Machado, Vinita Marconett, Irene Maxon, Frank Reberio, Margret Rockwell, Toney Rocha, Shirly Roberts, Emily Ronsse, Diane Sanders, Donna Skinner, Norma Skinner, Jeane Tittsworth, Dorman Woods, Loree Young, Dorothy Riley, and Jim McClintock; Albert Nelson, teacher of the Mountain View School, Mr. and Mrs. Dewey Mead, Mr. and Mrs. Paul

Beaty, and Mr. Thomas McCart, parents, and the following pupils: Donald Agresti, Jo Ann Beaty, Sandra Bridgeford, Lois Henderson, Jack Lucas, Frances Mathers, June Mead, Jerry Newton, Richard Perry, Patty Ramont, Louis Schou, Marilyn Sperling, Marie Harrity, Darrell Aasboe, Vivien Furtado, Nancy Hill, Ronald Mathers, Eddie McCart, Joy Newton, Dolores Nunes, Hilda Olivera, Phyllis Ramont, Jessie Riley, Jo Ann Santos, Abel Soares, and Josephine Yowell.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Howard McCuiston, James Glaab, Wendell H. Russell, and Mrs. Marion Gerhan, teachers of the Tracy School, and the following pupils: Marlin Swofford, Winston Taylor, Melvin Tull, Laurel Welch, Grace Whitworth, Carrole Windle, Gerrald Woodard, James Wright, Frank Silveria, Donald Stocking, Bonnie Sneed, Margaret Serpa, Virginia Silveria, Danny Watrous, Georgia Sutton, Sandra Schaefer, David Sylva, Jean Van Art, Kathryn Sasser, Dolly Toon, Molly Toon, Curtis Sanders, Serapio Zepeda, Winifred Williams, Jerrell Wright, Darrold Schwartz, Fermin Zaragoza, Philip Siebler, Darlene Serpa, Douglas Weitz, Ramond Sandoval, Bette Souza, Arthur Gonzales, Jimmie Salcido, Edward Adams, Karen Bebbe, Ina Beyett, Silas Bonham, Jack Bybee, Gayle Clark, Joyce Cole, George Ann Cooper, Geraldine Costa, Sherry Dickerson, Ray Dowell, Bill Bunner, Pat Anastacio, Jeannette Dover, Leonard Cardoza, Rose Marie Glaab, Mary Braley, Eleanor Been, Donna Cook, Nella Denney, Donna Clausung, Nadine Castro, Charles Boarts, Erlinda Ambriz, Dwight Burchett, Max Cargay, Jimmie Burke, Alfred Compas, George Alves, Walter Adams, Patrick Alvillar, Edward Palomarez, Dorsey Edwards, Edna Lindsey, Gertrude Phelps, Nancy Yasui, Jeanne Wilson, George Coelho, Alice Elliott, Leroy Evans, Marcelino Granados, Wilburn Hamby, Patsy Hull, Dora Villalovoz, Joyce Spencer, Phyllis Thomason, Galen Gipson, Robert Tucker, David Tucker, Larry Vinsonhaler, Ronald Wilson, Joan Endress, Bobby Hayes, Wayne Capps, Manuel Flores, Bonnie Fox, Edwin Cross, Norma Babbard, Bobby Gutierrez, Bobby Goddard, Oufelia Guillen, Janet Glockling, Donna Highfill, Glen Eskue, David Young, Glenn Cathey, Janet Mitchell, and Ramona Palomarez.

On request of Mr. Lincoln, the usual courtesies of the Assembly for this day were unanimously extended to Miss Florence Sartee, Mrs. Alma Thompson, and Mrs. Geo. Koerber, teachers of the Golden Gate Academy of Oakland, and the following pupils: Roland Tsugimura, Donald Quintal, Jerome Bartlett, Leroy Leal, Bill Danforth, Marjorie Fowler, Sharline Race, Loretta Summers, Doreen Peterson, Wesley Pooler, Edwin Thompson, Hazel Dean, Beverly Samnon, Larry Whitlock, Alan English, Jimmy Sconza, Betty Houser, Barbara Bailey, Wendell Dinwiddie, Eugene Linder, Shirlen Race, Lorenza Buchanan, Joan Wipperman, Barbara Ann Richardson, Claire Gerow, Jim Whalin, Ruth Shaw, Nadine Hausen, Jean Hendricks, Ray Peters, Joan Brown, Janice Koerber, Sharon Crane, Daphene Clare, Joan Bryant, and Rosile Reed.

On request of Mr. Brady and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Beatrice Hesselberg, teacher of the Laurel Village School, and the following pupils: Alfred Allina, Edgar Bogas, Madelyn Coppock,

Alan Friedman, Erwin Hesselberg, Ellen Himmelstern, Peter Klein, Maureen Lundroth, Barry Mierbach, Steve Sampson, David Tucker, Herbert Wiener, Joel Harris, and James Laredo

On request of Messrs. Moss and Fleury, the usual courtesies of the Assembly for this day were unanimously extended to D. A. Parent, teacher of the California Junior High School, and the following pupils: Elaine Adams, Sara Amodei, Irene Amodei, George Au, Edwin Baker, Russell Ball, Jean Barnes, Royal Barnes, Robert Battilana, William Bazlen, Sondra Boedecker, Robert Bond, Margaret Bradley, John Bridesson, Meride Broliar, Royal Brown, Read Buchman, Albert Beuhler, Patricia Burnam, Geoffrey Burroughs, Loretta Byles, Joan Callahan, Doris Candland, Jay Caplan, Dolores Carboni, Marilyn Casey, Beth Cheadle, Morris Colangelo, Gregory Crandall, Richard Crispi, Albert Crowley, David Crum, Betty Dawdy, Dan De Varennes, Hilmer Eslinger, William Finch, Bill Floyd, Ronald Hess, Anthony Kennedy, Leslie Moldenhauer, Sherrie Morasch, Jack Richter, and Robert Schatz.

On request of Messrs. Lincoln and Dunn, the usual courtesies of the Assembly for this day were unanimously extended to Arthur G. Becker and Wayne W. Welch, teachers of the Fremont High School of Oakland, and the following pupils: Earle Ausman, Gene Beaudet, Stan Bell, Roxana Bowman, Edwin Burr, Leonard Cambra, Florence Davis, Albert Detoma, Jeanie Dietos, Marylyn Donohoe, Marilyn Eck, Delyn Fallin, Catherine Grajera, Juanita Henning, Bud Huret, Peggy Johnstone, Barbara Lacy, Jack S. Lewis, Ardie Little, Clyde Mann, Alice Michel, Dale Miller, Barbara Milliman, O'Donnell, Barbara Paulson, Doral Piva, Bill Ralph, Betty Richert, Glenn Shaw, Edwood LeRoy Smith, Harold Smith, Dick Tasto, Donald Wallace, and Hazel Bryan.

ADJOURNMENT

At 1 31 p.m. on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 15 a.m. Friday, March 31, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

TWENTY-SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Friday, March 31, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—72.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Rumford asked for, and was granted, unanimous consent that the prayer, offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

God of Our Fathers: May we realize this morning how ancient and universal is this practice to pray at this opening moment.

May we remember that famous Cicero in the Roman Senate began every address with an invocation, and recall that Columbus knelt on San Salvador and invoked the Divine blessing upon the new continent.

Let us behold Washington, when he knelt at Valley Forge to pray that his army might maintain its morale and fight on 'til victory dawned.

And behold Lincoln kneeling in his chamber in the White House praying for light and power to do the right.

Above all, the vast multitude of men and women, of every age and race, who at altar and fireside offer up their earnest voices for wisdom and courage.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Lincoln, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Smith asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Smith.

Mr. Crichton, on motion of Mr. Smith.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Hinckley, on motion of Mr. Smith.

Mr. Babbage, on motion of Mr. Smith.

Mr. Morris, on motion of Mr. Smith.

Mr. Dolwig, on motion of Mr. Smith.

Mr. Silliman, on motion of Mr. Smith.

ANNOUNCEMENTS

Mr. McMillan announced that a copy of a report entitled, "Population and Politics," which is a study of the expected effects of the 1951 reapportionment on the United States and California, is on the desk of each member and urged that each member read said report.

Speaker Sam L. Collins announced that hundreds of the California Junior Statesmen of America are attending this session and, in the interest of time, it will be impossible to permit every Member of the Assembly to personally introduce groups from his district; and that the names of all visitors will be inscribed in the Journal for this day as brought to the desk; and extended to these young people a cordial welcome, on behalf of all Members of the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 135: By Mr. George D. Collins—An act to add Chapter 9 to Part 1, Division 2, Title 2, of the Government Code, relating to influencing legislation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Joint Resolution No. 9: By Mr. Brown—Relative to memorializing the Senate of the United States to investigate interstate

criminal activity, and the Congress of the United States to enact legislation to curb interstate criminal activity and prohibit the transportation of slot machines and gambling information in interstate commerce.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Agriculture

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Agriculture, to which was referred:

Assembly Bill No. 128

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

CLARKE, Chairman

Above reported bill ordered to second reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 3

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

SHERWIN, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred

Assembly Bill No. 20

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

SHERWIN, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 65

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.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

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

Assembly Bill No. 43

Assembly Bill No. 100

Assembly Bill No. 106

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

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

Assembly Joint Resolution No. 8

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, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 64

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 bill ordered to second reading.

ANNOUNCEMENT

Mr. Maloney announced that, in the opinion of the Legislative Counsel, it will be in order to introduce a bill in the First Extraordinary Session relative to the Horse Racing Act; and that such a bill is being prepared for introduction.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 98

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.

NOTICE OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

Assembly Bill No. 23, on motion of Mr. Beck.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 81—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. 109—An act to amend Sections 154 and 6500 of the Welfare and Institutions Code, relating to state hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered.

Bill read second time, and ordered engrossed.

Assembly Bill No. 110—An act to add Sections 14238, 14259, 14292 to the Health and Safety Code, relating to the financing of public works and improvements by fire protection districts and the levy of taxes to pay principal and interest of bonds issued by such districts, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 120—An act to amend Section 6550 of the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

Bill read second time, and ordered engrossed.

Assembly Bill No. 117—An act to add Section 1523 to the Welfare and Institutions Code, relating to eligibility for aid to needy children.

Bill read second time, and ordered engrossed.

Assembly Bill No. 60—An act to amend Sections 3088 and 3473 of the Welfare and Institutions Code, relating to contributions by responsible relatives of recipients of aid to the needy blind or aid to partially self-supporting blind residents.

Bill read second time.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 3, of the printed bill, after "3088.", insert "(a)".

Amendment No. 2

On page 1 of the printed bill, strike out line 20. and insert "upon such recovery or such order.

(b) All contributions from".

Amendment No. 3

On page 2, line 1, of said bill, strike out "The sums so"; and strike out lines 2 and 3, and insert

"(c) In any case in which (1) it is found that the actual need of an applicant or recipient exceeds the maximum amount of aid to which he is entitled under Section 3084, and (2) contributions are paid to the county by one or more responsible relatives of the applicant or recipient liable to make such contributions under Section 3088, the county shall pay to the recipient, from the sums so paid to it, in addition to the amount to which he is entitled under Section 3084 and notwithstanding any provision of Section 3084, a monthly amount, not to exceed the aggregate monthly contributions of the responsible relatives of the recipient paid to the county, which shall equal his actual need.

(d) Any sums paid pursuant to subdivision (c) of this section to a recipient of aid under this chapter by a county from contributions of his responsible relatives to the county shall not be considered aid under this chapter for the purposes of Sections 3087, 3087 1, and 3087 2, but such sums shall be separately accounted by the county and reported to the State Department of Social Welfare.

Any sums received by any county as contributions of responsible relatives of a recipient of aid under this chapter shall, after deducting therefrom any sums paid out by the county to such recipient pursuant to subdivision (c) of this section, be credited and paid by the county to the United States Government, the State, and the county participating in the granting of aid to the recipient, in accordance with the provisions of Section 3007."

Amendment No. 4

On page 2, line 5, of said bill, after "3474", insert "(a)"

Amendment No. 5

On page 2 of said bill, strike out line 22, and insert "upon such recovery or such order.

(b) All contributions from"

Amendment No. 6

On page 2, line 25, of said bill, strike out "The sums so"; and strike out lines 26 and 27, and insert

"(c) In any case in which (1) it is found that the actual need of an applicant or recipient exceeds the maximum amount of aid to which he is entitled under Section 3472, and (2) contributions are paid to the county by one or more responsible relatives of the applicant or recipient liable to make such contributions under Section 3474, the county shall pay to the recipient, from the sums so paid to it, in addition to the

amount to which he is entitled under Section 3472 and notwithstanding any provision of Section 3472, a monthly amount, not to exceed the aggregate monthly contributions of the responsible relatives of the recipient paid to the county, which shall equal his actual need.

(d) Any sums paid pursuant to subdivision (c) of this section to a recipient of aid under this chapter by a county from contributions of his responsible relatives to the county shall not be considered aid under this chapter for the purposes of Sections 3480 and 3481, but such sums shall be separately accounted by the county and reported to the State Department of Social Welfare.

Any sums received by any county as contributions of responsible relatives of a recipient of aid under this chapter shall, after deducting therefrom any sums paid out by the county to such recipient pursuant to subdivision (c) of this section, be credited by the county in its settlement with the State."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare.

Assembly Bill No. 61—An act to add Sections 9059, 9060, and 9407 to the Public Resources Code, relating to soil conservation and the Soil Conservation Equipment Revolving Fund, and providing for the financing of public works by such districts.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government:

Amendment No. 1

On page 1 of the printed bill, after line 23, insert

"SEC. 4. Section 9408 is added to said code to read:

9408. Whenever the cost of construction of any office building or other facility or the cost of any repairs or furnishing thereof exceeds the sum of one thousand dollars (\$1,000) the work shall be done by contract and let to the lowest responsible bidder after notice.

SEC. 5. Section 9409 is added to said code to read:

9409. It shall be unlawful to split or separate into smaller work orders or projects any work project for the purpose of evading the provisions requiring such work to be done by contract. Every person who wilfully violates the provisions of this section is guilty of a misdemeanor.

SEC. 6. Section 9410 is added to said code to read:

9410. The directors shall cause an advertisement for bids for the performance of the work to be published for at least ten consecutive times in a daily newspaper, or for at least two consecutive times in a weekly newspaper, of general circulation within the district. If there be no such newspaper published in the district, the notice shall be given by posting in three public places for at least two weeks. The notice shall distinctly state the nature of the work to be done."

Amendment No. 2

On page 1 of the printed bill, strike out lines 3 to 9, inclusive, and insert

"9059. The commission may loan money out of the Soil Conservation Equipment Revolving Fund to soil conservation districts to be used for the construction of office buildings, the acquisition of land upon which to construct such buildings, and the acquisition of office equipment when the commission deems such loans advisable."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 77—An act to amend Sections 14, 25, 26, 28, 29, 35.2, 35.3, 45, 45.5, and 45.7 of, and to add Section 39.2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government:

Amendment No. 1

On page 4 of the printed bill, strike out lines 4 to 6, inclusive, and insert "(f) To disseminate redevelopment information."

Amendment No. 2

In line 1 of the title of said bill, strike out "28,"; and also in line 1 of said title, strike out "45,".

Amendment No. 3

On page 2 of said bill, strike out lines 48 to 51, inclusive; and on page 3, strike out lines 1 to 10, inclusive.

Amendment No. 4

On page 3, line 11, of said bill, after "Sec.", strike out "5", and insert "4".

Amendment No. 5

On page 3, line 35, of said bill, after "areas", strike out the comma, and insert a period, and strike out lines 36 to 49, inclusive; and on page 4, strike out lines 1 to 3, inclusive.

Amendment No. 6

On page 5, line 13, of said bill, strike out the period, and insert a comma and "and nothing contained in this act shall authorize such redevelopment agency to sell, lease, grant or donate public property to a housing authority or to any public agency for low-rent public housing projects."

Amendment No. 7

On page 5, line 22, of said bill, after "Sec.", strike out "6", and insert "5".

Amendment No. 8

On page 5, line 33, of said bill, after "Sec.", strike out "7", and insert "6".

Amendment No. 9

On page 6, line 17, of said bill, after "Sec.", strike out "8", and insert "7".

Amendment No. 10

On page 6, line 18, of said bill, after "Sec.", strike out "9", and insert "8".

Amendment No. 11

On page 6 of said bill, strike out lines 29 to 50, inclusive; and on page 7, strike out lines 1 to 7, inclusive.

Amendment No. 12

On page 7, line 8, of said bill, after "Sec.", strike out "11", and insert "9".

Amendment No. 13

On page 7, lines 34 and 35, of said bill, strike out "which will return to the Redevelopment Revolving Fund".

Amendment No. 14

On page 7, line 50, of said bill, after the period, insert "If any property acquired in whole or in part from the Redevelopment Revolving Fund is to be sold or leased by the Redevelopment Agency at a price less than the cost of such property paid from such fund, the sale first must be approved by the legislative body at an open meeting."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 97—An act to amend Sections 5005, 5181, 5241, 5242, 5254, 5361, 5369, 5835.2 and 6420 of, to add Sections 5005.1, 5226, 5260 and 5375 and Chapter 18.1 of Part 3 of Division 7 to, and to renumber Section 5135 (as added by Statutes of 1941, Chapter 79) of, the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "5005,"; and strike out "5361,".

Amendment No. 2

In line 2 of the title of said bill, strike out "5369,"; and also strike out "5005.1,"

Amendment No. 2.5

In line 6 of the title of said bill, strike out "the Improvement Act of 1911", and insert "public works and improvements".

Amendment No. 3

On page 1 of said bill, strike out lines 1 to 18, inclusive.

Amendment No. 4

On page 2 of said bill, strike out line 1, and insert
"SECTION 1. Section 5135 of the Streets and Highways Code as added by Statutes of".

Amendment No. 5

On page 2, line 20, of said bill, strike out "Sec. 4", and insert
"SEC. 2".

Amendment No. 6

On page 2, line 30, of said bill, strike out "Sec. 5", and insert
"SEC. 3".

Amendment No. 7

On page 2, line 35, of said bill, strike out "Sec. 6", and insert
"Sec. 4".

Amendment No. 8

On page 2, line 44, of said bill, strike out "Sec. 7", and insert
"SEC. 5".

Amendment No. 9

On page 3, line 3, of said bill, strike out "Sec. 8", and insert "SEC. 6".

Amendment No. 10

On page 3, line 9, of said bill, strike out "50", and insert "25"

Amendment No. 11

On page 3, line 14, of said bill, strike out "Sec. 9", and insert
"SEC. 7".

Amendment No. 12

On page 3 of said bill, strike out lines 18 to 41, inclusive.

Amendment No. 13

On page 3, line 42, of said bill, strike out "Sec. 12", and insert
"SEC. 8".

Amendment No. 14

On page 3, line 50, of said bill, strike out "other or different from or".

Amendment No. 15

On page 4, line 1, of said bill, strike out "Sec. 13", and insert
"SEC. 9".

Amendment No. 16

On page 5, line 6, of said bill, strike out "Sec. 14", and insert
"SEC. 10".

Amendment No. 17

On page 5, line 11, of said bill, strike out "Sec. 15", and insert
"SEC. 11".

Amendment No. 18

On page 5, line 21, of said bill, strike out "Sec. 16", and insert "Sec. 12"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 107—An act to create the Brisbane County Water District, providing for the government and powers thereof, providing for the issuance of revenue bonds, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government:

Amendment No. 1

On page 1 of the printed bill, strike out lines 16 to 22, inclusive

Amendment No. 2

On page 2 of said bill, strike out lines 1 to 7, inclusive

Amendment No. 3

On page 2, line 8, of said bill, strike out "Sec. 8", and insert "SEC. 5".

Amendment No. 4

On page 2, lines 14 and 15, of said bill, strike out " , excepting that the provisions of Article 3, shall not apply".

Amendment No. 5

On page 2 of said bill, between lines 17 and 18, insert "SEC. 6. The purpose of this act is to form the Brisbane County Water District in order that the area benefited may be provided with sewer and water facilities. Special facts and circumstances, applicable to the area in which this district lies and not generally, make the accomplishment of this purpose impossible under existing laws, and therefore special legislation is necessary. The special facts are as follows: a. The area is without any sanitary sewerage disposal system or an adequate water system for fire protection and domestic purposes. b. Sewage emanating from said district is polluting the waters of the San Francisco Bay adjacent to said district and said district is without sufficient water to protect it against fire c. The assessed valuation of the district is inadequate to finance the cost of both sewer and water projects by taxation. It is, therefore, necessary that procedure be available to said district for financing one or both said projects from revenue. SEC. 7. This Act shall be known and may be cited as the "Brisbane County Water District Act." "

Amendment No. 5

On page 2, line 18, of said bill, strike out "Sec. 9", and insert "SEC. 8".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 26—An act to add Section 3079.5 to and to amend Section 3082 of the Welfare and Institutions Code, relating to the administration of aid to the needy blind and aid to partially self-supporting blind residents.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Social Welfare:

Amendment No. 1

On page 2 of the printed bill, strike out lines 8 to 28, inclusive, and insert "3079.5 In any county which has a case load of one hundred fifty (150) or more recipients of aid to the blind, the county board of supervisors shall create a special bureau to be devoted exclusively to the administration of this chapter and Chapter 3 of this part. When possible, the county board of supervisors, subject to applicable civil service and merit system laws, ordinances, and rules, shall select to administer this chapter and the provisions of Chapter 3 of this part, blind persons who are eligible for

appointment under such laws, ordinances and rules to social work positions in the said special bureau for the blind Subject to the applicable laws, ordinances, and rules governing county civil service and merit systems, and when practicable, appointments to these positions shall be made in such a manner that approximately 50 percent of the social workers employed in said bureau shall be blind."

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 37—An act to amend Sections 1512, 1526, 1550, and 1554 of the Welfare and Institutions Code, relating to the granting of aid to needy children.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 1, line 3, of the printed bill, after "1512", insert "(a)".

Amendment No. 2

On page 1, line 4, of said bill, strike out "or with residence therein as defined by Section 1526".

Amendment No. 3

On page 1 of said bill, strike out lines 13 to 15, inclusive, and insert "Nothing in this subdivision shall prevent any county from paying from its own funds, in its discretion, additional sums for the care of any needy child.

(b) If at the time application for aid is made a child does not have residence as defined by Section 1526 in any county, the State shall reimburse".

Amendment No. 4

On page 1 of said bill, strike out lines 21 and 22, and insert "share of the cost beginning thereon.

(c) If at the time application for aid is made a child does not have residence as defined by Section 1526 in the county to which application is made, but does have such residence in another county, the State shall reimburse the county in which application is made the full amount of the aid granted by it to each such child for a period not to exceed 180 days after the date the payment of aid to the child was begun Whenever aid is granted by a county to a child who has residence as defined by Section 1526 in another county, within 180 days after the date the payment of the aid begins, the county granting the aid shall transfer the case to the county in which the child has residence as defined by Section 1526, together with the application for aid, and all documents and records pertaining to the eligibility of the child for aid, and thereafter the county in which the application was granted shall have no further responsibility for the continuation of the aid granted, but the county in which the child has residence as defined by Section 1526 shall have full responsibility to determine the eligibility of the child to continue to receive aid and the amount of aid to be granted to him, and to pay the aid to which he is entitled, without any interruption in monthly payments as a result of the transfer.

When the State reimburses a county the full amount of aid granted by it to a child who has residence as defined by Section 1526 in another county, the proportionate share of the".

Amendment No. 5

On page 2 of said bill, strike out line 4, and insert "Section 1554 to the county in which the child has residence as defined in Section 1526."

Amendment No. 6

On page 2 of said bill, strike out lines 5 to 10, inclusive

Amendment No. 7

On page 2 of said bill, strike out lines 12 to 22, inclusive, and insert "1526. Except as provided in Sections 1512 and 1557, and subdivision (d) of this section, no county is required to pay aid under this chapter for a child, or shall be charged under Section 1512 for aid paid for a child, unless the child has had residence in that county for the period of one year immediately preceding the date of application.

For the purposes of this chapter, the county residence of the child shall not be lost until another is gained and shall be determined in accordance with the following rules:":

Amendment No. 8

On page 3, line 16, of said bill, strike out "to the"

Amendment No. 9

On page 3 of said bill, strike out lines 17 and 18

Amendment No. 10

On page 3, line 39, of said bill, after "residence", insert "as defined by Section 1526".

Amendment No. 11

On page 3, line 40, of said bill, strike out "as defined by Section 1526 of this code".

Amendment No. 12

On page 3 of said bill, strike out line 51, and insert "dence as defined by Section 1526 in the county granting the aid,".

Amendment No. 13

On page 4, line 1, of said bill, strike out "this code,".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

Assembly Bill No. 18—An act making an appropriation for the acquisition of land and the construction of buildings at San Jose State College.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and"; and in line 2 of the title, strike out "the construction of buildings".

Amendment No. 2

On page 1, line 2, of said bill, strike out "three million five hundred sixty-one"; and in line 3, strike out "thousand dollars (\$3,561,000)"; and insert "one hundred twenty-five thousand dollars (\$125,000)".

Amendment No. 3

On page 1, line 5, of said bill, strike out "the construction of buildings and".

Amendment No. 4

On page 1 of said bill, strike out lines 8, 9, 10, and 11; and in line 12, strike out "(d)."

Amendment No. 5

On page 1, line 14, of said bill, strike out "\$3,561,000", and insert "\$125,000".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

Assembly Bill No. 95—An act to amend Section 45 and to add Sections 31.1 and 31.2 to the Public Utility District Act, relating to the issuance of bonds, and declaring its urgency, to take effect immediately.

Bill read second time.

Subject matter ordered referred to the Interim Committee on Public Utilities and Corporations.

Assembly Bill No. 95 Stricken From File

By unanimous consent, Assembly Bill No. 95 was ordered stricken from the file.

Assembly Bill No. 68—An act to add Section 2810 to the Streets and Highways Code, relating to the Special Assessment Investigation, Limitation and Majority Protest Act of 1931, and declaring the urgency thereof.

Bill read second time

Subject matter ordered referred to the Interim Committee on Governmental Efficiency and Economy.

Assembly Bill No. 68 Stricken From File

By unanimous consent, Assembly Bill No 68 was ordered stricken from the file.

Assembly Bill No. 112—An act to amend Section 4538 of, and to add Sections 4505 and 4538 1 to, the Elections Code, relating to the influencing of legislation by campaign expenditures

Bill read second time.

Subject matter ordered referred to the Interim Committee on Elections and Reapportionment.

Assembly Bill No. 112 Stricken From File

By unanimous consent, Assembly Bill No. 112 was ordered stricken from the file.

Assembly Bill No. 73—An act making an appropriation for the construction and equipment of buildings at Chico State College

Bill read second time.

Subject matter ordered referred to the Interim Committee on Education

Assembly Bill No. 73 Stricken From File

By unanimous consent, Assembly Bill No 73 was ordered stricken from the file

SECOND READING OF SENATE BILLS

Senate Bill No. 22—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.

Senate Bill No. 15—An act to add Section 7043 to the Education Code, relating to the support of the Public School System, declaring the urgency thereof, to take effect immediately.

Bill read second time

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 7043", and insert "Sections 7043 and 7044"

Amendment No. 2

On page 1 of said bill, beginning in line 5, strike out "in each elementary school district".

Amendment No. 3

On page 1 of said bill, between lines 8 and 9, insert
"SEC 2 Section 7044 is added to said code to read :
7044 In addition, the Superintendent of Public Instruction shall allow for all
secondary schools maintained in juvenile halls, juvenile homes, and juvenile camps by
the county superintendent of schools, one hundred eighty-five dollars (\$185) for each
unit of average daily attendance in such schools during the preceding school year."

Amendment No. 4

On page 1, line 9, of said bill, strike out "2", and insert "3"

Amendment No. 5

On page 1, line 17, of said bill, strike out "elementary"

Amendment No. 6

On page 1, line 22, of said bill, strike out "elementary"

Amendment No. 7

On page 2 of said bill, strike out lines 1 to 6, inclusive, and insert "will enable a
county superintendent of schools to maintain reasonably adequate schools for minors
in juvenile halls, juvenile homes, and juvenile camps of the county."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

**MOTION TO WITHDRAW ASSEMBLY CONSTITUTIONAL AMENDMENT
NO. 1 FROM FILE AND RE-REFER TO COMMITTEE**

Mr. Condon moved that Assembly Constitutional Amendment No. 1
be withdrawn from the file and be re-referred to the Committee on Con-
stitutional Amendments

Motion carried

MEMBER EXCUSED

At 10 40 a m., Mr. Dickey asked for, and was granted, unanimous
consent that Mr. Weber be excused, for the balance of the legislative day,
because of legislative business elsewhere

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 13

Has had the same under consideration, and reports the same back with the recommen-
dation: Be adopted.

DICKEY, Chairman

Above reported resolution ordered engrossed.

Speaker Pro Tempore Presiding

At 10.42 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the
Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 62—An act to amend Sections 5, 6, 12, 21, and
23, to add Section 5 1 to, and to repeal Section 28 of the Relief Act of
1945, relating to relief of hardship and destitution.

Bill read third time.

Request for Unanimous Consent That Excuse Be Granted

Speaker Sam L. Collins asked for, and was granted, unanimous consent that he be granted a leave of absence for the balance of the legislative day for the purpose of attending a meeting of the Board of Regents of the University of California, at Santa Barbara.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Speaker Sam L. Collins asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 62, and that he be recorded as voting "No."

The question being on the passage of Assembly Bill No. 62.

Point of Order

Mr. Lowrey arose to the following point of order: That Mr. Levering is not speaking to the question.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

Point of Order

Mr. Lowrey arose to the following point of order: That Mr. Levering is not speaking on the merits of the bill.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

Demand for Previous Question

Messrs. Grunsky, Lincoln, Geddes, Lipscomb, and Conrad demanded the previous question.

Demand for previous question sustained

The question being on the passage of Assembly Bill No. 62.

Point of Order

Mr. Hawkins arose to the following point of order: That Mr. Gaffney is not in order because Mr. Anderson has closed his debate.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

The question being on the passage of Assembly Bill No. 62.

The roll was called

Call of the Assembly

Pending the announcement of the vote, Mr. Anderson moved a call of the Assembly.

Motion carried. Time, 11.24 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Bennett, Caldecott, Crowley, Evans, Kilpatrick, Lindsay, McCarthy, and Meyers—8.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY, BY
UNANIMOUS CONSENT**

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Hawkins 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 DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 19

By Mr. Stewart:

House Resolution No. 19

Relative to directing the Assembly Interim Committee on Public Health to investigate the need of legislation regulating the use of electrical therapeutic instruments

WHEREAS, There appears to be a constant increase in the use of electrical therapeutic instruments in the treatment of persons for various diseases and ailments; and

WHEREAS, Complaints made by citizens of this State indicate that the use of such instruments by untrained or unqualified operators has resulted in numerous injuries; and

WHEREAS, The public welfare will be served by a study of this subject, designed to determine what, if any, legislation is necessary to regulate the use or operation of such machines; and

WHEREAS, Such an investigation is within the scope of the functions of the Assembly Interim Committee on Public Health; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Public Health (created by House Resolution No. 237, 1949 General Session) is hereby directed to ascertain, study and analyze all facts and laws relating to, bearing upon, or in any way affecting the subjects expressed in the recitals of this resolution and to report thereon to the Legislature not later than the fifteenth legislative day of the 1951 General Session, including in its report its recommendations for needed legislation concerning the use or operation of electrical therapeutic instruments.

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 22

By Messrs. Geddes, Doyle, Stanley, and Lowrey:

House Resolution No. 22

Relative to commending the Honorable Thomas H. Kuchel, State Controller

WHEREAS, In conformity with the Collier-Burns Highway Act of 1947, the State Controller has furnished to the Legislature the "Financial Report Concerning Streets and Roads of Cities and Counties of California," showing the distribution of moneys during the fiscal year ending June 30, 1949, to the cities, counties, and joint highway districts under that act; and

WHEREAS, To facilitate the flow of basic statistics from the cities, counties, and joint highway districts, the State Controller has devised and provided forms to the officials of these local agencies to enable them to supply the needed information with the minimum amount of effort; and

WHEREAS, To ascertain the type of report which would be most helpful to the Legislature, the State Controller has consulted with the individual Members of the Legislature to obtain their suggestions and comments; and

WHEREAS, The report distributed by the State Controller will greatly assist the Members of the Legislature in considering legislation and reflects the skill and care employed in its compilation; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly do hereby commend and congratulate the Honorable Thomas H. Kuchel, State Controller, for the very excellent "Financial Report Concerning Streets and Roads of Cities and Counties of California;" and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Honorable Thomas H. Kuchel.

Resolution read, and adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 35—An act to amend Sections 2163 and 2163.2 of, to repeal Section 2163.6 of, and to add Section 2163.8 to, the Welfare and Institutions Code, relating to aid to the aged in respect to the personal property qualifications of applicants and recipients.

Bill read third time.

Motion to Amend

Mr. Kilpatrick moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, between lines 6 and 7, insert
"No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient."

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

Assembly Bill No. 36—An act to amend Sections 2164, 2165, 2165a, and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Ellhott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Huvek, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Moss, Nichouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yortv, and Mr. Speaker—65

NOES—None

Bill ordered transmitted to the Senate.

Hon. Richard H. McCollister Presiding

At 11 38 a.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

Assembly Bill No. 21—An act to repeal Sections 3088, 3088.1, 3474, and 3474.1 of the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of, and to make reimbursement for aid granted to, applicants for and recipients of aid to the blind.

Bill read third time.

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. Caldecott, Luckel, Lewis, Lindsay, and Dickey demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 21

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Cloyed, Coats, Collier, George D. Collins, Condon, Cooke, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hollibaugh, Huyek, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rosenthal, Rumford, Stanley, Thomas, Thompson, Weber, and Yorty—52.

NOES—Butters, Clarke, Hansen, Hoffman, Kirkwood, Levering, Maloney, Sherwin, Smith, and Waters—10.

Bill ordered transmitted to the Senate.

Assembly Bill No. 5—An act to add Sections 1203.02 and 3053.5 to the Penal Code, to add Section 1767.2 to the Welfare and Institutions Code, and to amend Section 5517 of the Welfare and Institutions Code, relating to the use of alcoholic beverages by persons convicted of certain offenses and by sexual psychopaths.

Bill read third time.

Motion to Amend

Mr. Levering, on behalf of Mr. Morris, moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 5, of the printed bill, after "shall", insert "inquire into the question whether the defendant at the time the offense was committed was intoxicated or addicted to the excessive use of alcoholic liquor or beverages at that time or immediately prior thereto, and if the court, judge or justice thereof, believes that the defendant was so intoxicated, or so addicted, such court, judge or justice thereof, shall".

Amendment No. 2

On page 1, line 7, of said bill, after "alcoholic", insert "liquor or".

Amendment No. 3

On page 1, line 12, of said bill, after "shall", insert "inquire into the question whether the defendant at the time the offense was committed was intoxicated or addicted to the excessive use of alcoholic liquor or beverages at that time or immediately prior thereto, and if it is found that the person was so intoxicated or so addicted, it shall".

Amendment No. 4

On page 1, line 13, of said bill, after "alcoholic", insert "liquor or".

Amendment No. 5

On page 1, line 21, of said bill, after "alcoholic", insert "liquor or".

Amendment No. 6

On page 2, line 28, of said bill, after "alcoholic", insert "liquor or".

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

RE-REFERENCE OF RESOLUTION

By order of the Speaker, the following resolution was withdrawn from the file, and re-referred as follows:

Assembly Joint Resolution No. 5 re-referred to the Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 24

By Mr. Hahn:

House Resolution No. 24

Relative to the opening of school grounds for recreational activities

WHEREAS, A great many school facilities are closed after the school day, holidays and weekends; and

WHEREAS, One of the largest capital investments of the people of the State of California is the school system; and

WHEREAS, The majority of these schools already have the necessary recreational facilities at their disposal, or easily so, by merely constructing new lighting equipment; and

WHEREAS, The existing juvenile delinquency problem may, in part, be adequately combatted by proper use of leisure time; and

WHEREAS, There is great need for more recreational facilities for the youth and senior citizens of our State with supervised activities; and

WHEREAS, There exists a serious traffic hazard by children playing in streets near schools with a possibility of being killed or injured by automobile and truck traffic; and

WHEREAS, There is doubt existing on the part of our school boards and other political subdivisions of the State as to the stand and legal authority and justification for the extra expense involved in the use of these facilities after school hours; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Revenue and Taxation hold hearings throughout the State of California to ascertain why our schools are not being fully utilized to the benefit of the taxpayer and what funds will be needed to open every school yard as an afternoon, holiday and weekend playground; and be it further

Resolved, That the Committee recommend to the Legislature the necessary legislation for the use of our school recreational facilities for afternoon, holiday and weekend recreation.

Resolution read, and adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY CONCURRENT RESOLUTION NO. 10**

Mr. Davis asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 10, out of order, for purpose of amendment, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 10

Assembly Concurrent Resolution No. 10—Relative to a survey and preparation of plans by the Department of Public Works, Division of Highways, for a highway from the vicinity of Doyle, in Lassen County, to the Sierra Ordinance Depot.

Resolution read.

Motion to Amend

Mr. Davis moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 4, of the printed measure, strike out "running generally along the Western Pacific right of way".

Amendment No. 2

On page 1, line 17, of said measure, strike out "described".

Amendment No. 3

On page 1, line 20, of said measure, strike out "among other things specified herein,".

Amendment No. 4

On page 1, line 21, of said measure, strike out "thereof that would", and insert "that will".

Amendments read, and adopted.

Resolution ordered reprinted, and re-engrossed.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Concurrent Resolution No. 9—Relative to straightening and realigning State Highway Route No. 57 (State Sign No. 178) between Democrat Hot Springs and Bodfish.

Resolution read.

**Request for Unanimous Consent to Re-refer Assembly Concurrent Resolution
No. 9 to Committee**

Mr. Lewis asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 9 be withdrawn from the file, and be re-referred to the Committee on Rules.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON ASSEMBLY BILL NO. 62**

At 12.02 p.m., on motion of Mr. Anderson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Bill No. 62 passed by the following vote:

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Hagen, Hahn, Hawkins, Hollibaugh, Lewis, Lincoln, Lindsay, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rosenthal, Rumford, Thomas, and Yontz—42

NOES—Burke, Butters, Caldecott, Clarke, Cloyd, Collier, Connolly, Conrad, Erwin, Fleury, Grant, Grunsky, Hansen, Hoffman, Huyck, Kirkwood, Levering, Lipscomb, Luckel, Reagan, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, and Mr. Speaker—28.

Notice of Motion to Reconsider Assembly Bill No. 62

Mr. Waters gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 62 was this day passed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1950

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

Assembly Joint Resolution No. 4

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

Above resolution ordered enrolled.

RECESS

At 12.06 p.m., on motion of Mr. Dickey, 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.

**REQUEST FOR UNANIMOUS CONSENT THAT OPINIONS OF
LEGISLATIVE COUNSEL BE PRINTED IN JOURNAL**

Mr. Dunn asked for, and was granted, unanimous consent that the following two 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, March 28, 1950

*Hon. Francis Dunn, Jr.**Assembly Chamber*

TOBACCO TAX—No. 1580

DEAR MR. DUNN: We are enclosing a set of amendments to a measure providing for the increased support of the Public School System and enacting a tax on tobacco products to raise revenue therefor.

The amendments will provide a statement of legislative intent in the tax measure, as follows:

"It is the intent of the Legislature in enacting Part 13 of the Revenue and Taxation Code that two-thirds of the proceeds of the taxes levied by this part shall be used to reimburse the General Fund for the financing of *any additional state support of public education* that may be authorized by the Legislature at its 1950 First Extraordinary Session as well as for the payment of principal and interest on any bonds issued pursuant to Section 15 of Article XVI of the Constitution. It is the further intent of the Legislature that one-third of the proceeds of the taxes levied by this part shall be used to reimburse the General Fund for financing *state participation in aid to the aged, needy blind, and partially self-supporting blind residents* as provided in the Welfare and Institutions Code." (Emphasis added.)

In our opinion, this amendment would probably cause the measure to be held to be in violation of Section 24 of Article IV of the California Constitution.

Section 24 requires that "every act shall embrace but one subject, which subject shall be expressed in its title."

The amendments will provide for state support of public education and state participation in aid to the aged, needy blind and partially self-supporting blind residents.

We believe that these two topics are not sufficiently related to constitute a single subject as required by the Constitution.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By OWEN K. KUNS, Deputy

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, March 30, 1950

*Honorable Francis Dunn, Jr.**Assembly Chamber*

Assembly Bill No. 65 of the Special Session, Relating to the Public School System and the Raising of Revenue Therefor—No. 1753

DEAR MR. DUNN: You have asked us what the effect would be of the deletion from A. B. 65 of the Special Session of Section 30000 of the

Revenue and Taxation Code as that section is proposed to be enacted by that bill as introduced.

The title of A. B. 65 indicates that it is "An act to provide for the Public School System and the raising of revenue therefor * * *". The first 13 sections of the bill relate to the Public School System and to the making of apportionments from State funds therefor. Section 14 of the bill adds to the Revenue and Taxation Code a new tax for the privilege of distributing cigarettes and tobacco products.

Section 30000 as proposed to be added to the Revenue and Taxation Code by Section 14 of the bill declares:

"30000. It is the intent of the Legislature in enacting Part 13 of the Revenue and Taxation Code that the proceeds of the taxes levied by this part shall be devoted to the support of public education as provided in Chapters 2, 12, 14, 15, and 16 of Division 3 of the Education Code to the extent that such cost is not required to be provided for by Section 6 of Article IX of the Constitution and for the payment of interest and principal of any bonds issued pursuant to Section 15 of Article XVI of the Constitution."

In effect, this declaration indicates that the Legislature intends to devote the proceeds of the tax to the support of the Public School System. What purpose does such a declaration serve?

This declaration appears to serve two purposes. Unless there is a relationship between the tobacco tax provisions and the Public School System, the entire measure would be invalid as embracing more than one subject (Const., Art. IV, Sec. 24). Further, the tobacco tax provisions, unless related to the appropriation and apportionment of state funds for the support of the Public School System, would not be within the scope of the Proclamation convening the present special session of the Legislature and would thus be invalid (Const., Art V, Sec. 9).

Section 30000 declares the legislative determination that a relationship does exist between the tobacco tax and the support of the Public School System. Without that provision, it is difficult to find such a relationship. While the title of the bill might tend to show the relationship by stating that the bill provides for the Public School System and the raising of revenue therefor, nonetheless it would seem to be inferentially overcome by Section 30462 as proposed to be added to the Revenue and Taxation Code by the bill, providing for the transfer of the net proceeds of the tobacco tax to the State General Fund.

It is only by virtue of Section 30000 that the title of the bill and the body of the bill both indicate a relationship between the tobacco tax and the support of the Public School System. Without that indication of legislative intent, we are extremely doubtful that the courts would sustain the validity of A. B. 65, if enacted.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By J. D. STRAUSS, Chief Deputy

Copies to Authors pursuant to Joint Rule 34.

MEMBERS EXCUSED

At 2.10 p.m., Mr. Erwin asked for, and was granted, unanimous consent that Mr. Crowley be excused, for the balance of the legislative day, because of legislative business elsewhere.

At 2.11 p.m., Mr. Beck asked for, and was granted, unanimous consent that Mr. Rosenthal be excused, for the balance of the legislative day, because of legislative business elsewhere.

At 2.12 p.m., Mr. Dickey asked for, and was granted, unanimous consent that Messrs. Lincoln and Caldecott be excused, for the balance of the legislative day, because of legislative business elsewhere.

RESOLUTIONS

The following resolutions were offered:

By Messrs Smith and Lipscomb.

House Resolution No. 35

Relating to the construction of grade separations on Glendale Boulevard and Los Feliz Boulevard in Los Angeles County

WHEREAS, Pursuant to House Resolution No. 24, adopted at the 1949 First Extraordinary Session of the Legislature, informal conferences were held in the Office of the Public Utilities Commission to study the desirability and feasibility of grade separations in Los Angeles County at the places where Glendale Boulevard, Los Feliz Boulevard, and Fletcher Drive cross the Southern Pacific Railroad tracks; and

WHEREAS, The participants in these conferences were representatives from the Cities of Los Angeles and Glendale, the County of Los Angeles, the State Department of Public Works, Division of Highways, the Los Angeles County Grade Crossing Committee, and the Public Utilities Commission; and

WHEREAS, Various subcommittees were formed to study the various phases of the problem, such as the relationship of such grade separations to the proposed parkway system in Southern California, the estimate of cost of the projects, the method of financing the projects, and their economic justification; and

WHEREAS, It is agreed by all parties concerned that grade separations on Glendale Boulevard and Los Feliz Boulevard should be constructed at the earliest possible time, both to eliminate accident hazard and to remove the cause of serious interference to the free flow of traffic on these much-traveled traffic arteries; and

WHEREAS, The City of Glendale has, by resolution of its council, stated it will proceed in good faith to assume its reasonable proportionate share of the cost of one of the underpasses, and both of them if possible; and the representative of the Southern Pacific Company has expressed the company's willingness to pay a portion of the cost of the projects predicated on net benefits to it; and

WHEREAS, While neither the representatives of the City of Los Angeles nor of the County of Los Angeles were authorized to commit their respective political subdivisions, it would appear reasonable to assume that the City of Los Angeles and County of Los Angeles would be willing to assume reasonable proportionate shares of the cost of such projects; and

WHEREAS, It is essential that preliminary plans for the construction of the grade separations on Glendale Boulevard and Los Feliz Boulevard be jointly worked out by the parties concerned and hearings held thereon, and that the cost of these projects be apportioned among the parties concerned and the construction thereof ordered; now, therefore, be it

Resolved by the Assembly of the State of California, That the Public Utilities Commission be directed to hold further hearings at the earliest possible time for the purpose of submission and approval of preliminary plans of the construction of grade crossings on Glendale Boulevard and Los Feliz Boulevard in Los Angeles County, to make such assessment of the cost of such projects as it may find to be reasonable, and to order such construction as it may find to be necessary and feasible; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit 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.

By Mr. Geddes:

House Resolution No. 36

Pertaining to distribution of tracts, publications and matter of undetermined origin through the Assembly Post Office

Resolved by the Assembly of the State of California, That the Sergeant-at-Arms be instructed to allow no material to be placed in the Post Office boxes of Members in the Assembly Post Office aside from mail regularly delivered by the United States Mail, telegrams and messages and such tracts, publications and printed matter as is identified as to its origin as to publisher and sender. No such tract, publication or matter of undetermined origin shall be distributed through the Assembly Post Office.

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

By Messrs. Burkhalter, Grant, Conrad, and Elliott:

House Resolution No. 37

Relative to augmenting the funds of the Assembly Investigating Committee on Traffic Control

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of ten thousand dollars (\$10,000) 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 Investigating Committee on Traffic Control (created by House Resolution No. 233, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer

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

**CONSIDERATION OF DAILY FILE (RESUMED)
CONSIDERATION OF HOUSE RESOLUTION NO. 28**

By Mr. Dickey:

House Resolution No. 28

Relative to an investigation by the Assembly Interim Committee on the Judicial System and Judicial Process of legal education in California and admissions to the California Bar

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on the Judicial System and Judicial Process (created by H. R. 232, 1949 Regular Session) is hereby requested to investigate and report on all matters relating to legal education and admission to the bar in this State, including but not limited to the availability of educational facilities, the system of accreditation of law schools by the State Bar, and the type of examinations given by the State Bar.

Resolution read, and adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 23**

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 23, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 23

By Messrs. Geddes and Stanley:

House Resolution No. 23

Relative to specific directives to the Assembly Interim Committee on Finance and Insurance

WHEREAS, The Assembly Interim Committee on Finance and Insurance was created by the Assembly in the 1949 Regular Session of the California Legislature by House Resolution No. 239 and charged with investigating and reporting on the matters specified therein; and

WHEREAS, The First Extraordinary Session of 1950 finds the Assembly Interim Committee on Finance and Insurance organized and in the midst of its studies and

investigations, particularly those pertaining to unemployment insurance and unemployment disability insurance as well as workmen's compensation insurance, all of which are of particular interest and importance to the people of the State of California; and

WHEREAS, There are presently introduced in the First Extraordinary Session of 1950 the following bills relating to the subjects enumerated above, to wit: Assembly Bills 56, 57, 58, 59, 66, 75, 76, 78, 79, 85, 86, 87, 88, 90, 91, and 94; and

WHEREAS, The Assembly would be in a position to better evaluate the above mentioned proposed legislation if it had before it the data accumulated and reported upon by the Assembly Interim Committee on Finance and Insurance together with transcripts of testimony bearing on the matters under consideration and the recommendations of the committee and its members; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Finance and Insurance is specifically requested and directed to hold hearings on the subject matter covered by the bills enumerated above and to include in its report to the Assembly, not later than January 15, 1951, its findings and recommendations thereon, together with all relevant data, and testimony, relating thereto, including but not limited to, a review of the laws relating to unemployment insurance, unemployment disability insurance, and workmen's compensation insurance, both federal and state, and estimates of the solvency of the several funds and effect by existing provisions providing for merit rating, benefit rates and duration of benefits under existing statutes and any proposed modification

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for March 27, 1950, at pages 518-519, in paragraph 5, line 4, after "January", insert "15".

Amendment read, and adopted.

Consideration of House Resolution No. 23, As Amended

By Messrs Geddes and Stanley:

House Resolution No. 23

Relative to specific directives to the Assembly Interim Committee on Finance and Insurance

WHEREAS, The Assembly Interim Committee on Finance and Insurance was created by the Assembly in the 1949 Regular Session of the California Legislature by House Resolution No. 239 and charged with investigating and reporting on the matters specified therein; and

WHEREAS, The First Extraordinary Session of 1950 finds the Assembly Interim Committee on Finance and Insurance organized and in the midst of its studies and investigations, particularly those pertaining to unemployment insurance and unemployment disability insurance as well as workmen's compensation insurance, all of which are of particular interest and importance to the people of the State of California; and

WHEREAS, There are presently introduced in the First Extraordinary Session of 1950 the following bills relating to the subjects enumerated above, to wit: Assembly Bills 56, 57, 58, 59, 66, 75, 76, 78, 79, 85, 86, 87, 88, 90, 91, and 94; and

WHEREAS, The Assembly would be in a position to better evaluate the above mentioned proposed legislation if it had before it the data accumulated and reported upon by the Assembly Interim Committee on Finance and Insurance together with transcripts of testimony bearing on the matters under consideration and the recommendations of the committee and its members; now, therefore be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Finance and Insurance is specifically requested and directed to hold hearings on the subject matter covered by the bills enumerated above and to include in its report to the Assembly, not later than January 15, 1951, its findings and recommendations thereon, together with all relevant data, and testimony, relating thereto, including but not limited to, a review of the laws relating to unemployment insurance, unemployment disability insurance, and workmen's compensation insurance, both federal and state, and estimates of the solvency of the several funds and effect by existing provisions providing for merit rating, benefit rates and duration of benefits under existing statutes and any proposed modification.

Resolution read, as amended, and adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY CONCURRENT RESOLUTION NO. 12**

Mr. Stanley asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 12, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 12

Assembly Concurrent Resolution No. 12—Relative to requesting the California Centennials Commission to cooperate with the American Legion in publicizing the Centennial of California at the Legion Convention in Los Angeles.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 124**

Mr. Dickey asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 124, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 124

Assembly Bill No. 124—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Motion to Re-refer Assembly Bill No. 124

Mr. George D. Collins moved that Assembly Bill No. 124 be withdrawn from the file, and be re-referred to the Committee on Ways and Means.

Motion died for lack of a second.

By unanimous consent, Assembly Bill No. 124 ordered temporarily passed on file.

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

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

Assembly Bill No. 136: By Messrs Maloney and Dolwig—An act relating to licenses to conduct horse racing meetings at which wagering on the results of horse races is permitted, to provide for the licensing of such meetings and for fees for such licenses in the event that the provisions of law applicable thereto should be finally determined to be unconstitutional and in such event to validate licenses issued prior to such final determination and for the foregoing purposes to amend Section 19480 and to amend and renumber Sections 19480.5, 19481, 19482, 19483, 19484, 19485, 19485.1, 19486, 19487, 19488, 19489, and 19490 of the Business and Professions Code, relating to horse racing meetings, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 137: By Mr. Sam L. Collins—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing.

Referred to Committee on Governmental Efficiency and Economy.

RESOLUTIONS

The following resolution was offered :

By Messrs. Geddes, Dunn, Fletcher, and Dolwig :

House Resolution No. 38

Relative to expenses of the Assembly between sessions of the Legislature

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

1. During such times as the Assembly is not in session, the Assembly Legislative Process Committee, as continued by House Resolution No. 180, 1949 Regular Session, is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex.

2. The funds available for expenditure pursuant to this resolution shall consist of the balance of all money heretofore or hereafter appropriated for the contingent expenses of the Assembly not made available for expenditure for other purposes and shall include such money made available to the Assembly Legislative Process Committee by House Resolution No. 283 of the 1949 Regular Session as the said committee finds to be necessary for the purposes of this resolution.

3. Expenditures for furniture and equipment under this resolution shall be exempt from the provisions of the State Contract Act, insofar as is now or hereafter authorized by law.

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

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 100

Mr. Lowrey asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 100, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 100

Assembly Bill No. 100—An act to add an article heading to be numbered Article 1, and to add Article 2 to Chapter 1a of Division 2 of the Agricultural Code, relating to agricultural pest control, and providing for proof of responsibility to respond for damages ensuing from operations involving spraying or otherwise applying pest control materials through the medium of the air, 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, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McColister, McMillan, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, and Yorty—59.

NOES—None.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes,

Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, and Yorty—59.

NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 103—An act to add Section 9906.3 to the Government Code, relating to influencing the legislative process.

Bill read third time.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

On page 1 of the printed bill, between lines 6 and 7, insert "and such employment contemplates the payment of compensation or any consideration including the payment of expenses".

Amendment No. 2

On page 1, line 10, of said bill, after "thereunder", insert "including any amount paid for expenses".

Amendments read.

Amendments Withdrawn

Mr. George D. Collins withdrew his amendments.

The question being on the passage of Assembly Bill No. 103.

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dills, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huyck, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Yorty—57.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 104—An act to add Section 9906.1 to the Government Code, relating to influencing the legislative process.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huyck, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, and Tomlinson—57.

NOES—None.

Bill ordered transmitted to the Senate.

MEMBER EXCUSED

At 2.40 p.m., Mr. Hagen asked for, and was granted, unanimous consent that Mr. Yorty be excused, for the balance of the legislative day, because of legislative business elsewhere.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 105—An act to add Section 9906.2 to the Government Code, relating to influencing the legislative process.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huyck, Kirkwood, Levering, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, and Tomlinson—59.

NOES—None.

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent That Name Be Placed Upon Roll Call
on Assembly Bill No. 105**

Mr. Tomlinson asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 105, and that he be recorded as voting "Aye."

Assembly Bill No. 106—An act to amend Section 9906 of the Government Code, relating to influencing legislation.

Bill read third time, and ordered temporarily passed on file.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 11**

Mr. Moss asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 11, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 11

Assembly Bill No. 11—An act to add Chapter 9 to Part 1, Division 2, Title 2 of the Government Code, relating to lobbying.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huyck, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stanley, Thomas, and Thompson—54.

NOES—Reagan—1.

Bill ordered transmitted to the Senate.

RECESS

At 2.50 p.m., on motion of Mr. Dickey, the Assembly recessed until 2.55 p.m. to hear the Waldorf College Acappella Choir of Forest City, Iowa, sing some songs, from the balcony, for the pleasure of Members of the Assembly under the sponsorship of Rev. Theodore Gulhaugen, Pastor of the Bethel Lutheran Church of Sacramento.

REASSEMBLED

At 2.55 p.m., the Assembly reconvened.

Hon. Laughlin E. Waters, Member of the Assembly from the Fifty-eighth District, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES**Committee on Governmental Efficiency and Economy**

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 84

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

STEWART, *Chairman*

Above reported bill ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1950

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

Senate Joint Resolution No. 6

Senate Concurrent Resolution No. 7

Senate Concurrent Resolution No. 6

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. 6—Relative to proposed federal regulation of size and weight of motor vehicles.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 7—Relative to naming the new Roseville underpass for Jerrold L. Seawell.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 6—Relative to recommending proposed legislation to the committees of the Legislature.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1950

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

Senate Bill No. 31

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. 31—An act to amend Sections 2160.7 and 3044.1 of the Welfare and Institutions Code, relating to state reimbursement to counties for the cost of institutional care of aged and blind persons, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Social Welfare.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1950

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 (RESUMED)

The following bill was read the first time:

Senate Bill No. 12—An act to add Article 1.5 to Chapter 1 of Division 1 of the Agricultural Code, relating to the Department of Agriculture Building, providing for the acquisition thereof, authorizing the investment in such building of any surplus in any special fund under the jurisdiction of the Department of Agriculture, and providing for safeguards of such special fund investment

Referred to Committee on Governmental Efficiency and Economy.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 106

Mr. Collier asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 106, temporarily passed on file, at this time.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 106

Assembly Bill No. 106—An act to amend Section 9906 of the Government Code, relating to influencing legislation.

Bill read third time

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Huyck, Levering, Lewis, Lindsay, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Thomas, and Thompson—53.

NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 43—An act to amend Section 9900 of the Government Code, relating to influencing legislation.

Bill read third time

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

AYES—Anderson, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Thomas, and Thompson—54.

NOES—None.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 124**

Mr. Dickey asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 124, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 124

Assembly Bill No. 124—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Point of Order

Mr. George D. Collins arose to the following point of order: That pursuant to Rule 45 Mr. Dickey is not in order because his bill carries an appropriation, and the bill should be re-referred to the Committee on Ways and Means.

Ruling by Speaker

Acting Speaker Waters ruled the point of order well taken.

Motion to Temporarily Suspend the Rules

Mr. Dickey moved that that portion of Rule 45 be temporarily suspended for the purpose of considering Assembly Bill No. 124 without re-referring it to the Ways and Means Committee.

Motion died for lack of a second.

Point of Order

Mr. George D. Collins again arose to the following point of order: That Assembly Bill No. 124 should be re-referred to the Committee on Ways and Means prior to its consideration on the floor, pursuant to the provisions of Rule No. 45.

Ruling by Speaker

Acting Speaker Waters ruled the point of order well taken.

Assembly Bill No. 124 ordered re-referred to the Committee on Ways and Means.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Joint Resolution No. 3—Relative to the distribution to unemployed seasonal agricultural workers of surplus food in storage in the State of California owned by the Federal Government to be made available to them through state and county agencies.

Resolution read.

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

AYES—Anderson, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, and Thompson—55.

NOES—None

Resolution ordered transmitted to the Senate.

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

The following resolutions were offered.

Assembly Joint Resolution No. 10: By Messrs. Coats and Lindsay—Relative to memorializing Congress to grant former owners of Camp Beale lands first right to purchase such lands if and when the lands are sold.

Referred to Committee on Rules.

Assembly Joint Resolution No. 11: By Messrs. Babbage, Dunn, Lindsay, Bennett, Grant, Hoffman, Lincoln, Rosenthal, and Yorty—Relative to memorializing Congress to appropriate sufficient sums of money to continue the activities of the Bureau of Indian Affairs in California.

Referred to Committee on Rules.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 7—An act to amend Section 2071 of, and to add Sections 2074.5 and 2082.5 to, the Insurance Code, relating to insurance and the standard form fire insurance policy, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipsecomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Porter, Reagan, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Waters—54.

NOES—None.

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

AYES—Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipsecomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Porter, Reagan, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Waters—54.

NOES—None.

Bill ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY BILL NO. 23 WAIVED

Mr. Beck waived his notice of motion to reconsider the vote whereby Assembly Bill No. 23 was passed.

Assembly Bill No. 23 ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY
BILL NO. 124 FROM COMMITTEE**

Mr. Dickey asked for, and was granted, unanimous consent that Assembly Bill No. 124 be withdrawn from the Committee on Ways and Means, and be placed upon the file.

Assembly Bill No. 124 ordered placed upon the third reading file.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 124**

Mr. Dickey asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 124, out of order, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 124

Assembly Bill No. 124—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Coats, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Porter, Reagan, Smith, Stanley, Stewart, Thomas, Thompson, and Tomlinson—54.

NOES—None.

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

AYES—Anderson, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Coats, George D. Collins, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Porter, Reagan, Smith, Stanley, Stewart, Thomas, Thompson, and Tomlinson—54.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Pro Tempore Presiding

At 3.35 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 39

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 three thousand nine hundred fifty dollars (\$3,950), 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 three thousand nine hundred fifty dollars (\$3,950) 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 fifty dollars (\$50).

Request for Unanimous Consent

Mr. Dickey 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 :

AYLS—Anderson, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, Condon, Connolly, Conrad, Cooke, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huvck, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, and Tomlinson—54.

NOES—None.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. McCollister and the Assembly, the usual courtesies of the Assembly for this day were unanimously extended to the members of the California Junior Statesmen of America.

Acalanes Union High School, Lafayette—Neale E. Warren.

Alhambra High School, Alhambra—Beverly Carl, Janet Cosand, Nancy Campbell, Bob Johnson, and Barbara Campbell.

Alhambra Union High School, Martinez—Barbara Viland, Suzanne Stevenson, Marge Huguet, Jim Duane, Bob Ceynowa, Don Sargent, and Mr. Deane Tutt.

Amador Valley High School, Pleasanton—John van Matro, Bill Allender, Betty Adamis, Aileen Hurley, Myron Nevis, Jack Chantney, Lee Byrne, Janis Ader, and Rica Kost.

Bakersfield High School, Bakersfield—Ada Marie Actis, Bob Bayley, Don Carney, Sherry Corr, Floyd Hicks, Margaret Jacobson, Russell Lee, Gary Patton, Bruce Vogel, Jim Waters, John Griffiths, Shirley Cierley, Roberta Clippis, and Roger Hargis.

Chula Vista High School, Chula Vista—Bonnie Kramer, Pat O'Malley, and Donald Anderson.

Del Norte County High School, Crescent City—Ruth Reid, and Mylouine Ellis.

East Bakersfield High School, East Bakersfield—Carol Lowe, Jean Lane, Jack Curtis, Monte Brice, Doris Aldrich, Martha Molhook, Jack Lollar, Ronald Nelson, Peter Loewenberg, Colleen Stankey, Janey Beckwith, Marcia Cliff, Gay Branscum, Judith Mills, Ralph Gunther, Nancy Fulberson, and O. Armstrong.

Gustine Union High School, Gustine—Marnell Morton, Donna E. Larson.

El Cerrito High School, El Cerrito—Gerry Sturges, Arline Curtis, Joan Scheinburg, Steven Quinby, Suzanne de Jong, Betty Bostock, Virginia Freeman, Herb Parks, Sue Hayes, and Miss E. True.

Eureka Senior High School, Eureka—Gerald Kohenberger, Frances Hunt, Margaret McConnell, Duane Hope, Donald Guthrie, Farrar Richardson, George Clark, Charles Tracy, and Paul Hartloff.

Escondido High School, Escondido—Norma Graham, Mary Glen McCaffery, Laurie Downie, Diane Bagley, Betty Joy Escher, Eleanor Burns, Beatrice Murphy, Joanne Burnett, Connie Francis, Mrs. Herman Graham, Harvey Mead, Harold Park, Fred Miller, Fred Willbanks, Dean Rowe, Paul Munneke, Bill Buskirk, and Jack Green.

Gilroy High School, Gilroy—Ralph Haun, Roberta Howson, Gloria Pelliccione, Carl Crispino, Edwin Driscoll, Alberta Woodworth, Jeanne Lawrence, Florence Perrello, Jesse Valentine, and Frank Daum.

Hayward High School, Hayward—Norma Affleck, Patricia Arnold, Carla Ashley, Sandra Bowers, Lorine Brake, Marian Clarkson, Mary

Chase, Doris Curtis, Brian Desmond, Joanne Donohue, Evelyn Dukellis, Yvonne Eason, Bob Edwards, Kay Finley, James Gleason, Connie Groppe, Mary Ann Hines, Jim Kidder, Joan Latimer, James Krehamker, Ken Lester, Genie Livanos, Phillip Lowell, Barbara Mecham, Warren McCord, Leslie Nichols, Diane Poole, Alan Poston, Alyse Scheid, Bill Sheets, Gary Simonsen, Dick Smith, Bill Smith, Marjorie Swanson, Bob Stribling, Nina Teeslink, Helen Twist, Gwen Wilson, Geoff Van Loucks, Jim Woods, Ken Jones, Modena Barnes, and Roberta Darcey.

Herbert Hoover High School, Glendale—Barbara Anderson, Bill Collyer, Margaret Darsie, Charlotte Field, Roy Paul, and Edla Magnuson.

Glendale High School, Glendale—John Breckenridge.

Huntington Park High School—Susan Storch, John Barnes, and Carl Rahal.

Lincoln High School, San Jose—Ginger Dyer, Pattie Rose, Gene Hyne, Florence Grey, Diann Day, Florence Burbidge, and Patty Mitchel.

Livermore Joint Union High School, Livermore—Beverly Clement, Bobbie Beatty, Charles Francisco, and Bob McGlinkey.

Livingstone High School, Livingstone—Ed Sugars, Charlene Conger, James Fox, and Wilma Ulrich.

Mark Kepple High School, Alhambra—Kathlerine Dodge, Roberta Fradin, Pat Holve, David Jacobson, Joy Essen, Dorothy Albanese, Hugh E. Freeman, and Richard Throckmorton.

Mission High School, San Francisco—Bernard Transane, Anton Harris, Walter Burke, Mike Haley, Alfred Gradwahl, Karla Olson, Virginia Basset, and Thelma Greenslade.

Monrovia-Arcadia-Duarte High School, Monrovia—Judy Tietz, Stan Zimmerman, and Mrs. Zimmerman.

San Francisco City College, San Francisco—F. Curtis May.

Montebello Senior High School, Montebello—Collin Cooper and Robert Baisel.

San Jose High School, San Jose—Rosolie Helmhout, Sally Beeman, Lillion Puim, Marilou Bernol, Donna Jones, Helen Kitchen, Marianne Zerweck, and Barbara Favorite.

Montezuma Mountam School, Los Gatos—Robert Briggs, James Carson (S), Larry Dolgin, Robert Ferguson, Tom Jacobs, Neil Jarman, Melvin Laub, Felix Layton (S), Willie Lee, Steven McKinney, Ernest Rogers, Prof., Karl Sparks, David Wilkie, Paul Wong, William Zee, George Burman, Harry Tucker, and Kim Hollins.

Mt Diablo High School, Concord—Sylvia Annis, Sandra White, Sonia White, and Bernice McNamara.

Point Loma High School, San Diego—Joan Bain and Joan Garfield.

Ripon Union High School, Ripon—Marilyn Travaille, Dennis Ioppini, Fred Vincelet, and Marilyn Ashcom.

Salinas Union High School, Salinas—Beverly Faulkner, Mun Mar, Robert Parker, Nancy Hall, Tom Rogers, Shirley Smith, and Roger Eldridge.

San Leandro High School, San Leandro—Marilyn Jensen.

San Mateo High School, San Mateo—Ed Paulson, Dick Mills, May Lacsamana, Evadna Saywell, Eda Mendels, Johanna Berger, and Mrs. Edith Lacsamana.

Santa Barbara High School, Santa Barbara—Eldon Bowman, Charles Durum, Stephen Klee, Dan Escalera, Tom Allen, Babs Benning, David Duffy, Frank Dryden, Virginia Castagnola, Nora Lee Shook, Adele Bowman, Nona Shaw, Mrs. Floyd Shook, Miss Ethem M. Moss, Mrs. Gloria Van Horn, Connie Darnall, Nancy Kientzler, Doris Koerber, Patricia Millsap, Joy Aarset, Jackie Bacin, Richard Berlin, Patricia Bowser, Dana Daniels, Bill Faris, Leroy Grinnell, Lockwood Haight, Marhoanna Hillman, Christine Hunt, Robert Inglis, Anthony Kallas, Bert Zwonecheck, Given Lanning, Ann Learned, Herb Madsen, Marbara Moore, Darryl Nelson, Ann Pingree, Stephen Porter, Joan Quintero, Susie Reily, Ramona Rush, Alan Swimmer, Richard Van Sickle, Barbara West, Richard Van Antwerp, Susan Witherspoon, Marjory Wright, Mrs. L. L. Bowman, Robert Richie, and J. Clayton Clark.

Santa Maria Union High School, Santa Maria—Beverly Candine, Patrick Hayes, Marlene Douglas, Mrs. Dale Douglas, Eddie Johnson, Donna Johnson, Marjorie Hayes, Marilyn May, Pat Lockwood, Lelyan Stewart, Barbara Thomas, Joanne Tomasini, Astrid Hansen, Gilbert Rogers, Marice Nelles, Eugene Davis, and Mrs. Maurice Nelles.

Stanford University, Stanford—Roger Walters, Jack Teeters, Donald Price, and Dwight Allen

Tamalpais Union High School, Tamalpais—Tito Patri, and Jeanne Wilson.

Torrance High School, Torrance—Malbro Miller, JoAnn Snodgrass, Elvira Lindenberg, Laury Clark, Barbara Jackson, Lynn Davis, Donna Freedman, and Edward A. Reynolds.

Tulare Union High School, Tulare—Craig White, Raymond Spencer, Ebeth Fell, Kathleen Tait, Dene Dye, Eldon Rowe, Margie Dupuy, Sheila Buchanan, Richard Hovannisian, Carole Swall, Stanley Borges, Bill Bailey, Barbara Adair, Kinray Keefe, Jim Reid, Geraldine Jones, Ken Conn, and R. M. Miller.

Turlock High School, Turlock—Ed McCombs, Don Leighton, Ned Berry, Helen Young, Roland Puccinelli, Jai Shelton, Augila Warren, Gail Helvie, Ted Hume, Richard Schendel, Ray Meza, Jack Richerdean, Dallas Bache, Vincent Keese, and Josely Hasden.

Vallejo College, Vallejo—Mary Heuer, Marlene McGinnis, Joan Ransdell, Margie Sutherland, Frank Fowles, Carl Terhune, Major Pursley, and F. A. McAbeer.

Visalia Union High School, Visalia—Jim McCammon, Dick Crowell, Bill Baker, Albert Collins, James Hudson, Henry Low, Charles Clark, Doren Roberts, Carl Cole, Catherine McCammon, Elinor Bianco, Gloria Seeman, Ruth Chan, Emma Gene Reed, Frances Mixter, Peggy Serbu, Celia Brazil, and Edwin Fryer.

Woodlake High School, Woodlake—Ann Hopping, and Janice Savage.

Hughson Union High School, Hughson—Doris Van Sandt, Jeanie Nesslage, Frankie Johnson, and Elaine Kising.

Woodrow Wilson High School, Long Beach—Polly Garverick, Chuck Rimpley, Alice McCown, Jack Brewer, William K. Patter, Ted Wydell, Gerald Schween, Roger Wright, John Partridge, Sheila Blackwood, Dora Hansen, Joanne Lawrence, Paul King, Don Intyre, Herbert Hodson, Mr. and Mrs. Sardisco, Glend Mikich, Kenneth Williams, Don Webster, Mr. Gilbert, Pete Barnes, Edmond Flores, Pricilla Parks,

Charlotte Sorenson, Noel Stevens, Teresa Musso, Mr. George L. Strong, Mrs. Govan Tell, Carmen Stroupe, and Miss Evelyn Humma.

Wilson, Long Beach—Gary Green, Vince Thompson, Don Anderson, Shirley Akers, Erline Wachman, Janette Allen, Charlotte Snyder, Jo Ann Wall, Sallie Taylor, Virginia Boies, Eric Biedermann, Stephen Robertson, Ronald Gray, Eleanor Hartnell, Jackie Trogan, and Audrey J. Douglass.

Burlingame, Burlingame—Beverly Camp, Loiloni Church, Randy Plunkett, Gerald Jacobs, Wayne Gerling, Bob Webster, Don Webster, Dick Miller, Nancy Smith, Judy Hitt, Bill Bewly, Dick Reyna, Dale Allen, Kenton Allen.

University High, Los Angeles—Janet Sellman.

Gilroy Union High, Gilroy—Ralf Haun, Roberta Houson, Gloria Pelliccione, Carl Crispino, Edwin Driscoll, Alberta Woodworth, Florence Perrelli, Jesse Valentine, Frank Daun, Jeanne Lawrence, and Mr. Olin C. Hadly.

On request of Mr. Dickey, the usual courtesies of the Assembly for this day were unanimously extended to Marilyn Jensen of San Leandro and Joan Bain of Point Loma.

On request of Mr. Smith, the usual courtesies of the Assembly for this day were unanimously extended to Barbara Anderson, John Breckenridge, Bill Collyer, Margaret Darsie, Charlotte Field, Roy Paul, and Miss Edla C. Magnuson, Junior Statesmen of America.

On request of Mr. Geddes, the usual courtesies of the Assembly for this day were unanimously extended to Judy Tietz, Mr. Stanley Zimmerman and his mother Mrs. S. Zimmerman of Arcadia.

On request of Mr. Silliman, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Guffy, sponsor, and the following members of the Junior Statesmen of America: Roger Eldridge, Nancy Jane Hall, Shirley Smith, Mun Mar, Ted Weydel, Beverly Faulkner, Roberta Parker, and Jerry Schwaen of Salinas.

On request of Mr. Hollibaugh, the usual courtesies of the Assembly for this day were unanimously extended to Carl Lalal, Susan Storch, John Barnes, and Peter Barnes of Huntington Park.

On request of Messrs. Maloney, Cooke, and the Assembly, the usual courtesies of the Assembly for this day were unanimously extended to Bill Kelley and Jack Warner of Los Angeles.

On request of Mr. Burke, the usual courtesies of the Assembly for this day were unanimously extended to Antony Sardisco and Hugh Freeman, sponsors, the following members of the Junior Statesmen: Glenda Miksch, Nancy Campbell, Janet Cosand, Ben Carl, Bob Johnson, Roberta Fradin, Pat Holve, Catherine Dodge, David Jacobson, Richard Throckmorton, Joy Essen, and Dorothy Albanese of Alhambra.

On request of Mr. Dickey, the usual courtesies of the Assembly for this day were unanimously extended to Theodore Gulhangen, Pastor of the North Sacramento Bethel Lutheran Church, Adrin Hagen, director of the Waldorf College A Cappella Choir of Forest City Town, and the following choir members: Marilyn Anderson, Norma Hammersland, Miriam Byro, Elsie Hendrickson, Naomi Erickson, Louise Hofstad, Norma Oakland, Valdora Olson, Ruby Sundet, Mary Anderson, Marie

Brown, Martha May Chai, La Vonne Gardner, Jean Henschel, Beverly Schott, Joyce Stearns, Norma Stoen, Florene Tweeten, Violet Bidne, Clare Ann Cole, Marilyn Grangaard, Betty Holtan, Twylah Kaushagen, Olive Ann Rasmussen, Phyllis Skram, Marjorie Swannstrom, Delores Wilberg, Elizabeth Aamoth, Thelma Bringle, Glennice Erickson, Phyllis Hauan, Elaine Mandsager, Orpha Mandsager, Avis Nelson, Joann Ose, Wilma Rossing, Donald Berhow, Willis Gertner, Lester Larson, Earl Severson, Paul Watnem, Dean Aschim, Robert Evenson, Larry Johnson, Ray Nelson, Donovan Parker, Bernard Anfinson, Dennis Brosdal, Kenneth Egertson, Howard Halvorson, Marcus Mork, Robert Vinge, Morris Norem, Richard Berg, Eugene Freese, Ronald Golf, Roger Herrlinger, Larry Heyerdahl, Gene Koltvedt, Paul Lewison, Carleton Olson, Paul Rygh, Ernest Midthun, and Gladys Egertson.

On request of Mr. Clarke, the usual courtesies of the Assembly for this day were unanimously extended to Ed Sugars, Jimmie Fox, Wilma Ulrich, Charleen Conger, Naomi Galloway, Richard Picton, Billie Pickle, Dan Wilkinson, Marilyn Barnes, Emma Mattox, Gordon Blaine, Richard Biggers, Ervin Quinn, Jean DeVere, Richard Dick, Garland Worden, Joan Hancock, Sally Walters, Beverly Tuoto, Jimmy Pitts, and C. J. Carpenter of Livingston High School Junior Statesmen.

On request of Mr. Tomlinson, the usual courtesies of the Assembly for this day were unanimously extended to G. Gilbert Rogers, sponsor; Mrs. Maurice Weller, chaperone; and the following delegates from the Santa Maria Union High School to the Junior Statesmen: Beverly Candini, Marjory Hayes, Donna Johnson, Marilyn May, Patricia Lockwood, Lilyan Stewart, Barbara Thomas, Joanne Tomasini, Astrid Hansen, Merice Nelles, Eugene Davis, Patrick Hayes, William Potter, and Eddie Johnson.

On request of Mr. Lewis, the usual courtesies of the Assembly for this day were unanimously extended to the following pupils of the Bakersfield High School:

Ada Marie Actis, Bob Bayley, Don Carney, Sherry Corr, Floyd Hicks, Carol Lowe, Jean Lane, Jack Curtis, Monte Brice, Margaret Jacobson, Russell Lee, Gary Patton, Bruce Vogel, Jim Waters, John Griffiths, Shirley Cierley, Roberta Clipps, Roger Hargis, Doris Aldrich, Martha Molhook, Jack Lollar, Ronald Nelson, Peter Loewenberg, Colleen Stankey, Janey Beckwith, Marcia Cliff, Gay Branscum, Judith Mills, Ralph Gunther, Nancy Fulberson, O. Armstrong, Jim Waters, Bruce Vogel, Floyd Hicks, Gary Patton, John Griffiths, Bob Bayley, Ken Williams, Russell Lee, Roger Hargis, Don Carney, Shirley Cierley, Bobby Chips, Margaret Jacobsen, and Sherry Core.

On request of Mr. Dunn, the usual courtesies of the Assembly for this day were unanimously extended to the following members of the Junior Statesmen of the Hayward High School: Norma Affleck, Patricia Arnold, Carla Ashley, Sandra Bowers, Lorine Brake, Merian Clarkson, Mary Chase, Doris Curtis, Brian Desmond, Joanne Donohue, Evelyn Dukellis, Yvonne Edson, Bob Edwards, Kay Finley, James Gleason, Connie Groppe, Mary Ann Hines, Jim Kidder, Joan Latimer, James Krehamker, Ken Lester, Genie Livanos, Phillip Lowell, Barbara Mocham, Warren McCord, Leslie Nichols, Diane Poole, Alan Poston, Alyse Scheid, Bill Sheets, Gary Simonsen, Dick Smith, Bill Smith, Marjorie Swanson,

Bob Stribling, Nina Teeslink, Helen Twist, Gwen Wilson, Geoff Van Loucks, Jim Woods, Ken Jones, Modena Barnes, and Roberta Darcey; Beverly Clement, Bobbie Beatty, Charles Francisco; and Bob McGlinkey, Livermore Joint High School; Marilyn Jensen, San Leandro High School; Mr. Perry, advisor of the Amador Valley Joint Union High School, and the following pupils: John Van Matre, Aileen Hurley, Bill Allender, Lee Byrne, Rica Kost, Betty Adams, Janis Ader. Mr. Perry (Advisor), Mrs. Perry, Mr. Lucas, and Miss Callopy

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to Vicent Korsej, sponsor, the following pupils of the Turlock High School: Ed McCombs, Don Leighton, Ned Berry, Helen Young, Roland Puccinelli, Jai Shelton, Augila Warren, Gail Helvie, Ted Hune, Richard Schendel, Ray Meza, Jack Richerdean, Dallas Bache, and Josley Hasden.

On request of Mr. Tomlinson, the usual courtesies of the Assembly for this day were unanimously extended to Ethel M. Moss, Mrs. Leonard L. Bowman, Mrs. Floyd M. Shook, Mrs. Gloria Van Horn, Mr. Robert Ritchie, Mr. J. Clayton Clark, sponsors of Junior Statesmen of Santa Barbara, and the following members: Marjanna Hillman, Christine Hunt, Robert Inglis, Anthony Kallas, Nancy Kientzler, Paul King, Stephen Klee, Gwen Lanning, Ann Learned, Don W. McIntyre, Herbert Madsen, Barbara Moore, Darryl Nelson, Sandra Peck, Ann Pingree, Joy Aarset, Tom Allen, Barbara Benning, Richard Berlin, Adele Bowman, Eldon Bowman, Patricia Bowser, Wm. Burtness, Virginia Castagnola, Constance Darnall, Robert Drew, Frank Dryden, David Duffy, Charles Durum, Wm. Faris, Lee Ford, Stephen Porter, Joan Quintero, Susie Reily, Ramona Rush, Nona Shaw, Nora Lee Shook, Alan Swimmer, Richard Van Antwerp, Clara Van Sickle, Keren Warner, Barbara West, Susan Witherspoon, Marjory Wright, and Bert Zwonechek.

On request of Mr. Davis, the usual courtesies of the Assembly for this day were unanimously extended to Colby Smith and Tommy Thomas of Redding.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Ronald Ackerman, Bill Chilcott, Bob Christophel, Janet McBroom, Marilyn Roxburgh, Shirley Nelson, Paul Norehad, Bill Edwards, and Judy Eggleston of Sacramento.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to the following pupils of the Tracy School: Mable Alleman, Bernard Berch, Leroy Jefferies, Bobby Lanig, Peggy Lanning, June Moss, Lee Leggett, Jerry Bliss, Jean Seeley, Bruce Davie, Faye Lee, Natalino Bacchetti, Alma Coffey, Eddie Jacob, Roberta LeVake, Shirley Miller, Phyllis James, Carol Clausing, Willard McKey, Patty Linley, Kathryn Kemp, Shelve Jones, Dale Mehrling, Nina Loggins, Paul Wheeler, Billy Moreno, Larry Nunley, George Oliveira, Ronnie Paris, Richard Pedro, Andy Peoples, Ambrose Perry, Raymond Phillips, Ernest Pickering, Joe Pimentel, Donald Pope, Joe Portolese, Bill Quigley, Lawrence Read, Jack Rego, James Richardson, Ronnie Rico, Mary Fernandez, Tomasa Flores, Wilma McCuiston, Arlene Nielsen, Julianne Pearson, Evelyn Phipps, Ervinette Pummill, Lora Richards, Marjorie Ross, Judith Shafer, Gene Blackard, Joe Lopez, Carole Kingery, Roy

Haynes, Beverly Cardoza, Virginia Jurado, Ron-Mitchell, Valente Mejia, and Felix Cruz.

On request of Mr. Hagen, the usual courtesies of the Assembly for this day were unanimously extended to Robert M. Miller, sponsor of the Junior Statesmen, and the following members: Sheila Buchanan, Margie Dupuy, Kathleen Tait, Carole Swall, Richard Hovannisian, Jim Reid, Bill Bailey, Eldon Rowe, Raymond Spencer, Kinray Keefe, Dene Dye, Barbara Adair, Craig White, Ken Conn, Ebeth Fell, Geraldine Jones, and Stanley Borges of Tulare; Jim McCammon, Dick Crowell, Bill Baker, Albert Collins, James Hudson, Henry Low, Charles Clark, Doren Roberts, Carl Cole, Catherine McCammon, Elinor Bianco, Gloria Seaman, Ruth Chan, Emma Gene Reed, Frances Mixter, Peggy Sorbu, Celia Brazil, and Mr. Edwin Pryer of Visalia; and Ann Hopping, and Janice Savage of Woodlake.

On request of Mr. Dunn, the usual courtesies of the Assembly for this day were unanimously extended to C. Arville Blose, Donnal Behn, teachers of David E. Martin School of San Lorenzo, and the following pupils: Lawrence Berry, Ray Brazil, Billy Carlton, Charlotte Cassel, Bill Chaudron, Leslie Clausen, Buddy Close, Mike Clune, Eleanor Daley, Jim DeKorne, Audrey DiBenedetto, John Dishman, Richard Driggs, Phillip Duvall, Barron Ellsworth, Patricia Ford, Joan Foster, Carol Fowler, Joe Fowler, Geneva Glasscock, Barbara Goward, Carole Ann Guyre, Mary Alice Hackley, Beth Hallmark, Claudia Hampton, Donald Hansen, Stuart Hansen, Carol Harleman, Ann Harrington, Joan Harway, Paula Healy, David Henderson, Eddie Jensen, Claudia Johnson, Roy Johnson, Richard Kirk, Shigeo Kitani, Gary Lombardi, Harold Severer, Richard Thompson, and June Tindale.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Mr. Hartnett and the following pupils of the Oakview School: Junior Walton, Robert Stribling, Davie Paul, James Koehler, Roberta Wyrick, Richard Hall, Bill Case, Glen Johnson, Lorraine Ratlo, Patsy Reiswig, Robert Seifert, Fred Berg, James Muse, Kenneth Perry, Lloyd Mize, Marilyn Reiswig, Barbara Crowell, Opal McGee, Carla Stribling, Allen Myers, Duane Henlsey, Franklin Rosun, Donald Schimerer, Mary Anne Sullivan, Sandra Myers, James Shinozaki, Rebecca Wyrick, Dolores Hieb, Chester Disch, Eddie Rose, Richard Lundahl, Dasivan Geizler, Carlos Gibson, Kenneth Hieb, Annie Le May, Richard Flath, Tommy Thompson, Robert Anderson, Le Roy Waldo, Spiro Anagnos, Stanley Markey, Richard Donietz, Paul Kisu, and June Kayama.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Bob Christophel, Marlynn Roxborough, Pat Ehnisz (Enis), Barbara Bolden, Eleanor Aeppli, Gail Ruby, Shirley Nelson, Bill Edwards, Paul Norehad, Bill Chilcott, Ronald Ackerman, and Mr. Gerrits of the Grant Union High School of Sacramento.

On request of Mr. Condon, the usual courtesies of the Assembly for this day were unanimously extended to Miss Evelyn Mumma, sponsor of the Mt. Diablo High School, and the following pupils: Bernice McNamara, Sandra White, Sonia White, Carmen Stroupe, and Marilyn Stoner.

On request of Mr. Dolwig, the usual courtesies of the Assembly for this day were unanimously extended to Ed Paulson, Johanna Berger, May Laesemana, Eda Mendels, Dick Mills, and Evadna Saywell of San Mateo; and Lulane Church, Judy Hitt, and Beverly Camp of Burlingame.

On request of Mr. Berry, the usual courtesies of the Assembly for this day were unanimously extended to Bernard Transano, Mike Haly, Al Gradwohl, Anton Norris, Walter Burke, Thelma Greenslade, and Karla Olsen of the Mission High School.

On request of Messrs. Anderson and Thomas, the usual courtesies of the Assembly for this day were unanimously extended to Laury Clark, Donna Friedman, and Mr. Edward A. Reynolds, sponsor, and the following members of the Junior Statesmen: Lynn Davis, Joanne Snodgrass, Nalbro Miller, Elvira Lindenberg, Roger Wright, and Barbara Jackson of Hawthorne and San Pedro.

ADJOURNMENT

At 3.36 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.30 a.m., Monday, April 3, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

TWENTY-NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Monday, April 3, 1950

The Assembly met at 10.30 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, Berry, 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, Hansen, Hawkins, 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—75.

Quorum present.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Crichton asked for, and was granted, unanimous consent that the prayer, offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite God: As we pledge allegiance this morning, let us pledge it to the Constitution of the United States, from which has sprung our greatness and glory.

Honor it for our Republic with its three branches of government and two houses of legislation, providing for government of and by the people.

Its guarantee of the inalienable rights of the individual, freedom of worship and of speech, freedom of assembly and freedom from arbitrary government regulation.

Honor it for its personal rights of privacy in our homes, its insurance of justice through habeas corpus and trial by jury, and for the right to choose our own work and to own and control our property.

God help us in this troubled world to stand by the Constitution whose blessings have made this Country surpass the dreams of the ages, the model and hope of mankind —AMEN.

PLEDGE OF ALLEGIANCE TO FLAG DEEMED GIVEN

By unanimous consent, as the pledge of allegiance to the Flag had been given this morning in the Regular 1950 (Budget) Session, Speaker Sam L. Collins deemed the pledge of allegiance to the Flag as having been given, in this session.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Dickey, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Kilpatrick asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Kilpatrick

Mr. Lincoln, on motion of Mr. Kilpatrick

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

Mr. Hinkley, on motion of Mr. Kilpatrick

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr. Morris asked for, and was granted, unanimous consent that the following opinion of the Attorney General be ordered printed in the Journal in 10-point type:

OPINION OF ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
SACRAMENTO 14, CALIFORNIA

FRED N. HOWSER
ATTORNEY GENERAL

OPINION of Fred N. Howser, Attorney General; { No 50/11
Dan Kaufman, Deputy Attorney General { Mar. 30, 1950

The Assemblyman from the Sixty-third District has requested an analysis of Bill to Control Lobbying passed by the 1949 Special Session of the State Legislature and adding Sections 9900-9908 to the Government Code (Chapter 4, Statutes 1949, First Extraordinary Session.) In addition to the analysis, the Assemblyman has requested an opinion on the following specific questions: (1) How do the provisions of this act apply to a person or persons representing a trade association or other

types of associations not primarily formed to influence legislation? (2) What constitutes a contribution in the meaning of this act? (3) In what special manner, if any, does this legislation apply or pertain to Members of the State Legislature if they are attorneys and also the same if they are not attorneys? (4) Do any of the provisions of this act apply to state officials as such, or to state employees of state departments who engage in influencing legislation affecting their departments?

The analysis of this statute will be considered under the analysis portion of this opinion. The following conclusions have been reached in response to the questions asked.

(1) The provisions of the act are applicable to a person representing a trade association or other type of association if such person otherwise comes within the provisions of the act, and the fact that such association is not primarily formed to influence legislation is of no special significance.

(2) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(3) The provisions of the act relating to the keeping of accounts and filing of statements are applicable to Members of the Legislature if they engage in the activities of soliciting or receiving contributions for the purposes specified in the act; the provisions of the act relating to registration are likewise applicable to Members of the Legislature unless they are acting without consideration, merely appear before a legislative committee in support of or opposition to legislation, or are acting in their official capacity; this applies whether or not the respective Members of the Legislature are attorneys.

(4) The provisions of the act relating to the keeping of accounts and filing of statements are applicable to state officials and state employees if they engage in influencing legislation affecting their departments and solicit or receive funds for this purpose; the provisions relating to registration are not applicable if such officials or employees are acting in an official capacity, or merely appear before a legislative committee in support of or opposition to legislation affecting their departments.

Analysis

The new provisions relating to lobbying added to the Government Code are taken almost verbatim from the Federal Regulation of Lobbying Act, Chapter 8(a), Title 2 of the United States Code Annotated (60 U. S. Stats. 840). The major differences are that the federal statute applies to contributions of \$500 or more whereas the state statute applies to contributions of \$20 or more, and the state statute is applicable not only to the passage or defeat of legislation or the influencing of the passage or defeat of legislation by the Legislature, but also applies to the approval or veto of any legislation, or influencing the approval or veto of any legislation by the Governor.

These statutes attempt to regulate lobbying by requiring accounts to be kept by any person who solicits or receives contributions for the purpose of influencing the Legislature or the Governor in the legislative process, and by requiring registration and accounts to be kept by any

person who engages himself for pay for the purpose of attempting to influence the legislative process either as it applies to the Legislature or the Governor.

The core of the California statute is found in Sections 9905 and 9906 of the Government Code. The former causes the provisions of the statute to apply to any person except a political committee who by himself or through any agent or employee or other person in any manner whatsoever, directly or indirectly, solicits, collects or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid in the accomplishment of the passage or defeat or influencing the passage or defeat of any legislation by the Legislature, or the approval or veto of any legislation by the Governor. Section 9906 requires any person who engages himself for pay or for any consideration for the purpose of attempting to influence legislation, before undertaking such representation, to register with the Clerk of the Assembly and the Secretary of the Senate, giving to these officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Such person must not only register, but must also give a detailed monthly report under oath of all money received and expended by him to carry on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. However, there is expressly excepted from the requirements of this section any person who merely appears before a committee of the Legislature in support of or opposition to legislation; any public official acting in his official capacity; and any newspaper or other regularly published periodical which directly or indirectly urges the passage or defeat of legislation in the ordinary course of newspaper business, if such newspaper, periodical or individual engages in no further or other activities than to appear before a committee of the Legislature in support of or in opposition to such legislation. Provision is made for the publication of the required information in the Senate and Assembly Journals.

Any person who solicits or collects funds for the purposes set forth in Section 9905 is required to keep an account of all contributions of any amount or of any value whatsoever; the name and address of every person making any such contribution of \$20 or more and the date thereof; all expenditures made by or on behalf of the organization or firm for which the money is solicited or received; the name and address of any person to whom any such expenditure is made and the date thereof; and must obtain and keep a receipted bill for any expenditure of such funds exceeding \$10. All accounts and bills must be kept for a period of two years from the date of the filing of the statement containing such items. In addition, within five days of the receipt of the contribution of \$20 or more, a receipt must be rendered to the person or organization for which such contribution was received and this receipt must contain a detailed account including the name and address of the person making such contribution and the date on which it was received.

The person receiving any such contribution must file a monthly statement with the Clerk of the Assembly and Secretary of the Senate containing the name and address of every person who has made a contribution of \$20 or more; the total sum of the contributions made to or for such person during the calendar year; the name and address of every person to whom an expenditure in one or more items in the aggregate amount or value within the calendar year of \$10 or more has been made, and the amount, date and purpose of such expenditure, likewise the total sum of expenditures for such person during the calendar year. These accounts must be kept by the respective legislative offices for a period of two years, constitute part of the public records of such offices and are open to the public inspection.

The statutes also contain a section on definitions which in the California statute is Section 9900 of the Government Code. This section defines the word "contribution" as including a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable to make a contribution. The term "expenditure" includes the payment, distribution, loan, advance, deposit or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. This section also defines "person" to include an individual, partnership, committee, association, corporation and any other organization or group of persons. The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house. The term "political committee" includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates for presidential or vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state or local. Political committees are expressly excepted from the provisions of the statute by Section 9905.

Both the California and the federal statutes are criminal statutes and each makes it a misdemeanor for violation of any of the provisions of the chapter with a punishment by fine of not more than \$5,000 or imprisonment for not more than 12 months or both; in addition, any person convicted of a misdemeanor is prohibited for a period of three years from the date of conviction from attempting to influence directly or indirectly the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or in opposition to proposed legislation. If a person violates this portion of the statute and does appear before a committee or does attempt to influence directly or indirectly the passage or defeat of any proposed legislation, he then is guilty of a felony and is punished by a fine of not more than \$10,000 or imprisonment for not more than five years or both.

There have been no cases in either California or the federal courts construing the provisions of either of these statutes. Consideration, however, has been given to the provisions of the federal statute in the following Law Review articles:

- 47 Columbia Law Review 98;
- 42 American Political Science Review 239;
- 56 Yale Law Journal 304.

The fact that a person represents a trade association or other association not primarily formed to influence legislation in and of itself has no significance under this statute. The tests are whether or not such person solicits or receives contributions under Section 9901 and under Section 9905, or whether or not he is engaged for pay or for any consideration within the meaning of Section 9906. If he does not solicit or receive contributions under Section 9901 and Section 9905 and if he does not engage himself for pay to represent the trade association or other association, he would not come within the provisions of the act, nor would he come within the provisions of the act even though he received pay from the trade association or other association if he merely appeared before a committee of the Legislature in support of or opposition to legislation.

Subparagraph (a) of Section 9900 defines the term "contribution" and it is apparent that the Legislature intended the term to have the broadest possible interpretation.

Nowhere in the California statute is any special reference made to Members of the Legislature whether they are attorneys or whether they are not attorneys. However, Section 9906, subparagraph (a) contains an express exception from the provisions of that section in favor of any public official acting in his official capacity. It therefore follows that Members of the Legislature, whether they are attorneys or not, are amenable to the provisions of this statute if they otherwise fall within its terms, unless they can exempt themselves from the provisions of Section 9906, subparagraph (a) by showing that they are acting in an official capacity or without consideration, or are merely appearing before a legislative committee in support of or opposition to legislation.

The same conclusion is reached as to state officials or state employees of state departments who engage in influencing legislation affecting their departments. The fact that under subparagraph (a) of Section 9906, public officials acting in a public capacity are expressly excepted from the provisions of this section would indicate that the Legislature intended such public officials or employees to be amenable to the other provisions of this act if they otherwise came within its terms.

QUESTION OF PERSONAL PRIVILEGE

Mr. Beck arose to a question of personal privilege.

REMARKS BY SPEAKER

Speaker Sam L. Collins made a statement pertinent to the matter discussed by Mr. Beck when he arose to a question of personal privilege.

MOTION THAT STATEMENTS BE PRINTED IN JOURNAL

Mr. Dunn moved that the statements by Mr. Beck and by Speaker Sam L. Collins, relative to the matter under discussion when Mr. Beck arose to a question of personal privilege, be reduced to writing, and be ordered printed in the Journal.

Mr. Evans seconded the motion.

Motion carried

**STATEMENT BY MR. BECK AFTER BEING GRANTED
PERSONAL PRIVILEGE**

Mr. Speaker and Members of the Assembly: As some of you know my opponent for the Assembly is William Bonelli, Jr., son of the Board of Equalization member. I believe every American has the right to compete for public office—it is the American Way.

However, I do object to employees of the State Board of Equalization injecting themselves into an election contest during the time they are being paid by the State, using state automobiles and other facilities of the State.

The latter part of last week employees of the Board of Equalization contacted business men in my area relative to the candidacy of my opponent.

This morning an employee of the Board of Equalization distributed a news story about the candidacy of my opponent to one of the news services at the Capitol.

State employees who are protected by civil service should devote their entire working day in service to the State.

I now request Mr. Stewart's Committee on Governmental Efficiency to investigate the political activities of employees in the State Board of Equalization.

STATEMENT BY SPEAKER

Apropos of Mr. Beck's remarks on the point of personal privilege, I want to emphasize the fact that state employees, as such, are not to campaign for or against any public official. This reprehensible conduct cannot be condoned. This is true whether or not the office be held by members of this body or any other office. State employees, as individuals on their own time, have no such limitation

REMARKS ON CONDITION OF THE FILE

Messrs. Geddes and Doyle remarked relative to the condition of the file.

ANNOUNCEMENT

Speaker Sam L. Collins announced that oranges have been placed on the desks of all members, officers, and attaches, and expressed appreciation on behalf of the recipients to the donor for said gift

COMMUNICATIONS

By Speaker Sam L. Collins:

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

RIVERSIDE, CALIFORNIA, March 29, 1950

*Hon. John D. Babbage, State Assemblyman
State Capitol, Sacramento, California*

DEAR JOHN: In accordance with our recent conversation, you were shipped three boxes of oranges yesterday, March 28th, courtesy of the Kiwanis Club Public Affairs Committee.

Best regards.

Sincerely yours,

T. E. GORE, Chairman
Public Affairs Committee

Chief Clerk Instructed to Write Letter by Unanimous Consent

By unanimous consent, Speaker Sam L. Collins instructed the Chief Clerk to write a letter of appreciation, on behalf of the Members of the Assembly, to Mr. T. E. Gore, Chairman of the Public Affairs Committee of the Kiwanis Club of Riverside, for above mentioned gift of oranges.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 17: By Messrs. Geddes, Doyle, Conrad, and Brady—Relative to the creation of the Joint Legislative Committee on Child Care Centers.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Kilpatrick, Burke, Meyers, Hagen, and Mrs. Niehouse:

House Resolution No. 40

Relative to augmenting the funds of the Assembly Interim Committee on Crime and Corrections

Resolved, by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of twenty thousand dollars (\$20,000) 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 Crime and Corrections (created by House Resolution No. 243, 1949 General Session) and its members, and for any charges, expenses or claims it may incur under said resolution or under House Resolution No. 297, 1949 General Session, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

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

By Messrs. McMillan and Fletcher:

House Resolution No. 41

Relative to purchasing copies of "Population and Politics" for Members of the Assembly

WHEREAS, In 1951 the membership of the California Legislature and of the United States House of Representatives will be reapportioned on the basis of the population findings of the 1950 Federal Census; and

WHEREAS, Reapportionment will determine how and where congressional and state legislative district boundaries will be newly established; and

WHEREAS, The Members of the California Legislature who are elected in 1950 will establish the new boundaries of congressional and state legislative districts within California; and

WHEREAS, Reapportionment affects the right of representation in the California Legislature and in Congress of every citizen in this State and should therefore receive widespread public interest before it takes place; and

WHEREAS, There exists an analytical study of the expected effects of the 1951 reapportionment on California and the United States, titled "Population and Politics," prepared and issued by San Jule and Stoffe and Hal Dunleavy and Associates of San Francisco; and

WHEREAS, Copies of this excellent study and survey should be made available to the Members of the Assembly for distribution to interested groups and individuals so that accurate information on this vital subject may be circulated to all persons; now, therefore, be it

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 4,000 copies of "Population and Politics," a study of expected effects of the 1951 reapportionment on the United States and California, prepared and issued by San Jule and Stoffe and Hal Dunleavy and Associates, 604 Montgomery Street, San Francisco, California, at --- plus sales tax per copy; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver 50 copies of "Population and Politics" to each Member of the Assembly; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in a sum not to exceed ----- dollars in payment thereof.

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

CONSIDERATION OF DAILY FILE SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 65—An act to provide for the Public School System and for that purpose; to repeal Chapters 2, 12, 13, 14, 15, and 16 of Division 3 of the Education Code; to repeal Sections 4713, 8704, 8761, 9613, 9614, 9615, 9616, 9617, 9642, 9645, 9809, and 16486 of said code; to repeal Article 10 of Chapter 16 of Division 2 of said code; to repeal Sections 671 and 671.1 of the Welfare and Institutions Code; to add Chapters 2, 12, 13, 14, 15, and 16 to Division 3 of the Education Code; to amend Section 16256 of said code, and to add Sections 8704 and 8761 to said code, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Request for Unanimous Consent That Amendments Be Read and Ordered Printed In the Journal Without Their Adoption

Mr. Dunn asked for, and was granted, unanimous consent that the following amendments be ordered printed in the Journal without action being taken, at this time, relative to their adoption.

Proposed Committee Amendments

The following amendments were proposed by the Committee on Ways and Means, and ordered printed in the Journal without action, at this time:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 29, 1950, after "System", insert "and the raising of revenue therefor,"

Amendment No. 2

In line 13 of the title of the said bill, strike out "declaring the", and insert "and to add Part 13, comprising Sections 30000 to 30473, inclusive, to Division 2 of the Revenue and Taxation Code, declaring the"

Amendment No. 3

On page 24, line 34, of said bill, strike out "twenty cents (\$0.20)", and insert "twenty-two cents (\$0.22)"

Amendment No. 4

On page 24, line 37, of said bill, strike out "twenty-five cents (\$0.25)", and insert "twenty-two cents (\$0.22)".

Amendment No. 5

On page 37, of said bill, strike out lines 12 to 16, inclusive, and insert "Sec. 14 Part 13, comprising Sections 30000 to 30473, inclusive, is added to Division 2 of the Revenue and Taxation Code, to read:

PART 13 TOBACCO TAX**CHAPTER 1. DEFINITIONS**

30000. The Legislature hereby declares that in enacting Part 13 of the Revenue and Taxation Code it finds that an amount equal to the estimated proceeds of the taxes levied by this part is needed for the support of public education as provided in Chapters 2, 12, 14, 15, and 16 of Division 3 of the Education Code to the extent that such cost is not required to be provided for by Section 6 of Article IX of the Constitution and for the payment of interest and principal of any bonds issued pursuant to Section 15 of Article XVI of the Constitution. This section shall not be construed to set aside in any manner the specific proceeds of the taxes levied by this part, but such proceeds shall be applied as provided in Section 30462.

30001. This part is known and may be cited as the "Tobacco Tax Law."

30002. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

30003. "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco.

30004. "Tobacco products" shall include perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, the refuse of fine-cut chewing, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and substitutes therefor, but shall not include cigarettes.

30005. "Untaxed cigarette" or "untaxed tobacco product" means any cigarette or tobacco product which has not yet been distributed in such manner as to result in a tax liability under this part.

30006. "Sale" includes any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatever.

30007. "Retail sales price" means the price for which each tobacco product is sold at retail.

30008. "Distribution" includes

(a) The first sale of cigarettes or tobacco products manufactured in this State,

(b) The use or consumption by the manufacturer of cigarettes or tobacco products manufactured in this State,

(c) The first sale of untaxed cigarettes or tobacco products after transportation to this State,

(d) The use or consumption by the first person in possession in this State of untaxed cigarettes transported to the State in quantities of 200 or more in a single shipment,

(e) The use or consumption by the first person in possession in this State of untaxed tobacco products transported to the State

30009. "Use or consumption" includes the exercise of any right or power over cigarettes or tobacco products incident to the ownership thereof, other than the sale of the cigarettes or tobacco products or the keeping or retention thereof for the purpose of sale.

30010. "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, this State, any county, city and county, municipality, district, or other political subdivision of the State, or any other group or combination acting as a unit.

30011. "Distributor" includes

(a) Every person who, after 4 o'clock a.m. on July 1, 1950, and within the meaning of the term "distribution" as defined in this chapter, distributes cigarettes or tobacco products,

(b) Every person who sells or accepts orders for cigarettes which are to be transported from a point outside this State to a consumer within this State in quantities of 200 or more in a single shipment,

(c) Every person who sells or accepts orders for tobacco products which are to be transported from a point outside this State to a consumer within this State

30012. "Dealer" includes every person, other than one holding a distributor's license, who engages in this State in the sale of cigarettes or tobacco products.

30013. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

CHAPTER 2. IMPOSITION OF TAX

Article 1 Tax on Distributors

30101. For the privilege of distributing cigarettes and tobacco products, a tax is hereby imposed upon every distributor at the following rates:

(a) At the rate of \$0.0015 for the distribution after 4 o'clock a.m. on July 1, 1950, of each cigarette weighing not more than three pounds per thousand.

(b) At the rate of \$0.002 for the distribution after 4 o'clock a.m. on July 1, 1950, of each cigarette weighing over three pounds per thousand.

(c) At the rate of fifteen percent (15%) of the retail sales price for the distribution of tobacco products.

30102. Every distributor maintaining a place of business in this State and selling or accepting orders for cigarettes or tobacco products with respect to the sale of which the tax imposed by Section 30101 is inapplicable, shall at the time of making the sale or accepting the order, or if the distribution of the cigarettes or tobacco products is not then taxable hereunder at the time the distribution becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

30103. Unless the contrary is established, it shall be presumed that all cigarettes or tobacco products manufactured in this State, or transported to this State and no longer in the possession of the distributor, have been distributed.

Article 2. Only One Distribution Taxed

30104. Any cigarette or tobacco product with respect to which a tax has once been imposed under Article 1 or Article 3 of this chapter shall not be subject upon a subsequent distribution to the taxes imposed by this chapter.

Article 3. Floor Stocks Tax on Dealers

30121. For the privilege of distributing cigarettes or tobacco products, a floor stocks tax is hereby imposed upon every dealer at the following rates:

(a) At the rate of \$0.0015 for each cigarette weighing not more than three pounds per thousand in his possession or under his control at 4 o'clock a.m. on July 1, 1950.

(b) At the rate of \$0.002 for each cigarette weighing over three pounds per thousand in his possession or under his control at 4 o'clock a.m. on July 1, 1950.

(c) At the rate of fifteen percent (15%) of the retail sales price of each tobacco product in his possession or under his control at 4 o'clock a.m. on July 1, 1950.

30122. The tax imposed by this article is due and payable on or before July 15, 1950.

30123. Each dealer, on or before July 15, 1950, shall file a report with the board in such form as the board may prescribe. The report shall state the number of cigarettes on hand at 4 o'clock a.m. on July 1, 1950, and the amount of tax due thereon. Each report shall be accompanied by a remittance payable to the board for the amount of tax due.

CHAPTER 3. LICENSES, BONDS AND REGISTRATION

Article 1. Licenses and Bonds

30150. Every person desiring to engage in the sale of cigarettes or tobacco products as a distributor, except a person who desires merely to sell or accept orders for cigarettes or tobacco products which are to be transported from a point outside this State to a consumer within this State, shall file with the board an application, in such form as the board may prescribe, for a distributor's license. The application shall be accompanied by a license fee of one dollar (\$1) payable to the board.

30151. The board, whenever it deems it necessary to insure compliance with this part, may require any person subject thereto, to deposit with it such security as the board may determine. The amount of the security shall be fixed by the board but shall not be greater than three times the estimated average liability of persons required to file monthly reports, determined in such manner as the board deems proper, or ten thousand dollars (\$10,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the board subject to the limitations herein provided. The board may sell the security at public auction if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest, or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the board. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the person who deposited the security.

30152. On receipt of an application and license fee and after the deposit of such security as may be required pursuant to Section 30151, the board shall issue a distributor's license to the applicant. The license is not transferable and is valid until canceled or revoked.

30153. Whenever any distributor fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the distributor at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his license should not be revoked, may revoke the license held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new license to a distributor whose license has been revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

30154. Any person required to obtain a license as a distributor under this chapter who engages in business as a distributor without a license or after a license has been canceled or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

Article 2 Registration

30161. Every distributor, except one to whom a license is issued under Article 1 of this chapter, required under Section 30102 to collect the tax imposed under this part from a purchaser shall register with the board and give the names and addresses of all agents operating in this State, the location of all distribution or sales houses or offices or other places of business in this State, and such other information as the board may require.

CHAPTER 4 DETERMINATIONS

Article 1. Reports and Payments

30181. The tax imposed by this part is due and payable monthly on or before the fifteenth day of the month following each calendar month in which a distribution of cigarettes or tobacco products occurs.

30182. On or before the fifteenth day of each month, every distributor shall file on forms prescribed by the board a report showing the number of cigarettes and tobacco products and the retail sales prices thereof, distributed during the preceding calendar month by the distributor in this State and such other information as the board may require to carry out the purposes of this part.

30183. The distributor shall accompany each report with a remittance payable to the board for the amount of tax due.

30184. The board for good cause may extend for not to exceed 15 days the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the amount of tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the amount of tax would have been due without the extension to the date of payment.

Article 2. Deficiency Determinations

30201. If the board is dissatisfied with the report filed, it may compute and determine the amount to be paid upon the basis of any information available to it. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month.

30202. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

30203. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments.

30204. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or the rules and regulations adopted under this part, a penalty of 10 percent of the amount of the determination shall be added thereto.

30205. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or the rules and regulations adopted under this part, a penalty of 25 percent of the amount of the determination shall be added thereto.

30206. The board shall give the distributor written notice of its determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the distributor at his address as it appears in the records of the board, but the service shall be deemed complete at the time of deposit of the notice in the mail without extension of time on account of the distance between the place of deposit and the place of address.

30207. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported.

Article 3. Determinations If No Report Made

30221. If any distributor fails to make a report, the board shall make an estimate of the number of cigarettes and amount of tobacco products and the retail sales price thereof, distributed by him. The estimate shall be made for the month or months in respect to which the distributor failed to make a report and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one month.

30222. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments.

30223. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount, or any portion thereof, should have been reported until the date of payment.

30224. If the failure of a distributor to file a report is due to fraud or an intent to evade the tax, a penalty of 25 percent of the amount required to be paid by the distributor, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 30221.

30225. Promptly after making its determination the board shall give to the distributor written notice of its estimate and determination, and penalty, the notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 4. Jeopardy Determinations

30241. If the board believes that the collection of any amount of tax imposed under this part will be jeopardized by delay, it shall thereupon make a determination of the amount of tax, noting that fact upon the determination. The amount determined is immediately due and payable.

30242. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid within 10 days after service upon the distributor of notice of the determination, the determination becomes final, unless a petition for redetermination is filed within the 10 days, and the delinquency penalty and interest provided in Article 6 of this chapter shall attach to the amount specified.

30243. The distributor against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 5 of this chapter. He shall, however, file the petition for redetermination with the board within 10 days after the service upon him of notice of the determination. The distributor shall at the time of filing the petition for redetermination deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold by the board in the manner prescribed by Section 30151.

Article 5. Redeterminations

30261. Any distributor against whom a determination is made under Article 2 or 3 of this chapter may petition for a redetermination within 15 days after service upon the distributor of notice thereof. If a petition for redetermination is not filed within the 15-day period, the determination becomes final at the expiration of the period.

30262. If a petition for redetermination is filed within the 15-day period, the board shall reconsider the determination and, if the distributor has so requested in his petition, shall grant him an oral hearing and shall give him at least 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

30263. The order or decision of the board upon a petition for redetermination becomes final 15 days after mailing of notice thereof.

30264. All determinations made by the board under Article 2 or 3 of this chapter are due and payable at the time they become final. If they are not paid when due and payable, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

30265. Any notice required by this article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 6. Interest and Penalties

30281. Any distributor who fails to pay any tax, except taxes determined by the board under Article 2 or 3 of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

CHAPTER 5. COLLECTION OF TAX

Article 1. Suit for Tax

30301. At any time within three years after any amount of tax becomes due and payable and at any time within three years after the last recording of a certificate

under Section 30322, the board may transmit notice of the delinquency to the Attorney General who shall at once proceed by appropriate legal action to collect all sums due the State.

30302. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

30303. In the action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth, and of compliance by the board with all provisions of this part in relation to the computation and levy of the tax.

Article 2 Priority and Lien of Tax

30321. The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases

(a) Whenever the person is insolvent.

(b) Whenever the person makes a voluntary assignment of his assets.

(c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased.

(d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

30322. If any amount required to be paid to the State under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of any county and from the time of such filing the lien shall be extended to the real property and such county for five years unless sooner released or otherwise discharged.

30323. The board may at any time release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens and encumbrances if it determines that the amount, interest, and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest, and penalties.

30324. A certificate by the board to the effect that any property has been released from the lien or that the lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

Article 3 Warrant for Collection of Tax

30341. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within three years after the last recording of a certificate under Section 30322, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and a sale pursuant to a writ of execution.

30342. The board shall pay the sheriff, marshal or constable, upon the completion of his services pursuant to a warrant, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

30343. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the tax.

Article 4. Miscellaneous Provisions

30351. The remedies of the State provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

30352. In all proceedings under this chapter the board may act on behalf of the people of the State of California.

CHAPTER 6. OVERPAYMENTS AND REFUNDS

Article 1. Claim for Refund

30361. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board. If the State Board of Control approves, the excess shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

30362. No credit or refund shall be allowed after three years from the date of overpayment unless a claim therefor is filed with the board within three years from the date of overpayment.

30363. The claim shall be in writing and shall state the specific grounds upon which it is founded.

30364. In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars (\$25) was not required to be paid under this part, the board without obtaining approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Article 2. Recovery of Erroneous Refunds

30381. The board may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California.

30382. The action shall be tried in the County of Sacramento unless the court with the consent of the Attorney General orders a change of place of trial.

30383. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 3. Suit for Refund

30401. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any officer of the State to prevent or enjoin the collection under this part of any amount of tax or to prevent or enjoin the revocation of any license issued under this part or any other action whereby it is sought to enforce the payment of any amounts required to be paid.

30402. After payment of any amount, the person making the payment may bring an action against the board in a court of competent jurisdiction in the County of Sacramento for the recovery of the amount paid.

30403. No action may be instituted more than 90 days after the payment of the amount sought to be recovered. Failure to bring suit within 90 days constitutes a waiver of any demand against the State on account of alleged overpayments.

30404. If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

30405. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any amount paid when the action is brought by or in the name of an assignee of the person making the payment or by any person other than the person making the payment.

Article 4. Cancellations

30421. If any amount has been illegally determined, the board shall set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 7. ADMINISTRATION

30451. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

30452. The board may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of this part and may designate representatives to conduct hearings, prescribe regulations, or perform any other duties imposed by this part or other laws of this State upon the board.

30453. Every distributor and every person dealing in, transporting, or storing cigarettes or tobacco products in this State shall keep such records, receipts, invoices, and other pertinent papers with respect thereto in such form as the board may require.

30454. The board or its authorized representative may examine the books, papers, records, and equipment of any person dealing in, transporting, or storing cigarettes or tobacco products and may investigate the character of the disposition which the person makes of the cigarettes or tobacco products in order to ascertain whether all taxes due under this part are being properly reported and paid.

30455. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination of the reports by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person.

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000), by imprisonment not exceeding one year, or by both in the discretion of the court.

CHAPTER 8. DISPOSITION OF PROCEEDS

30461. All amounts required to be paid to the State under this part shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Tobacco Tax Fund, which fund is hereby created.

30462. The moneys in the Tobacco Tax Fund shall be transferred, upon the order of the Controller, to the General Fund.

CHAPTER 9. VIOLATIONS

30471. Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report or other data required by the board, or who renders a false or fraudulent report is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars (\$500) for each offense.

30472. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars (\$300) and not more than five thousand dollars (\$5,000), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

30473. Any violation of the provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.

SEC. 15. Sections 1 to 13, inclusive, of this act are hereby".

Amendment No. 6

On page 50, line 13, of said bill, strike out "SEC. 15. This act is hereby".

Amendment No. 7

On page 50 of said bill, between lines 26 and 27, insert
"SEC. 16. Section 14 of this act, inasmuch as it provides for a tax levy shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately; provided, however, that the provisions thereof shall become operative on July 1, 1950."

Amendments read.

Amendment Proposed by Mr. Sherwin

Amendment No. 1

On page 50 of the printed bill, as amended in the Assembly on March 29, 1950, after line 29, insert

"SEC. 17 This act shall remain in effect to and including June 30, 1951."

Amendment read.

Assembly Bill No. 65 ordered to third reading.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Journals for Monday, March 27, 1950; Tuesday, March 28, 1950; Wednesday, March 29, 1950; Thursday,

March 30, 1950; and Friday, March 31, 1950, were approved, as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Bill No. 5

Assembly Bill No. 35

And reports the same correctly re-engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Concurrent Resolution No. 10

And reports the same correctly re-engrossed

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Bill No. 18

Assembly Bill No. 61

Assembly Bill No. 26

Assembly Bill No. 77

Assembly Bill No. 37

Assembly Bill No. 97

Assembly Bill No. 60

Assembly Bill No. 107

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Joint Resolution No. 11

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Joint Resolution No. 4—Relative to control of water pollution;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the third day of April, 1950, at 1 p.m.

HUYCK, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred.

Assembly Joint Resolution No. 11

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

ANNOUNCEMENT

Speaker Sam L. Collins announced a Republican breakfast meeting and Caucus tomorrow, Tuesday, April 4th, at 7.30 a.m., at the Hotel Sacramento.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 10.39 a.m., Mr. Stanley asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Municipal and

County Government upon adjournment, today. Subject: Senate Bills Nos. 25, 26, and 27.

RECESS

At 10.40 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. Ohnismus at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 128—An act to amend the California Water District Act, relating to delinquent taxes and the redemption of property sold therefor.

Bill read second time, and ordered engrossed.

Assembly Bill No. 98—An act to establish a Sex Crime Research Commission, providing for scientific research into the problems of sex crimes, and making an appropriation therefor.

Bill read second time, and ordered engrossed.

Assembly Bill No. 84—An act to provide additional facilities for the protection and care of mentally ill persons, mentally deficient persons, and others specially in need of care, protection, or treatment in a mental institution, by providing for the acquisition by the Director of Mental Hygiene, with the approval of the Director of Finance, of real property, for use as a mental institution.

Bill read second time, and ordered engrossed

Assembly Bill No. 3—An act making an appropriation for the support of child care centers.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

On page 1, line 1, of the printed bill, strike out "six million dollars (\$6,000,000) is", and insert "five hundred twenty-four thousand dollars (\$524,000) is".

Amendment No. 2

On page 1 of said bill, strike out lines 12 to 15, inclusive, and insert "The appropriation made by this act is in addition to and shall supplement the appropriation made by Item 79.5 of the Budget Act of 1950."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 64—An act relating to research in air pollution problems, and making an appropriation therefor.

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 1 of the printed bill, strike out lines 5 to 8, inclusive, and insert "this State. The Legislature further finds that additional knowledge of the technical problems of air pollution, particularly as to its effect upon the public health, is needed to base measures necessary for more effective abatement, prevention, and control."

Amendment No. 2

On page 1 of said bill, strike out lines 10 to 13, inclusive, and insert "gram of research in all phases of air pollution as it may effect public health."

Amendment No. 3

On page 1, line 18, of said bill, strike out "a director", and insert "an executive officer".

Amendment No. 4

On page 1, line 19, of said bill, after "act", insert ", provided that all or a portion of this appropriation may be transferred to the Public Health Fund upon executive order of the Director of Finance".

Amendment No. 5

On page 1, line 22, of said bill, strike out "and"

Amendment No. 6

On page 1 of said bill, strike out line 23, and insert "in all phases of that problem, and shall report thereon to the Legislature at every regular session. The report shall contain a statement as to the progress of the project and recommendations for any further action that the department considers desirable "

Amendment No. 7

On page 2 of said bill, strike out line 21, and insert "ciation ;
(1) The Director of Industrial Relations."

Amendment No. 8

On page 2, line 22, of said bill, strike out "director", and insert "executive officer".

Amendment No. 9

On page 2, line 35, of said bill, strike out "shall employ a director", and insert " , with the approval of the Director of Public Health, shall appoint an executive officer".

Amendment No. 10

On page 2, line 40, of said bill, strike out "director", and insert "executive officer".

Amendment No. 11

On page 2 of said bill, strike out lines 42 to 46, inclusive, and insert "of the research work, but shall give primary consideration to the utilization of the research facilities of every public or private organization, agency or individual, and may contract with any such organization, agency or individual for any part of the research work for which it is equipped. The air pollution research project is not intended to replace any other research now in progress but may assist in such other research insofar as practicable."

Amendments read, and adopted

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Governmental Efficiency and Economy.

SECOND READING OF SENATE BILLS

Senate Bill No. 30—An act to amend Sections 5911, 5930, and 5931, and to repeal Section 5931.5 of the Elections Code, relating to absentee voting, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 35—An act to amend Sections 2163 and 2163.2 of, to repeal Section 2163.6 of, and to add Section 2163.8 to, the Welfare

and Institutions Code, relating to aid to the aged in respect to the personal property qualifications of applicants and recipients.

Bill read third time.

Hon. Richard H. McCollister Presiding

At 2.10 p.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

Point of Order

Mr. Grunsky arose to the following point of order: That Mr. Evans is *not* asking a question but is speaking on the bill.

Ruling by Speaker

Acting Speaker McCollister ruled the point of order well taken.

The question being on the passage of Assembly Bill No. 35.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Waters, Weber, and Yorty—61.

NOES—Babbage, Butters, Conrad, Huyck, Levering, McCarthy, Reagan, and Tomlinson—8

Bill ordered transmitted to the Senate.

Assembly Bill No. 5—An act to add Sections 1203.02 and 3053.5 to the Penal Code, to add Section 1767.2 to the Welfare and Institutions Code, and to amend Section 5517 of the Welfare and Institutions Code, relating to the use of alcoholic beverages by persons convicted of certain offenses and by sexual psychopaths.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Waters—70.

NOES—None.

Bill ordered transmitted to the Senate.

RE-REFERENCE OF BILLS

By order of the Speaker, the following bills were withdrawn from the file, and re-referred as follows:

Assembly Bill No. 55 re-referred to the Committee on Education.

Assembly Bill No. 18 re-referred to the Committee on Ways and Means.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 10—Relative to a survey and preparation of plans by the Department of Public Works, Division

of Highways, for a highway from the vicinity of Doyle, in Lassen County, to the Sierra Ordnance Depot.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, 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, Thomas, Thompson, Waters, and Yorty—70.

NOES—None.

Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
SENATE BILL NO. 22**

Mr. Sherwin asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 22, out of order, in lieu of Assembly Bill No. 81, at this time.

CONSIDERATION OF SENATE BILL NO. 22

Senate Bill No. 22—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.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Crichton, Crowley, Davis, Dolwig, Dunn, Erwin, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hansen, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—57.

NOES—Anderson, Dills, Elliott, Evans, Geddes, Hawkins, Hollibaugh, and Luckel—8.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL NO. 81
BE STRICKEN FROM FILE**

Mr. Sherwin asked for, and was granted, unanimous consent that Assembly Bill No. 81 be ordered stricken from the file.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Joint Resolution No. 8—Relative to the tidelands and submerged lands adjacent to the coast of California.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb,

Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Mr. Speaker—70
NOES—George D. Collins and Lewis—2

Resolution ordered transmitted to the Senate.

Assembly Bill No. 109—An act to amend Sections 154 and 6500 of the Welfare and Institutions Code, relating to state hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, 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, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—72

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110—An act to add Sections 14238, 14259, 14292 to the Health and Safety Code, relating to the financing of public works and improvements by fire protection districts and the levy of taxes to pay principal and interest of bonds issued by such districts, 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, Berry, 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, Hansen, 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, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—74.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, 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, Hansen, 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, Thomas, Thompson, Tomlinson, Waters, Yorty, and Mr. Speaker—74.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 120—An act to amend Section 6550 of the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burkhalter, 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, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73

NAYS—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burkhalter, 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, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73

NAYS—None

Bill ordered transmitted to the Senate.

Assembly Bill No. 117—An act to add Section 1523 to the Welfare and Institutions Code, relating to eligibility for aid to needy children.

Bill read third time.

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

AYES—Babbage, Bennett, Berry, Burke, Butters, Clarke, Cloyed, Collier, Connolly, Conrad, Cooke, Crichton, Davis, Doyle, Dunn, Erwin, Fletcher, Fleury, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hunkley, Hoffman, Kirkwood, Levering, Lewis, Lindsay, Lowrey, Luckel, Morris, Moss, Niehouse, Rumford, Sherwin, Smith, Stanley, and Weber—41.

NOES—Anderson, George D. Collins, Condon, Dills, Elliott, Evans, Gaffney, Hawkins, Hollibaugh, Huyck, Maloney, McCollister, McMillan, Stewart, Thomas, Thompson, Waters, and Yorty—18.

Notice of Motion to Reconsider Assembly Bill No. 117

Mr. Gaffney gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 117 was this day passed.

Assembly Bill No. 61—An act to add Sections 9059, 9060, and 9407 to the Public Resources Code, relating to soil conservation and the Soil Conservation Equipment Revolving Fund, and providing for the financing of public works by such districts.

Bill read third time.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Thompson moved a call of the Assembly.

Motion carried. Time, 3.12 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs Beck, Bennett, Caldecott, Sam L. Collins, Evans, Fleury, Hoffman, McMillan, Moss, Rosenthal, and Silliman—11

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY
UNANIMOUS CONSENT**

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Grunsky 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.

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Grunsky moved that the Rules be temporarily suspended for the purpose of taking up the notice of motion by Mr. Gaffney that the vote whereby Assembly Bill No. 117 was this day passed be reconsidered, at this time.

Mr. Silliman seconded the motion.

Motion Withdrawn

Mr. Silliman withdrew his second.

Mr. Grunsky withdrew his motion.

Motion

Mr. Grunsky moved that Mr. Gaffney's notice of motion to reconsider the vote whereby Assembly Bill No. 117 was this day passed be taken up, at this time.

Messrs. Hagen and Silliman seconded the motion.

Point of Order

Mr. Hawkins arose to the following point of order: That the business before the House is not that of motions and resolutions, and that Mr. Grunsky is not in order.

Ruling by Speaker

Acting Speaker McCollister ruled that Mr. Grunsky is in order.

Motion Withdrawn

Messrs. Hagen and Silliman withdrew their seconds.

Mr. Grunsky withdrew his motion.

Motion to Temporarily Suspend the Rules

Mr. Grunsky moved that the Rules be temporarily suspended for the purpose of taking up the notice of motion by Mr. Gaffney that the vote whereby Assembly Bill No. 61 was this day passed be reconsidered, at this time

Mr. Hagen seconded the motion.

Point of Order

Mr. Doyle arose to the following point of order: That Mr. Gaffney is not in order because he is not speaking to the question.

Ruling by Speaker

Acting Speaker McCollister ruled the point of order not well taken. The question being on the motion to temporarily suspend the Rules.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Babbage, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Cooke, Crichton, Dickey, Dolwig, Doyle, Erwin, Evans, Fleury, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Huyck,

Levering, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Thompson, Tomlinson, and Weber—48.

NOES—Anderson, Coats, George D. Collins, Condon, Crowley, Dills, Dunn, Elliott, Gaffney, Geddes, Hawkins, Kirkwood, Lewis, McMillan, Meyers, Stewart, Thomas, Waters, and Yorty—19.

Motion to Reconsider Assembly Bill No. 117

Mr. Grunsky moved that the vote whereby Assembly Bill No. 117 was passed be reconsidered, at this time.

Mr. Hagen seconded the motion.

Point of Order

Mr. Sherwin arose to the following point of order: That Mr. Gaffney should have the floor instead of Mr. Grunsky, because Mr. Gaffney's notice of motion is being considered, at this time.

Ruling by Speaker

Acting Speaker McCollister ruled that, inasmuch as Mr. Gaffney has not asked for the floor, the motion being considered is the property of the House, and that Mr. Grunsky is in order.

The question being on the motion by Mr. Grunsky.

Motion Withdrawn

Mr. Hagen withdrew his second.

Mr. Grunsky withdrew his motion.

Motion to Reconsider Assembly Bill No. 117

Mr. Gaffney moved that the vote whereby Assembly Bill No. 117 was passed be reconsidered, at this time.

Demand for Previous Question

Messrs. Cooke, Luckel, Morris, Smith, and Silliman demanded the previous question.

Demand for previous question sustained.

The question being on the motion by Mr. Gaffney to reconsider the vote whereby Assembly Bill No. 117 was this day passed.

The roll was called, and the motion lost by the following vote:

AYES—Anderson, Berry, Butters, Coats, George D. Collins, Condon, Crowley, Elliott, Evans, Fletcher, Gaffney, Hawkins, Huvek, Kirkwood, Lewis, Maloney, McMillan, Meyers, Morris, Porter, Thomas, Waters, Weber, and Yorty—24.

NOLS—Babbage, Beck, Bennett, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Collier, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Erwin, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hunkley, Hoffman, Hollibaugh, Levering, Lindsay, Lipscomb, Lowrey, Luckel, McCollister, Moss, Niehouse, Reagan, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, and Tomlinson—46.

Assembly Bill No. 117 ordered transmitted to the Senate.

MOTION TO TAKE UP ASSEMBLY BILL NO. 62 ON UNFINISHED BUSINESS FILE, AT THIS TIME

Mr. Anderson moved that the notice of motion by Mr. Waters to reconsider the vote whereby Assembly Bill No. 62 was passed be taken up, at this time.

Mr. Hawkins seconded the motion.

Request for Unanimous Consent That Assembly Bill No. 62, on Unfinished Business File Be Continued

Mr. Waters asked for unanimous consent that Assembly Bill No. 62, on the unfinished business file, be continued until the next legislative day.

Mr. Anderson withheld unanimous consent.

The question being on the motion by Mr. Anderson.

Request for Unanimous Consent That Assembly Bill No. 62 on Unfinished Business File Be Passed Temporarily

Mr. Waters asked for, and was granted, unanimous consent that Assembly Bill No. 62, on the unfinished business file, be ordered temporarily passed on file pending receipt of an opinion from the Legislative Counsel.

Assembly Bill No. 62 ordered temporarily passed on file.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 77—An act to amend Sections 14, 25, 26, 28, 29, 35.2, 35.3, 45, 45.5, and 45.7 of, and to add Section 39.2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, and Yorty—67.

NOES—Rumford—1.

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Names Be Placed Upon Roll Call on Assembly Bill No. 77

Messrs. McCarthy and Dolwig asked for, and were granted, unanimous consent that their names be placed upon the roll call on Assembly Bill No. 77, and that they be recorded as voting "Aye."

Assembly Bill No. 97—An act to amend Sections 5005, 5181, 5241, 5242, 5254, 5361, 5369, 5835 2 and 6420 of, to add Sections 5005.1, 5226, 5260 and 5375 and Chapter 18.1 of Part 3 of Division 7 to, and to renumber Section 5135 (as added by Statutes of 1941, Chapter 79) of, the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, 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, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—71.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, 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, Hansen, Hawkins, Huckle, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—71
NOES—None.

Bill ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON ASSEMBLY BILL NO. 61

At 3.50 p.m., on motion of Mr. Thompson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Bill No. 61 passed by the following vote:

AYES—Anderson, Beck, Berry, Brady, Brown, Burkhalter, Caldecott, Cloyed, Coats, Condon, Connolly, Crichton, Crowley, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Kilpatrick, Kirkwood, Lewis, Lindsay, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Thomas, and Thompson—45.

NOES—Babbage, Burke, Butters, Clarke, Collier, George D. Collins, Conrad, Cooke, Davis, Doyle, Geddes, Grant, Hansen, Huckle, Hollibaugh, Huyck, Levering, Lipscomb, Lowrey, Luckel, Reagan, Sherwin, Smith, Stewart, Tomlinson, Waters, Weber, and Yorty—28.

Notice of Motion to Reconsider Assembly Bill No. 61

Mr. Geddes gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 61 was this day passed.

Motion to Temporarily Suspend the Rules

Mr. Thompson moved that the Rules be temporarily suspended for the purpose of taking up the notice of motion by Mr. Geddes that the vote whereby Assembly Bill No. 61 was this day passed be reconsidered, at this time.

Mr. Grunsky seconded the motion.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Thompson moved a call of the Assembly.

Roll Call Demanded

Messrs. Thompson, Grunsky, and Maloney demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burkhalter, Butters, Clarke, Coats, Collier, Connolly, Conrad, Crichton, Davis, Dickey, Dills, Dolwig, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hahn, Hansen, Hawkins, Huckle, Hoffman, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Thomas, Thompson, Waters, and Weber—50.

NOES—Burke, George D. Collins, Condon, Cooke, Crowley, Doyle, Dunn, Geddes, Hagen, Hollibaugh, Luckel, McMillan, Reagan, Sherwin, Stanley, and Stewart—16.

Time, 4.04 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Bennett, Caldecott, Cloyed, Sam L. Collins, Huyck, Kilpatrick, Kirkwood, Rosenthal, Smith, Tomlinson, and Yorty—11.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY
UNANIMOUS CONSENT**

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Clarke 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 DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 107—An act to create the Brisbane County Water District, providing for the government and powers thereof, providing for the issuance of revenue bonds, 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, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sillman, Stanley, Thomas, Thompson, Waters, Weber, and Yorty—66.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sillman, Stanley, Thomas, Thompson, Waters, Weber, and Yorty—66.

NOES—None.

Bill ordered transmitted to the Senate

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON MOTION TO TEMPORARILY SUSPEND THE RULES**

At 4.06 p. m., on motion of Mr. Thompson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the motion by Mr. Thompson to temporarily suspend the Rules to take up the notice of motion to reconsider the vote whereby Assembly Bill No. 61 was passed lost by the following vote :

AYES—Anderson, Babbage, Bennett, Berry, Burkhalter, Caldecott, Cloyed, Coats, Collier, Connolly, Crichton, Dickey, Dills, Dolwig, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Kilpatrick, Kirkwood, Lewis, Lindsay, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sillman, Stauley, Thomas, Thompson, Tomlinson, and Weber—48.

NOES—Beck, Brady, Burke, Butters, Clarke, George D. Collins, Condon, Conrad, Cooke, Crowley, Davis, Doyle, Geddes, Hansen, Hinkley, Hollibaugh, Huck, Levering, Lipscomb, Lowrey, Luckel, Rosenthal, Sherwin, Smith, Stewart, Waters, and Yorty—27.

Assembly Bill No. 61 ordered to the unfinished business file.

**MOTION TO CONTINUE NOTICE OF MOTION TO RECONSIDER
ASSEMBLY BILL NO. 62**

Mr. Waters moved that his notice of motion to reconsider the vote whereby Assembly Bill No. 62 was passed be continued until the next legislative day.

Mr. Geddes seconded the motion.

The roll was called, and the motion lost by the following vote:

AYES—Babbage, Brady, Burke, Butters, Collier, Connolly, Conrad, Dolwig, Fleury, Grant, Hinckley, Hoffman, Huyek, Levering, Lindsay, Lapscomb, Moss, Sherwin, Stanley, Stewart, Tomlinson, and Waters—22.

NOES—Anderson, Beck, Bennett, Berry, Burkhalter, Cloyd, Coats, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Diekey, Dills, Doyle, Dunn, Elliott, Fletcher, Gaffney, Grunsky, Hagen, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Thomas, and Yorty—41

Notice of Motion to Reconsider Assembly Bill No. 62 Waived

Mr. Waters waived his notice of motion to reconsider the vote whereby Assembly Bill No. 62 was passed.

Assembly Bill No. 62 ordered transmitted to the Senate

**REQUEST FOR UNANIMOUS CONSENT TO CONTINUE NOTICE OF
MOTION TO RECONSIDER SENATE BILL NO. 17**

Mr. Brady asked for, and was granted, unanimous consent that his notice of motion to reconsider the vote on Senate Bill No. 17 be continued until the next legislative day.

**REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL
MEETING OF COMMITTEE**

At 4.13 p.m., Mr. Geddes asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Revenue and Taxation at 8 p.m. on Tuesday, April 4th. Subject: County Sales Tax—Assembly Bill No. 131.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Senate Bill No. 23

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

GEDDES, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Bill No. 46

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

Above bill ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT THAT PARTIAL REPORT OF
ASSEMBLY INTERIM COMMITTEE ON CRIME AND CORRECTIONS
BE PRINTED IN 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.

PARTIAL REPORT OF ASSEMBLY INTERIM COMMITTEE ON CRIME AND CORRECTIONS

LETTER OF TRANSMITTAL

Mr. Speaker and Members of the Assembly—Your Committee on Crime and Correction submits the following partial report:

In the past, this committee and its predecessor (the Committee on County and City Jails) has strenuously criticized conditions in jails and custodial institutions throughout California. The present report necessarily continues such criticism, but several new approaches may be noted in the work of the committee since its last official report.

The committee has, in the first place, attempted to present a broader survey than heretofore of the custodial problem in California. It has dug deeply into the problems of numerous institutions and agencies. It has attempted to avoid carping criticism and to see the whole custodial issue in the broadest possible light.

Your committee has also in this report for the first time gone beyond the boundaries of the State to inspect institutions and custodial systems elsewhere and to compare them with California's own system and problems. Heretofore, your committee has, broadly speaking, accepted the often-voiced statement that California's custodial plan is close to the most progressive, if not the most progressive, in the country. Perusal of the sections of this report dealing with systems in other states will, we believe, bring this ready conclusion: Because of the extremely high costs of administration in California, the overcrowding of institutions, the serious lag in construction of new facilities and the shortage of qualified personnel—for these reasons California cannot be considered in the vanguard.

Your committee particularly calls your attention to the introductory section of this report which presents a thumbnail sketch of the federal approach to the problem. It is, your committee feels, in many respects far superior to operations on the state level—just as the state program is in most respects far superior to local custodial programs.

The general plan of this report is self-evident. The committee work has been strenuous and diligent, and inevitably has generated recommendations and conclusions concerning California's system which it feels should be public knowledge, and more particularly, within knowledge of this legislative body.

The committee's recommendations are, therefore, presented early in this report. Their substantiation is, naturally, the body of this report.

Respectfully submitted,

VERNON KILPATRICK
Chairman
MONTIVEL A. BURKE
Vice Chairman
KATHRYN T. NIEHOUSE
Secretary
HARLAN HAGEN
Member
CHARLES W. MEYERS
Member

Recommendations

1. That steps be taken immediately to insure enforcement of Section 6029 of the California Penal Code, which requires that plans and specifications of places of detention must be submitted to the California State Board of Corrections for their recommendations.

2. That serious consideration be given to the possibility of setting up special pre-release living units—one near the Bay area and one probably at Chino—where prisoners about to be released could receive a few weeks of life closely approximating life in the outside world. Such units could well provide transportation to the metropolitan area daily for such prisoners during their quest for jobs inasmuch as few employers will hire a prisoner sight unseen.

3. That representatives of the State Department of Public Health, Department of Mental Hygiene and Department of Education confer as soon as possible to discuss the setting up of diagnostic and treatment clinics for school children. This recommendation is made in view of the fact that mental hygiene clinics are only being established by the State Health Department with funds available from the Mental Health Act, and that the Department of Mental Hygiene has made budgetary allowance for traveling mental hygiene clinics. It is generally agreed that clinic service for school children is perhaps the most important long-range means of preventing the later development of sex psychopathology and other emotional disturbances.

4. That steps should be taken to insure more vigorous and community-wide operation of the State Correctional Industries Commission, so that a more adequate use of inmate labor in custodial institutions can be effected. Such a committee should not only formulate standards acceptable on the state level, but should bear in mind that general acceptance of an enlightened policy toward prison labor is desperately needed on a local level involving county and city institutions.* ** ***

5. That concrete steps be taken, setting up a working committee or by granting authorization to a state agency, to facilitate the employment of prisoners released from custodial institutions. This is a large-scale educational task, calling for enlightenment of employers and cooperation from them and public agencies if the widespread failure of persons released from custody to find jobs is to be overcome. It is worth noting in this connection that approximately half the Negroes under supervision of the Los Angeles County Probation Department are today unemployed.

6. That the administrative difficulties of the Bureau of Parole and its subordinate position to the Adult Authority be thoroughly studied. This committee makes the definite recommendation that the bureau be transferred from control by the Adult Authority and placed under the Director of the Department of Corrections.†

7. That definite and immediate action be taken to increase the bed capacity and to remedy the serious deficiencies, if not irregularities, in

* Not concurred in by Mr. Hagen

** Not concurred in by Mr. Meyers

*** Not concurred in by Mrs. Niehouse

† This recommendation and comments hereinafter on this aspect of the parole problem are not concurred in by Committee Members Hagen, Meyers, and Niehouse. It is the conclusion of these members that the function of parole supervision should be directed by the Adult Authority, the agency which determines eligibility for parole and bears the onus of parole failures.

the operation of the prison hospital at San Quentin. The American Medical Association standards should be adopted.

8. That legislation be enacted to make probation officers' appointments issue from the highest executive body in each county, which in most cases would be the board of supervisors, thus relieving them from control by the juvenile court which exists at present in most counties.

9. That serious consideration be given to enactment of legislation such as now exists in Pennsylvania, wherein police officers are not permitted to interview children on school grounds, even though they may not be in uniform.

10. That the Legislature take necessary action to provide standards of minimum qualification in education and training for all law enforcement officers in the State. Such standards should be prescribed with the design to secure a class of law enforcement officers in this State highly professional in character. The expected result would be an impartial and equal enforcement of the law as among all classes of citizens.

11. That a law be enacted to require that the booking of a person in places of detention upon his arrest for crime include an official statement of the person's physical condition, indicating whether any marks, bruises, lacerations, etc., appear upon his body, both at the time of entering into a place of detention and at the time of departure therefrom. It is believed that this measure, if enacted, would serve both as some protection for arrested persons from violence at the hands of police and as some protection of police personally against groundless charges of brutality. It seems plausible to the committee that placing police officers under bond might be advisable. We believe a further study should be made.

Introduction

During the years of its studies and surveys of crime and correction problems in California, this committee has gradually accepted a basic philosophy. It is a philosophy completely agreed upon by leading authorities in the field. It is one accepted by California authorities, too. On the federal level the gap between philosophy and institutional practice is remarkably narrow. In California, however, the gap is extremely wide. This committee feels that one of its basic goals is to lessen this gap.

The modern concept of a prison system has been summed up simply by James V. Bennett, Director of the United States Bureau of Prisons:

"It is the first duty of the federal prison system to carry out the sentences imposed by the court, strictly and firmly, and to safeguard the interests of the public. These objectives can be met most effectively only if we direct the work, training, and treatment program to the release of the prisoner. For every 100 men who enter prison, 95 leave. The average amount of time spent in prison is only about twenty-some months. Relatively few cases spend 10, 20 or 30 years in prison. The typical prisoner is just as complicated a person as the man free in his community. And he is coming back to live as that man's neighbor. It is important, therefore, that the prisoner be studied very carefully, that he be freed of his mental conflicts, cured of his physical defects, taught a trade, and shown that hard work can be an honorable and worthwhile substitute for the furtive, hectic life of the criminal."

THE PURPOSE OF PRISON

It is interesting to note that the so-called modern concept of prison operation which this committee supports is hardly new. About 160 years ago a group of Philadelphia citizens met at the home of Benjamin Franklin to listen to a paper by Dr. Benjamin Rush, one of the signers of the Declaration of Independence, proposing a new method for the treatment of the criminal. *His proposal included a system of classification of prisoners by housing, a system of prison employment which recognized the paramount importance of work as a rehabilitative agent, the need for making the period of punishment indeterminate and proportioned to the progress of the prisoner, and treatment of convicts based on some determination as to whether the crime arose from habit, temptation, mental illness, or passion.*

So persuasive and logical were the views of Franklin's group that the American penal system abolished for good the practice of mutilation and dependence mainly upon execution as a method of deterring crime. Others of Franklin's objectives have been achieved but there are several which have not been brought to fruition. Modified through the years by social and economic advances and by increased knowledge of human motivations and behavior, imprisonment is now only one of several approaches to the problem of crime and the criminal.

PRISON PARADOXES

As administered in California today, and in most other states, the prison system is paradoxical. On the one hand, prisons are expected to punish; on the other, they are supposed to reform. They are expected to

discipline rigorously at the same time that they teach self-reliance. They are built to be operated like vast impersonal machines, yet they are expected to fit men to live normal community lives. They operate in accordance with a fixed autocratic routine, yet they are expected to develop individual initiative. All too frequently restrictive laws force prisoners into idleness despite the fact that one of their primary objectives is to teach men how to earn an honest living. They refuse the prisoner a voice in self-government, but they expect him to become a thinking citizen in a democratic society. To some, prisons are nothing but "country clubs" catering to the whims and fancies of the inmates. To others the prison atmosphere seems charged only with bitterness, rancor and an all pervading sense of defeat. And so the whole paradoxical scheme continues, because our ideas and views regarding the function of correctional institutions in our society are confused, fuzzy, and nebulous.

PROGRESSIVE TRENDS

Some progress is being made. The authorization of classification and diagnostic clinics, recent legislation establishing specialized treatment facilities for the alcoholic and for the sex offender, and the steady progress toward widening the use of the indeterminate sentence and toward reposing increasing responsibility for determining how long a man must stay in prison in executive agencies, such as the Adult Authority, all point to a radical change in the attitude of our society toward crime and toward the offender. Also, the phenomenal interest in devising new methods for treating the juvenile offender, assisting him to meet the problems of our complicated economic and social order, and preventing young people from becoming delinquent, is spilling over into the field of adult correction.

THE FEDERAL PLAN

Your committee believes the federal system provides an example of intelligent planning and practice toward which this State might well aim. Here, in brief, is its plan:

The federal prison system comprises 27 institutions of many types, ranging from a training school for delinquent youth to the penitentiary at Alcatraz for the most dangerous and incorrigible criminals. From the 88 federal courts in continental United States, Alaska, Hawaii, and Puerto Rico, are committed offenders of all types, from the 15-year-old youth who steals a letter from a mail box to the professional bank robber who has served repeated sentences in penitentiaries for similar offenses. Commitments each week include hopeful young offenders and confirmed criminals; college graduates and illiterates; the highly intelligent and the feeble-minded; the physically sound, the tuberculous or otherwise chronically ill or defective; homosexuals, psychopaths and narcotic-drug addicts; mountaineers who made liquor to supplement their income from a few acres of rocky land, and racketeers who have never known honest labor.

From the time of sentence, federal machinery is placed into operation to assure that each person goes to the institution best equipped to meet his needs. In each, a program of classification provides for study of

each inmate, for a program of training and treatment based upon that study, and for continuous review and replanning until the day of his release. Through this process the various institution services, the medical, psychiatric, religious, academic and vocational education, case work and counseling, are coordinated and directed toward eliminating weaknesses and deficiencies and the development of the individual's assets.

It has often been said that the most important times in an inmate's imprisonment are his first and last months. Many enter prison filled with fears and frustrations and with misconceptions of institution life. Also, many have attitudes which make their acceptance of a constructive program virtually impossible. Violations of regulations during the early part of the prisoner's institutional career are frequently numerous, with the result that he makes so bad a start that the constructive forces of the institution have found it difficult to counteract the patterns of behavior, feeling, and thinking which had been established in the first month or two.

ADMISSION AND QUARANTINE

Recognition of this problem led, several years ago, to establishment in the federal system of an admission or quarantine program. During the first month after commitment, new inmates are interviewed and examined by staff members and relevant information is obtained about them from official and community sources. But also this first month is used for the instruction of the new inmates in the rules and regulations of the institution, in the varied opportunities for self-improvement available and in giving them an orientation to life within the institution setting.

Discussion groups are conducted during this period by various staff members—the warden, the associate warden, the chief medical officer, the supervisor of education, the chaplain, the librarian, and others. In some institutions the new inmates are taken on trips throughout the institution so they can see first-hand the employment, educational, vocational and other opportunities. In other institutions, this information is brought to them through photographs, strip films and other visual aids accompanied by explanatory lectures.

Recently this program was considerably developed. For example, it had been recognized that the relative idleness of the first month has a bad effect upon the new inmate's outlook and adjustment. To overcome this, selected work projects were instituted, at the same time keeping new inmates apart from the regular population; arrangements were made for them to attend church services and the weekly motion picture, to visit the library and the athletic field, and to begin self-study courses. These activities reduced emotional tensions and improved attitudes.

FEDERAL PRE-RELEASE PROGRAM

The admission program has been in operation for a number of years, but it was not until last year that real emphasis was placed upon the development of an organized and well-rounded pre-release program. Of course there had been planning for the inmate soon to be released which included employment, residence, and the selection of a parole adviser. The inmate was also instructed as to his responsibilities while under parole supervision, and the assistance he could count on from his

parole officer. *(But it had become increasingly clear that just as it is important to orient the new inmate to institutional life, it is essential that he be reorientated to life in the free community toward the end of his term of imprisonment. The military services recognized the need for this essential service and provided it in their separation program.)*

THE CRITICAL PERIOD

Perhaps the most critical period in the career of a delinquent or criminal is that immediately following his release from confinement. It has been demonstrated that most parolees who fail, do so during the first few months. During the month or two preceding release many inmates are in emotional turmoil, beset by anxiety and uncertainty about the future. Without special guidance during this period many are in no condition to meet the innumerable problems they must face as discharged prisoners.

New discharge clothing rooms have been established under the federal system so the inmate to be discharged can see what is available and select what he wants within prescribed limits. Whereas in the past clothing selections had been limited largely to so-called dress clothing, many inmates preferred work clothing. A point system was established in the federal system under which each inmate could select clothing up to a stated point value, thereby assuring him of clothing he could use, as opposed to the previous stereotyped issuance of a business suit, a hat, a pair of shoes, a shirt, socks and underclothing.

The matter of release gratuity also required staff attention. With the necessity to conserve funds, an easy if not justifiable method of reducing expenses would have been to reduce the amount given inmates to provide for their transportation home and for their maintenance until they become self-supporting. Instead, savings were effected in other activities which permitted gratuities up to the statutory limit of \$30, and procedures were established to adjust the gratuity to each inmate's needs and plans.

PRISONERS ARE PEOPLE

The most difficult phase of the federal pre-release program, however, was the development of individual plans looking to the problems the inmate will meet in community life. This required not only giving information which would help him readjust to family life, meet his civic responsibilities, find and hold a job, and make constructive use of his leisure time, but also a program designed to allay his fears and develop self-confidence.

To accomplish these objectives series of group discussions led by qualified members of the staff as well as persons from nearby communities were inaugurated. For example, union representatives discussed problems of employment and requirements of union memberships; employers discussed economics and employment conditions, what the employer expects of and looks for in an employee, and methods of applying for a job; representatives of employment services explained how such services operate; chief medical officers or outside physicians discussed hygiene, medical problems and even the care of children; the federal probation and parole officers explained their work. The range of

subjects included family budgeting, mental hygiene, family welfare and recreation. Volunteer discussion leaders included in addition to those mentioned, educators, ministers, newspaper publishers, business men and other public-spirited citizens as well as members of the institution staff. The discussions were generally informal and participation by the inmates was encouraged. Educational films and pertinent reading materials were also standard features.

As an additional step in making the transition from institution to community life more gradual, separate living quarters were established for the pre-release group in several institutions where facilities could be devised. In these pre-release units some of the restrictions necessary for the general population were relaxed and an increased trust placed in the individual. Some of the newness could be worn off the discharge clothing. The inmate lived with others who faced the same problems as he, and this association tended to reduce the anxieties growing out of such problems. Frequently a room in the pre-release unit could be equipped to resemble a living room where pre-release discussions could be held in an informal atmosphere. It is significant that these quarters were established at little or no extra expense through the ingenuity of federal employees and inmates.

A number of federal inmates have commented on the assistance the pre-release program had been to them in bridging the gap between the controlled life of the prison and the free life in the community. Although much remains to be done, both in the extension of the project to all institutions and the further development of methods and the utilization of community resources, last year witnessed a substantial beginning.

Of the various civic institutions, the prison has been most relegated to the background of the social conscience. Ordinarily the prison comes to the attention of the public only when it reaches the headlines because of an escape or riot. Yet the prison cannot be a fully effective agency of society unless its work is known and understood by the citizens it serves and unless it can utilize the resources of the community.

HOW THE COMMUNITY CAN HELP

It was encouraging to note last year an increased public interest and participation in the federal program. Such participation has been described in connection with the sponsorship program at the National Training School for Boys and with pre-release preparation at the various institutions. At the Federal Correctional Institution, Seagoville, Texas, for example, some thirty public-spirited citizens of nearby Dallas contributed their services in the development of the pre-release program. In increasing numbers, educators, lecturers, musicians, actors, members of religious and civic organizations, and others who have contributions to make in education, counseling, and recreation, are assisting in making Federal institutions constructive force in the lives of prisoners. At best the artificial restrictions and barriers to normal social behavior of prison life make difficult the development and maintenance of healthy attitudes and interests. The infiltration of normal community interests through visits of public-spirited citizens is a hopeful trend, both in the development of a healthy outlook among the inmates and in the interpretation of problems, activities, and objectives in the community at large.

THE POSITIVE APPROACH

Still another illustration of the positive approach to redirecting the behavior of federal offenders was the enactment of Public Law 772, Eightieth Congress, on June 25, 1948. This act provides that inmates performing exceptionally meritorious services or duties of outstanding importance in connection with institutional operations may be granted deductions from their sentences not to exceed three days a month for the first year or more than five days a month for any succeeding year. Also it provides that such inmates may be paid compensation from the Federal Prison Industries Fund under regulations established by the Attorney General.

The necessary regulations were promulgated and for the first time it was possible to fully recognize outstanding services performed by any inmate. Heretofore extra good time could be granted only to inmates employed on industries projects and in camps, and compensation was limited to inmates employed in industries. The new legislation not only eliminated discrimination against inmates employed in institution operations but provides an important incentive for inmates to put forth their best efforts in their work and in self-improvement.

The National Scene

In the last several months the members of your committee have inspected prison and correctional facilities in many other states throughout the country. Four members of your committee also attended the 79th Annual Congress of Correction, sponsored by the American Prison Association, held at Milwaukee, Wisconsin, September 25th-30th. The annual congress, the Nation's most important annual meeting of experts in the prison and correctional field, featured papers and group discussion by the most eminent authorities in the United States on problems relating to crime, delinquency, and abnormal behavior.

The committee has incorporated in this report many suggestions and ideas offered at this meeting. It has reproduced verbatim some of the noteworthy comments offered at the congress by such authorities as Louis J. Sharp, Assistant Chief of Probation, Administrative Office of the United States; H. H. Rudolph, Superintendent of Industries, Indiana State Prison; Louis J. Sharp, Chief, Division of Training Schools, Maryland; Louis Jacobs, M.D., Regional Mental Health Consultant, Public Health Service, Federal Security Agency, Region V, Chicago, Illinois.

Mr. Louis J. Sharp posed the question :

TREATMENT VS. PUNISHMENT

"Are probation and parole *treatment programs* or are they acts of executive clemency or grace?"

"We maintain," he pointed out, "that they are treatment, but too often the public, the legislators, and the courts think of probation as clemency and act in this judgment. Even now then, we are faced with the challenge of whether probation is truly a profession.

"Strictly speaking, we think of a profession as demanding certain criteria on which the profession itself must stand. Often included among these criteria are: A body of knowledge, high standards of personnel selection and training, a professional organization with membership requirements and professional publications, and a code of ethics. There is no question that probation is developing a professional consciousness. We are getting somewhat nearer to adequate personnel standards and we are now talking about professional organizations with membership requirements. It is not too difficult, however, for us to admit that at present we fall short of a profession in at least two ways: We have no organized body of knowledge and skills; and we have inadequate standards for the employment and use of probation personnel."

He made the following further observation:

"In-service training in the future will look toward something more than round-table meetings of office staffs. Such conferences are certainly not enough, although they do have certain values. The best in-service training programs will continue to draw for consultants on all the talent available in the correctional field; will be well-planned and well-directed; will be regular; and will be constantly evaluated for effectiveness and results."

AN INDUSTRY EXPERT SPEAKS

Mr. Rudolph said:

"It seems to me that, as far as the general public is concerned, men are sent to prison solely to be punished because of a violation of some law. The public doesn't concern itself a great deal with what is done with the prisoner during his incarceration—all they ask is that he be confined behind walls and be assigned to hard labor, just to punish him.

"I feel certain that for many years, prison management agreed with the public. Fortunately, much has happened in the last few years to change the whole picture. Prison management has come to realize that these men must be rehabilitated—that they must be made over, so to speak. Just keeping a man locked up isn't going to reform or rehabilitate him."

SPEAKING OF JUVENILES

Mr. E. Preston Sharp said, in commenting on a study by another expert in the field:

"The reaction of some juvenile parole workers who were asked to comment upon predictions of success of released boys was very interesting. It indicated one of the major weaknesses in our total structure—the lack of coordination and a continuity of philosophy. Unfortunately in dealing with children who have committed delinquent acts, we still operate to a large extent by segments. In many states the police officer, juvenile court, and institutions represent different units with very little coordination. Where the aftercare supervision is vested in another body, it often constitutes an additional subdivision. Unless there is a continuity of philosophy which represents a sincere interest in the child, an honest desire to understand him and help him with his problems, and some agreement on procedures, little progress can be made.

"One of the best instruments for encouraging a common philosophy is that of in-service training courses made up of policemen, juvenile court probation officers, institutional workers, and individuals charged with aftercare supervision. By knowing one another, understanding the problems of the other services, and by discussing ways and means of helping children, a constructive philosophy can be evolved.

"An important by-product of the study * * * is the weight given to the institutional experience of the child. This magnifies the necessity of utilizing all contributions of the various disciplines dealing with human behavior in an attempt to make the experience of the boys in the institution as positive as possible. Again, it is important to stress the necessity of a continuity of philosophy from the superintendent to the night watchman. If we are able to help the boys solve their problems in such a way that their institutional adjustments will be positive, the possibilities of success after release may be greatly increased.

"It is always interesting to note that in every study of individuals released from institutions, whether they be adults or juveniles, the rate of failure is highest in the period immediately following release. This is true of a recent study that has been made of children released from the training schools in Maryland. This fact should act as a danger signal when the temptation arises to solve the problem of aftercare placement in the quickest and easiest manner."

THE PLACE OF PSYCHIATRY DEFINED

Dr. Jacobs gave an exceedingly clear picture of the place of psychiatric treatment in probation and parole. He said, in part:

"The very considerable present interest in psychiatry and mental health makes us wonder whether this approach can be more effective with offenders, than we have known it to be in the past. For a number of years now we have had psychiatric evaluations of the offender's personality for the court; we have had the psychiatric summary included in the presentence report; we have had such summaries in institutional classification, and we have even had psychiatrists on boards of parole. The reports have often been of interest, sometimes apparently excusing the offender's acts in esoteric language, or on other occasions stigmatizing him with a psychiatric designation of his personality which stands for a hopeless prognosis. Institutional classification summaries have tended to become stereotyped and institutional psychiatry has often been wanting in treatment. The record of objective psychiatry has often been wanting in treatment. The record of objective psychiatric evaluations during the stay in institutions has on the other hand been of much value to the parole boards and is an activity of psychiatry that most administrators in the field will approve.

ENVIRONMENTAL FACTORS

"The science of the emotions and of the relations of man with his environment has been evolving rather slowly in the past 30 or 40 years. Both psychiatrists and social workers have come far from their rather narrow early concepts to the present emphasis on the individual as an active influential agent in his environment. The psychiatrist's early emphasis on biological considerations and on constitutional factors has given way to a study of the psychological motivations, of the effects on the life outlook of the personal relationships and settings in which the individual lives. The social worker—the case worker—has also progressed from an emphasis on man's being a 'precipitate' of the social forces about him, a pawn in the environmental game—to a recognition of the individual as a member of a family or cultural group who can do something about the realities of his situation.

"The treatment of the delinquent, like the treatment of others with emotional problems is that of the individual in his environment. This cannot therefore be approached by one profession alone. Recent studies of young offenders under 20 years of age, show that the most frequent generalization that can be drawn is to say that these are antisocial personalities with neurotic traits or neuroses. Most of them have been deprived of parents or good parental relationships before the age of 10. Most of them lack any good consecutive school or work records and rarely have any vocational training. Surely the field of prevention through amelioration of social situations is obvious here. The psychiatric study shows that the great majority of the delinquents have severe neurotic traits, depression often with suicidal intent, excessive feelings of guilt, excessive shyness, seclusiveness, and in the older delinquents sexual deviation, and the symptom of excessive alcoholism. These neurotic symptoms are present in greater or lesser degree as is the case with the

antisocial reaction. Some offenders have little neurosis and are more seriously antisocial, others are obviously severely neurotic. The delinquents with neurotic disorders are primarily in need of psychotherapy.

THE TEAM APPROACH

"Treatment today is a product of the 'team' approach. The diffusion of the knowledge of the emotional forces which result in our behavior have become widespread among the professions. The concept of delinquent behavior as a symptom, an acting out of deep conflicts over parental authority, as well as over lack of adequate growth of independence of judgment and conscience, has pointed the way for study and research in treatment.

"The psychiatrist is using new methods to solve hitherto baffling disturbances. The psychologist has concentrated his attention on the objective evaluation of the personality and has devised ingenious tests which are being standardized. The social work profession too, has shown great interest in the possibilities of the new knowledge concerning the emotions, and uses those concepts in history taking, in casework, and for training in the field of psychiatric social work. As you know, both the clinical psychologist and the psychiatric social worker have often become, through much training and supervised experience, effective therapists in the clinic setting.

"This 'team approach' implies that the court, the probation officer, the institution and the parole officer, must have access to the combined skills of the psychiatrist, psychiatric social worker and psychologist in order to have the greatest benefit from the psychiatric approach. This is of course the optimum, the ideal, and is realized only in the largest populated areas of this country. It is not an ideal solely because there is a lack of recognition for the need of these services, but because of the lack of professional mental health personnel. Everything that we say about psychotherapy will be said with the realization that whatever the value of this approach, it is not a practical approach until more professional personnel are available to apply such methods of treatment.

"How does the psychiatrist aid in your work? The study of psychopathology that he has undertaken makes him expert in the diagnosis of the neurotic or psychotic conditions which afflict so many of our delinquents. His field lies in the assay of the neurosis and of its role in the delinquent activities. The obviously psychotic offenders are relatively infrequent, usually having been seen and diagnosed before they come to us, or are so ill that the psychiatric report becomes merely a labeling of the illness. This applies also to the mental defective. The psychiatric portion of the presentence report or the court psychiatric report are of value in estimating the kind of treatment, institutional or otherwise that the offender needs. Usually the delinquent has been found guilty as charged, and as the question of probation or commitment arises, a complete report on his emotional problem and the interpersonal situation may be of considerable assistance to the court. It should indicate the treatment needed and likewise denote where and how it can be obtained. The court must have this latter information after being apprised of the emotional problem.

"If supervision by probation is decided upon, the probation officer should take a definite role in the plan for psychiatric treatment. The extent of his participation depends upon his competence and the practice of the clinic group which handles the treatment.

"The probation officer's participation is usually a skillful and thorough application of casework principles. The establishment of friendly rapport, the working out of the realities, interpretation to the relatives, and the encouragement of the delinquent to accept and continue treatment are invaluable. The probation officer avoids, usually, participation in the treatment of the deep intrapsychic conflicts of the individual. This applies also to the 'talking out' which will often disturb relationships with the psychotherapist and perhaps temporarily allay neurotic symptoms so that the individual may no longer want to continue or even to begin psychiatric treatment. The treatment of a neurotic delinquent by a case worker trained in psychotherapy, may be carried out under supervision. In staff conferences and seminars treatment goals are worked out after full and complete reports have been collected. The simpler psychotherapeutic procedures are usually employed in consultation with the staff. To function alone, in the splendid isolation of one's profession is not done today by any specialist. We all need help. We all need the laboratory findings and the collaboration of our colleagues and a deep and thoughtful consideration of the responsibilities we assume when we set out to reconstruct a human being.

TYPES OF TREATMENT

"Psychotherapeutic treatment, on an ambulatory basis, consists of a series of repeated, regular and consecutive interviews. Methods of treatment vary, from the ventilation of problems through free association to treatment by hypnosis, drugs and even electroshock. There may be so many as 50 interviews needed per person treated—often in younger offenders the number is much less. Matters brought out for discussion are the relationships to others, particularly parents or parent figures, attitudes toward people and social situations, and finally the underlying causes of the disturbance. The whole situation is fluid and moving. Often unexpected situation in the treatment will arise, but if the goals were well set at the beginning, and complications anticipated, much can be done.

"The psychiatric reports and summaries must be written in clear understandable terms, but it is not to be expected that all of the complex terminology of the profession of psychiatry will be reduced to basic English. Those who will use this service must read some of the literature in the field, must become acquainted with what can be accomplished, and be prepared to accept the terminology which has come into use. This should not be too high a price to pay.

"In the institution we have a different problem which is concerned with the utilization of the group characteristics of the intramural situation. The psychiatric team—if this is possible—must evaluate each admission and formulate treatment goals in much the same way as is done in the noninstitutional setting. The report, presented to the classification committee or staff conference, must give in as simple terms as

possible the genesis of the individual's problem and what the institution personnel can do to help.

"In my work in institutions, I have found that it is of great importance for the professional personnel to feel themselves an integral part of the staff. They must know the reasons for the institutionalization of the offender, and realize why he is best segregated by society. They must cooperate with the custodial staff who have the dual responsibility of keeping the offender in the institution for a certain period, and of helping him to develop into an individual who can live in society in an acceptable fashion. There are many things about training schools, reformatories and penitentiaries that justify much criticism, as there are about many of our public mental hospitals. In the great majority of instances the men and women engaged in institutional work have a seriousness and a responsibility about their efforts which compare very well with those in any noncorrective field."

OUT-OF-STATE INSPECTIONS

Not having before visited institutions in other states, the committee members were forced to make up their schedule of visits somewhat in the dark. In retrospect, some of the institutions visited were not worth much time; much more time might well have been spent at other facilities, such as those of New Jersey, some of those in Wisconsin and Minnesota, and many of the federal facilities.

The out-of-state inspections were exploratory, in other words, and part of their value is in the fact that they have set a sound foundation for future surveys to check California's tools for handling crime and correction against those in other parts of the country. Seeing these out-of-state systems and institutions has been a revelation. First-hand observation and inspection is quite a different matter from reading reports and descriptions of them—most prepared by themselves—which in the past has been the committee's only means of comparing California's operations with those outside this state.

INSTITUTIONS VISITED

Members of your committee inspected the following institutions outside California:

U. S. Penitentiary, Lewisburg, Pennsylvania;
Federal Correctional Institute, Englewood, Colorado;
Federal Correctional Institute, Seagoville, Texas;
Federal Reformatory for Women, Alderson, West Virginia;
National Training School for Boys, Washington, D. C.;
Sing Sing Prison, Ossining, New York;
New Castle County Workhouse, Greenbank, Delaware;
Detroit House of Correction, Michigan;
Jackson State Prison, Michigan;
Minnesota State Prison, Stillwater, Minnesota;
Boys Town, Nebraska;
Annandale State Reformatory, New Jersey;
Bordentown State Farm, New Jersey;
Clinton Farms, New Jersey;

State Industrial Farm for Women, Goochland, Virginia;
State Penitentiary, Richmond, Virginia;
West Virginia State Prison for Women, West Virginia;
Waupun State Prison, Wisconsin;
South Dakota State Penitentiary, Sioux Falls, South Dakota;
Illinois State Prison, Joliet, Illinois;
Illinois Prison for Women, Dwight, Illinois;
Women's Institute, Fond du Lac, Wisconsin.

FEDERAL FACILITIES

Of the federal facilities visited by members of the committee the most interesting were found to be the Federal Correction Institute, Englewood, Colorado; the Federal Reformatory for Women, Alderson, West Virginia and the Federal Correction Institute, Seagoville, Texas. The United States Penitentiary at Lewisburg, Pennsylvania, is a maximum security institution which by its nature is less in line with the committee's interest than the other facilities.

All federal custodial facilities are operated by the Bureau of Prisons under a more or less uniform plan of organization, which results in a great deal of similarity among them in many ways. Yet each possesses individuality, which arises from the type of persons incarcerated in the particular institution. The general plan of prison operation is described in the introductory section of this report.

From its visits to the federal facilities and various state prisons and reformatories, your committee gained the following general impressions:

Objectionable features exist in almost every institution. At the women's prison at Goochland, Virginia, for example, the plant and program appeared excellent and the administrator gave the impression of conducting an enlightened program; yet she said that the inmates were required to mop floors extensively, not because the floors needed mopping but because the women "need to learn how." In Wisconsin, with its excellent productive facilities, guards carried sharp pointed canes. Regardless of the degree of security precautions, practically all institutions seem to have runaways—and about the same percentage of them. It is apparent, however, that institutions of the open type with minimum security require and invariably have better production and rehabilitation programs.

As compared with California institutions, your committee's impression is that most of the out-of-state facilities visited make a much more noticeable effort to have inmates do all the work possible in connection with the institutions, that industrial production is far more intensive and advanced than here and that in comparison with, say, New Jersey, California administration is more severe and less rehabilitative. It seems a safe generalization also to say that costs of operation are much higher in California and our administrative and custodial personnel is far greater in proportion to the number of prisoners. Furthermore your committee was struck by the pleasant, open air nature of many of the institutions visited. With their cottage type architectural plans, sweeping lawns and trees they made an unhappy comparison with San Quentin, Folsom, Soledad, Lancaster and Preston—all of which are cloaked with the grim, forbidding and depressing atmosphere of old-time prisons.

Englewood

This institution, located eight miles from Denver contains 620 acres with approximately 580 acres comprising an extremely fertile, tillable, productive institutional farm. Although nominally classed as a "correctional institute" it is more of a reformatory than a prison. It was opened in the summer of 1940 for young reformable offenders (12 to 21 years of age) and has been highly profitable in terms of a low rate of prison-contamination and a proportionately high rate of resocialization. It is modern in every respect with the physical plant following the advanced center-enclosed pattern with two cell blocks and ten dormitories. Five of the dormitories are divided into individual rooms with each dormitory housing 50 men. Education and vocational training are strongly stressed and farm products include milk, pork, eggs and sufficient vegetables to take care of the population through the season.

Noteworthy is the hospital which in appearance is strikingly superior to San Quentin. Also noteworthy is the pleasant reading room and library. The institution has a thousand dollar annual appropriation for library books and magazines which it purchases at 30 percent discount. It has 7,500 volumes of its own and 10,000 from the Veterans Administration. The reading room is open from one to four daily.

Its own school system is supplemented by the public school system; grade school diplomas are accepted by the public schools which also grant high school credits. All the maintenance work is performed by inmates. Among the extensive vocational activities are carpentry, auto shop, plumbing, sheet metal work and machine shop practice. The carpentry shop makes all the furniture for the institution, and the Boilermakers Union has recently accepted into membership six "graduates" of the institution with no notations in their files concerning prison records.

The boys are given clean clothes twice a week. Clean socks three times weekly and the beds in the dormitories are made with sheets and pillows. It is also noteworthy that the boys are permitted to carry their own keys to their lockers. In almost every respect the program here seems enlightened and progressive. Members of the committee were disappointed, however, to see the generally admirable administrative attitude impaired by the practice of "shaking down" each youth at the end of the day.

Extremely noteworthy is the radio and communications course developed here. Successful completion of the course and satisfactory performance on a required written and practical examination leads to certification and to an operators license issued by the Federal Communications Commission.

Seagoville

In 1942 the Federal Correctional Institute at Seagoville, Texas, was opened as a federal reformatory for women. With the beginning of the Second World War the female population declined to the point where the institution was not needed for women and it was leased to the Immigration and Naturalization Service. In June, 1945, it was returned. Still not needed for women, and with many of the institutions for men overcrowded, it was reopened for male prisoners. This change posed a number of serious questions, since the institution was of a minimum-custody type, built on the cottage plan, and specially designed for women. The

housing units, for example, had separate rooms, and their own kitchens and dining rooms with dining tables and chairs for four persons. Moreover, the institution had none of the walls or bars which characterize a prison. The question faced was whether such an institution with an atmosphere of trust and liberty would actually serve its purpose. A long penal tradition indicated there was more than an even chance it could not succeed.

Certain changes were made, of which the most important was the remodeling of a large industries building to create a central dining room and kitchen. In the new dining room, as in the former separate ones, tables with chairs for four persons were provided instead of conventional long tables and benches.

Now, three years after its reopening as an institution for men, Seagoville serves as a demonstration that the prison of bars and cells, walls and gun towers, is not necessary or even desirable for many of the men sentenced to confinement.

Of the 472 men confined on June 30, 1948, 187 were serving sentences of five years and over, with 117 sentenced to 10 years and over, including four with life sentences. They represented practically every offense in the federal statutes. Yet there is no institution in the federal system where the morale of inmates is higher nor where they work harder.

The population last year averaged around 425. Five hundred men could be taken care of at Seagoville. So far, there have been received into the institution approximately 2,100 men and only 16 of them have escaped during a period of four years and four months. It has been necessary to transfer some 25 or 30 men to other institutions, who have had serious escape records, or had detainers involving escapes, but Seagoville has handled a large number of men with records of escape in the past and men with detainers. They have included all ages from 18 to 87 and the men have been serving sentences all the way from four months to life. A large number of military prisoners with sentences ranging from 5 years to 35 or 40 years have been committed here as volunteers in the malaria control project. One cannot spend a few days at the institution without the realization that the atmosphere, the "climate" of the institution, is healthy; that attitudes of the men changing from suspicious, disgruntled, and antisocial, to those of self-respect and regard for the rights of others.

Staff Contributions

It is not implied that what has been accomplished is due to the physical setting alone. The staff at Seagoville recognized the problems with which they were faced but approached their solution through positive leadership in the development of constructive activities, rather than through a program based on fear, restrictions, and bars. Although all offenders cannot be properly controlled and treated in such an institution, this demonstration has taught us lessons from which we can profit, both in future construction of institutions and in training, treatment, and administrative methods.

Seagoville has made use of the services of graduate students of Southern Methodist University who do the psychological testing and have brought a large number of business and professional men from

Dallas into the program by inviting them to talk to pre-release groups and to advisory council meetings. The correspondence and visiting privileges of the men here are more liberal than in most federal institutions. The men may come and go without escort to their meals and are seated around small tables accommodating four men, where they are served cafeteria style.

Alderson

Located in the foothills of the Allegheny Mountains about midway between Washington and Cincinnati this attractive plant does not look as though it were the "last resort" for federal female prisoners. Its average population is approximately 400 and it has the atmosphere of a large and paternalistically operated industrial establishment. No central structure dominates the reservation. Fifteen attractive buildings, commonly called cottages, house the women. In these, the population leads 15 separate but integrated communal existences, cooking, cleaning and otherwise providing for themselves as units rather than as an over-regimented mass. Its work program, including farming, a dairy and a piggery, is outstanding. The mowing of Alderson's wide and beautiful lawns is accomplished by power mowers operated, of course, by the woman. The vigorous program of education and training emphasizes the household arts but clerical skills and various handicrafts are also taught. And like most federal institutions it maintains an excellent library. Besides shelves containing 11,000 books, practically all the popular magazines are subscribed to, ranging from *Life* to the *Saturday Review of Literature*.

The Cottage Plan

In addition, there is a library of 50 books and 15 magazines in each cottage. Each cottage also contains a record player. The problem of rehabilitation at Alderson is not so complex as in the men's institutions. With few exceptions, the three to four hundred girls and women lodged here are amenable to the right kind of leadership and are not handicapped by the antagonism initially predominant in male prisoners. Their crimes have largely devolved upon circumstances and with the circumstances no longer operating they are for the most part eagerly receptive to other influences, especially those which promise the happiness or security which they forfeited or never knew in the pre-institutional past.

Classification and case work are highly developed here. Each woman is not only exhaustively studied at the time of her commitment but her case is reviewed every few months for the entire period of her stay. The administration has worked out a vigorous procedure for the creation of parole plans for Alderson's women after release. Social agencies both private and public work remarkably closely with the institution toward obtaining assistance in getting jobs.

National Training School for Boys

This facility is unfortunately old. Equally unfortunate, it stands on land in the Nation's Capital which is rapidly becoming urbanized and whose value is now estimated at something like \$4 a square foot. Improvements and expansion are forestalled by uncertainty about the future because of the rapidly increasing land value. Nevertheless this facility

for federal delinquents from all over the United States between the ages of 12 and 19 conducts a vigorous program administrated according to the most advanced principles of juvenile reform.

The boys are quartered and carry on their daily activities under the "cottage system." Educational and vocational training receive strong emphasis. Outstanding is the school's project for tabulating machine operators. With the cooperation of the International Business Machines Corporation, extensive machine equipment has been provided without cost to the government. The unit does the machine tabulating work for bureau prison and personnel statistics and has also carried out tabulating projects for the public welfare and police departments of Washington.

A program of placing boys who have completed the course as day-time internes in the machine tabulating divisions of government agencies while they are still living at the school has proved highly successful. Last year, 53 boys were enrolled for some period of time in the course; 40 completed it, of whom 29 were placed as internes. 35 of the 40 boys who completed the course were paroled before the end of the year, and of these 14 are known to have gone to regular jobs as IBM tabulating machine operators.

STATE FACILITIES

State Prison of Southern Michigan

This prison, located at Jackson, is outstanding for its vigorous case work approach to the inmates and for its splendid industrial program. It also can teach California lessons implied in the following observations gathered by members of your committee. (1) It maintains an open-shelf library which has operated without any custodial hazards, circulating an average of 2,500 books weekly. There are 19,000 volumes—fiction, non-fiction, and reference material. (2) It has an excellent 500-bed hospital, and a working arrangement with the University Hospital at Ann Arbor which enables it to obtain the consulting and surgical services of outstanding physicians.

As for its case work, a counselor plan has been adopted to carry a continuity of treatment to every prisoner. The entire inmate population of approximately 5,800 is divided among a group of 13 counselors, under five supervisors, insuring that each prisoner will have one staff member to whom he reports for the adjustment of internal or external problems. The counselor writes the initial social history, attends classification meetings, meets with the family when they visit, and writes the progress report which accompanies the man to the parole board.

As for production, the prison has seven farms with 4,500 acres under cultivation, and its industrial production is exceptional. Inmates' daily wages in the industries vary from 10 cents to 40 cents. The starting wage is 10 cents with a 5-cent raise at intervals of every 30 days providing the employee is satisfactory, up to a maximum of 25 cents. A few key jobs carry the higher rates up to 40 cents.

For the year ending June 30, 1949, its textile plant, with 449 employees showed an operating profit of \$88,624.32 from sales amounting to \$888,522.56. Its stamp plant showed sales of \$460,783.65 and an operating profit of \$152,384.35. Its cannery showed sales of \$222,799.63 and

an operating profit of \$17,196.94. Its tailored-garment plant turned in a profit of \$18,080.84 with sales of \$140,487.69. Its shoe factory showed sales of \$156,557.39 and a profit of \$22,209.84. Its binder twine factory showed a profit of \$8,423.03 with sales of \$221,533.48.

Minnesota State Prison

This prison, located at Stillwater, is abreast of the best thought on modern prison architecture and its industrial production program is an object lesson for every other state in the Union. The prison consists of a farm of 1,000 acres and the prison enclosure proper of 22 acres. In the latter are four cell halls with a single inmate assigned to each cell. Recreation and library facilities are excellent, with approximately 1,500 weeklies and monthlies exchanged daily among the inmates. The prison farm has under cultivation 1,000 acres on which are raised oats, corn, rye, hay and potatoes. There are also 50 acres of garden crops. An excellent herd of 180 registered Holstein cattle is maintained for dairy purposes, several hundred hogs are raised each year, about 1,000 laying chickens, 4,000 cockerels for meat purposes, and ducks and turkeys. Buildings on the farm include a creamery, housing units for the cattle, hogs and poultry and all other buildings necessary on any modern farm.

All uniforms worn by inmates, as well as work clothes, are made in the tailor shop. Other products made are work shoes, mattresses, towel-ing, bedding, sheets and pillow cases. All these are used within the institution.

Production

It is, however, in the commercial production of twine rope and farm machinery, marketed under the name, "The Minnesota Line," that this prison is most remarkable. The institution's report for the year ending June 30, 1948, showed gross sales of \$3,675,089.68 and a net profit of \$623,816.55.

Rope and Ply Goods

The legislature, at its 1929 session, authorized the manufacture and sale of rope and ply goods (commercial twines). The latest and most improved type of machinery was purchased and has been installed. The best of materials are used, expert supervision and inspection is given to the manufacture, and a very satisfactory result has been obtained. The first rope was manufactured on June 5, 1930. An average of 40 spindles in the rope factory produces about 1,000,000 pounds of rope annually. About 750,000 pounds of ply goods, better known as commercial wrapping twines, are made each year on 25 spindles.

Baler Twine

In the fall of 1941 baler twine, which is used in automatic one-man balers, was first made. There are now 50 spindles in operation capable of manufacturing 3,250,000 pounds of baler twine each year. This product is replacing wire used in baling both hay and straw, and prospects for an ever-increasing demand are excellent.

Farm Machinery Industry

In 1907 the legislature authorized the prison to manufacture grain binders, mowers, and hay rakes, making an initial appropriation from the twine plant revolving fund to establish the machinery factory.

This factory was completed and the first machines, five in number, were placed on the market in 1908 under the trade name of "Minnesota." From this small beginning, the machinery factory has been successfully operated and expanded. In 1924 a side delivery rake was added to the line, followed by a hay loader in 1928. A manure spreader was added in 1942 and the newest member of the "Minnesota" family, a tractor mower, was introduced in 1946. The number of "Minnesota" machines manufactured and sold has now passed the half-million mark and the line enjoys an enviable reputation for satisfactory field performance.

Inmates employed in this industry have an opportunity to acquire diversified training as moulders, core makers, wood workers, machinists, painters, etc., enabling them when released to qualify for gainful employment in outside industry.

Benefits Summed Up

Working along this line the benefits to the state, to the taxpayers and to the inmates may be summed up as follows:

First—The state solves the convict labor problem on a broad-gauged and humanitarian basis and in a more satisfactory manner than in any other state in the Union, resulting in the largest degree of mechanical training for the benefit of the inmate at the minimum of competition with free labor on the outside, in that the industries selected are not carried on in this state.

Second—The products of this labor are handled and distributed for the benefit of the people of the state, and also for the benefit of the taxpayers thereof.

Third—The institution builds itself; the industries sustain themselves during the period of the respective growth and development, so that in the end the institution is fully paid for and always more than self-sustaining.

Fourth and finally—There has been built a new, modern and suitable prison, a modern and efficient twine factory, a modern and complete farm machinery plant, in which to house and employ all the state's prisoners under the most modern and up-to-date methods, with funds to carry on the business without cost to the state or to its taxpayers.

Earnings

The Legislature of the State of Minnesota has enacted a law providing for the payment of earnings to prisoners. The rate of compensation is left to the Director of Public Institutions and warden insofar as this institution is concerned. Many inmates are receiving pay for overtime and extra work.

Under this arrangement inmates are paid according to the value of their services, thus affording a proper incentive to strict application to duty and more and better results all the time. A later law passed by the legislature provided that half the earnings of each inmate be placed in a savings account each month, the other half to be placed in his spending

account. The payment of earnings will increase in accordance with the effectiveness of inmates in pursuing their labors with zeal and efficiency.

New Jersey

New Jersey's correctional system under the able guidance of Sanford Bates, among the country's outstanding administrators in this field, is one of the best operated custodial systems in the country and one which throws heavy accent on the "open" or minimum security type of facility. Members of your committee visited three of the state's institutions—Annandale State Reformatory, Bordentown State Farm, and the State Reformatory for Women at Clinton—and in each institution found much evidence of progressive and original thinking about custodial problems.

Almost half of the state's 3,780 prisoners are in open institutions. The state points with considerable pride to the fact that construction costs of walled institutions run at least \$2,000 per prisoner above other types, and that extensive use of medium and minimum security units has saved New Jersey at least \$3,500,000 in construction costs alone. Farm production has been steadily increased to offset maintenance cost, its value rising from \$225,000 in 1936 to close to \$400,00 at present. The prison administrators point out here, again, that only open institutions permit extensive farm operations. Their prison shops now produce quality goods valued at approximately \$1,327,000 annually; their slogan is "prison shops for double benefits * * * training the prisoner and producing goods for use of public agencies." (Throughout all the institutions there is a crusading spirit for the rehabilitation of prisoners and economies for the public through production. New Jersey authorities seemed likewise to be crusaders for the use of parole, pointing out that to maintain a prisoner in an institution costs at least \$700 a year while cost of supervision on parole is only \$44 a year. The authorities also point with pride to the fact that during the last six years an average of only one parolee of every hundred under supervision was committed for a new offense.

The New Jersey system gives strong evidence of economies derived from using prison labor productively in every possible way. The lack of walls, or even fences, would shock many old-line prison officials, but New Jersey points to an extremely low percentage of escapes to prove that its system works.

A particularly stimulating new development in the New Jersey program is its new diagnostic center which serves as a guidance, and informational center for the courts, school authorities and social agencies. Such a center makes it possible to accumulate in one place, for the benefit of all, the combined wisdom of the state's medical and psychiatric resources, as well as reducing the increasing burden of costs by screening applicants scientifically for admission to the state's institutions.

Some of the persons referred to the center spend time there; others have the benefit of staff study on an "out-patient" basis. Some are juveniles, others are adults. It is not the policy that the only persons served are those who have committed offenses against the law. Offenders are among those studied but others are of persons with personality or emotional disorders referred by schools, mental hygiene clinics and other social agencies.

The comprehensive character of the center is one of its outstanding features. Other states have such a facility for the study of persons who have been sentenced. New Jersey's facility is available for the study of both juveniles and adults, for persons who have been sentenced or committed and for persons who are faced with the prospect of becoming eligible for institutional care.

Annandale

The State Reformatory at Annandale is an open institution for young offenders between 16 and 26 years of age who have never before been committed to an adult prison or reformatory and whose attitudes and personalities are such that there seems to be a better than even chance for reform.

Funds for the construction of the reformatory were allocated by the 1927 Legislature. Ground was broken in September, 1927, on the site of what had previously been a branch farm of the State Reformatory at Rahway, with Rahway prisoners playing a large part in the early construction. Not until April, 1929, was the link between Rahway and Annandale severed when Annandale was made a separate institution. The buildings, of uniform fieldstone construction, occupy part of a 770-acre tract, 400 to 500 acres of which comprise arable land.

Annandale is a minimum security installation of the cottage type. Young offenders assigned there benefit from the advantages inherent in an agricultural colony with special vocational and scholastic training under modified custodial conditions. After the usual classification procedures, men are assigned to duties commensurate with their aptitudes, backgrounds, and skills.

The Annandale cannery is second only to that of the State Prison Farm at Leesburg in volume of production. A cooks' and bakers' school instituted in August, 1943 furnished more than 200 men for the American Merchant Marine during World War II.

Men are received directly from the courts and on transfer from the State Home for Boys at Jamesburg and the State Reformatory at Rahway.

State Reformatory for Women at Clinton

The State Reformatory for Women at Clinton, opened in 1913, was the product of 50 years of agitation for a separate penal institution for female offenders.

The reformatory is an institution without walls and has been managed in accordance with progressive principles of penology since its inception. It was planned from the beginning to submit all inmates to psychological tests and to furnish specialized and individualized treatment. With this approach it has not been difficult to fit the institutional program into the department's program of classification. Classification is facilitated by use of the cottage system. Inmate participation in diversified activities is one of the cardinal policies in the institution's rehabilitation program. The honor system practiced by the reformatory has attracted widespread attention.

Virginia and the South

Besides visiting the federal institution at Alderson, W. Va., your committee inspected several state institutions in this vicinity including the State Prison at Richmond and the Goochland Women's Prison. In many respects these institutions were admirable. Goochland's plant includes good steel and brick college-type buildings, and the Legislature has provided money for a laundry which is expected to pay it's way or show a profit and provide laundry service for state institutions.

The Richmond facility has a strong industrial program with the accent on textiles. But it also features guards with gas guns and other antiquated practices. This brings to the fore the fundamental problem of prisons in the South. Use of bed chains and bloodhounds and general lack of the appreciation of the possibilities of rehabilitation are widespread, and until such concepts are wiped out no prison system can, in the modern view, be effective.

Your committee notes in passing that the Mississippi Senate has just passed a bill to control the use of the dreaded "black annie" official whip at the State Penitentiary. Mississippi legislators stated publicly that drunk prison sergeants sometimes stagger into the stockade and use the whip at random. Under the bill a sergeant cannot use the whip without first putting in a request in writing. Author of the measure said he knew the Legislature would not repeal the law permitting lashing as prison punishment but since he could not abolish the whip he wanted to control its use.

BOYS TOWN

Members of your committee were greatly impressed with the operation of the famous Boys Town, located a few miles from Omaha, Neb. Of course it would be unfair to compare this private, highly endowed institution with public ones. Yet it seems to your committee that this institution represents what custody should be. Hence, we here offer a detailed description of its operation.

Boys Town has a population of some 660 with facilities for 1,000. The boys are received from 45 different states and range in age from eight to eighteen or nineteen. Approximately 90 percent of them are received on the basis of social welfare case work and the balance of 10 percent on the basis of commitment from a juvenile or comparable court of law on the assumption of guilt of an overt criminal act. No difference exists in the treatment of the 90 percent and the 10 percent in that they are not segregated at the time of arrival or thereafter. Father Wagner, the director, stated that the behavior of the 10 percent is no different from the others once they are in the institution. In other words, the boys there under criminal commitment make as good a recovery as the others and he even observed that many of them—a high percentage of them—tend to be leaders. He estimates the number of failures on release—in the sense of serious aggression against the rules of society—is only about 1 percent.

Besides the clerical and administrative staff, the institution employs a full-time psychiatrist, sociologist and a physician. There is a minimum of custody and no strictly custody personnel. The boys are housed in cottages divided into rooms generally housing about four boys with 20 boys to a cottage. Each cottage is supervised by a counselor who resides there and has charge of the boys when they are not engaged at school or at work. In the majority of the cases the counselors are persons interested in the work who are completing courses at a nearby college. The counselors are the first-level observers and ameliorators. They are trained and directed to observe their wards to detect behavior difficulties and to lend an ear to a problem a boy may have. Surprisingly enough, very few problems arise which they cannot solve. In the event that the counselor cannot solve a particular individual's problem he is counseled by a priest, social worker or psychiatrist.

In addition, the boys have a great measure of self-government, hence the name "Boys Town." Governing bodies are elected in each of the cottages for the purpose of maintaining good housekeeping and general observance of the rules of the institution. The elected boy officials have the authority to mete out punishment for rule violations and the system works well. Of course the administration closely supervises this self-government through the counselors to the end that no kangaroo court is brought into being.

Educational Opportunities

The institution has a very complete program of education operated by teachers who are highly qualified and who are an integral part of the institutional setup. Moreover, they are closely screened with the view of getting persons who are interested in this type of institutional work. No difficulty is encountered in getting such persons, many of whom have M.A. degrees in the educational field. The emphasis in education is to give every boy a high school education before he is released and for this reason no boy is forced to work for the maintenance of the institution. The work program is purely on a voluntary basis and directed for the hobby and interest of the boy. The regular academic program includes classroom sessions for a half day. For the balance of the day the boys are strongly encouraged to undergo a course of vocational education. A beautiful plant exists for teaching almost any trade, including printing, ceramics, metal work, baking, tailoring, woodwork, farming, and carpentry. In some of these departments the trainee almost automatically lands a well-paying job upon release and, in fact, the institution gets requests for employment of all their graduates.

No Prison Walls

There are no lock-ups or prison walls. Visitors wander around the institution at will and the boys are permitted to go to neighboring towns for movies or supper with no restriction except their honor. The institution has a complete athletic program with team competition on the inside and with outside teams, and have an athletic staff comparable to an outside high school.

The philosophy is that the boys are not bad but are products of their environment and the dominant theme is the application of "love" to their behavior problems.

Once admitted a boy is permitted to remain until he has finished his schooling, or until such a time as other arrangements can be made for his future welfare. Applications for boys between 10 and 12 are scrutinized carefully to determine if the applicant is prepared to fit into a program designed primarily for older boys.

A boy to be accepted must be in good mental and physical health. Boys in need of psychiatric treatment are not accepted. Such applicants are referred to other institutions better equipped to handle such problems.

Upon his arrival at Boys Town the new citizen is assigned to the orientation cottage, where he lives with other new citizens for a period of from four to six weeks. Here the boy is given special guidance and training designed to enable him to adjust to his new environment with as little difficulty as possible. He then is assigned to his permanent living quarters where he lives with other boys of his own age.

Boys Town has two sections: The grade school section for the boys from the fifth to the eighth grade, inclusive, and the high school section for boys of high school or trade school age. Each section is complete, with its own living quarters, its own school, its own gymnasium, its own dining hall.

It is a part of the Boys Town policy to offer every citizen as many opportunities as possible to facilitate his character development. These include academic training in the grade school and in the high school, trades school courses, a diverse and comprehensive athletic program, recreation, hobby groups, orchestra, choir, band, scouting and self-government. The Boys Town farm also offers additional opportunities for boys interested in agriculture.

Through these phases of the Boys Town training program an appeal is made to the boy's individual interests. At the same time he acquires skill and experience which add to his self-confidence. Through these phases of the training program, too, he receives physical, mental and spiritual training which form the basis for character development. Every boy is encouraged to take part in the over-all program, giving time and attention to those activities for which he has the most interest and best aptitude.

Courses taught in the grade school and in the high school are similar to those that will be found in many accredited grade or high schools.

Twelve trades are taught in the trades school. These include barbering, baking, carpentry, printing, pottery, auto mechanics, auto electric, machine shop, sheet metal, radio, tailoring, shoe repairing, vocational agriculture and dairying.

The athletic program includes such sports as football, basketball, baseball, wrestling, track, swimming, volley ball, handball, and gym. The athletic program is of two phases: Intramural and school, the latter including grade school and varsity participation.

Self-government Works

Not original, perhaps, but nevertheless a very important phase of the Boys Town program, is its self-government setup in which the boys elect their own mayor and city council. These officials, together with the duly chosen commissioners, are not mere figureheads; they are full-fledged city officials, and they help to coordinate the Boys Town program under supervision of the director and his staff.

The self-government program affords each boy practical experience in government. It teaches a lesson in democracy that cannot be learned from books alone. Also, it gives the boy a sense of civic responsibility, and so helps to prepare him for citizenship and for useful service.

These and other phases of the Boys Town program constitute opportunities for character development. They are a part of the boy's schooling. Because the program is both extensive and varied it has a wide appeal and reaches every boy. By capitalizing on the boy's interest it is possible to direct his personality growth more effectively.

Religious Aspects

A fundamental part of the training the Boys Town citizen gets is that which has to do with his development as a moral and spiritual being. Boys Town makes no distinction of race or creed. It is a home and a school for all boys regardless of color or religious faith and who are in need of the kind of home and care that Boys Town has to give. But religious training and religious practice is a basic part of character training. Every boy is required to do his religious duty.

Catholic boys attend classes in religion. Non-Catholic boys attend classes in character education. Each boy attends religious services according to his particular faith.

The plan followed in carrying out the Boys Town program is one of individualization rather than one of regimentation. No two boys are ever exactly alike. No two have the same abilities, the same wants, or the same needs. Each boy has to be understood in the light of his own personality makeup and background. The way to help the boy to make a proper adjustment is to fit the program to the boy, not to fit the boy to the program, for such an attempt, while it sometimes may appear successful on the surface, is never satisfactory as far as permanent results are concerned.

This plan is carried out through the welfare department with the aid of boy counselors and other members of the Boys Town staff. When in school the boy is answerable to members of the school faculty. After school hours he becomes the responsibility of the counselor in his building.

The duty of the counselor is to take care of the immediate needs of the boy, to give him help with his school work outside of school hours, to assist the commissioner in his building with his work, to plan and promote cottage recreational activities, to help the boy with his individual problems, to give advice to those who come to him and generally to supervise the activities and interests of the boys in his care. The counselor lives with the boy 24 hours a day. His capacity is similar to that of a father.

Counselors in turn are advised and instructed by the welfare department. When a problem arises that calls for special individual attention,

the counselor enlists the aid of the welfare staff in seeking a satisfactory solution.

In carrying out the Boys Town training program, each boy is allowed as much freedom as possible. Not only does this encourage him to face his problem and to accept responsibility; it also acts as a stimulus to his individual initiative. Love, persuasion and understanding are used rather than force as a means of helping the boy to adjust. The aim is to make the boy feel that he belongs, that he is wanted.

The first and foremost consideration whenever a problem arises is the good of the boy. This is the end for which all else is the means.

Boys Town believes that any plan or policy of rehabilitation should include a broad program of training, embracing schooling, physical training and recreation, and religious instruction and practice. It should be flexible enough so that it can be adjusted to meet the particular need of the individual boy. In no case should it give the boy a feeling that he is a special case, for this may cause the boy to develop a feeling of inferiority or, going to the other extreme, it may cause him to develop a feeling of exaggerated importance, a feeling that he is a "big shot" who does not have to play the game according to the rules.

California Today

DEPARTMENT OF CORRECTIONS

Since its inauguration, your committee has carefully followed the development of the State's relatively new Department of Corrections. In the last few years, under Director Richard McGee, a progressive correctional program has been instituted. It is our belief that on the whole the administration has been efficient and effective. We believe the director to be an exceptionally able man and an unquestioned authority in the correctional field.

In the most general terms, however, we feel that some trends and tendencies may deserve notice if not criticism. The almost complete administrative rearrangement that has come about in California's correctional field has brought improvement without doubt. Mr. McGee has repeatedly stated to this committee that correction will be made wherever we, or anyone, can point to deficiencies.

The committee takes pleasure in acknowledging the fullest cooperation in all its associations and dealings with the director and his staff. Such deficiencies as have been called to the attention of the director have been corrected, or independent departmental investigations started where such was within the scope of the director.

THE ADULT AUTHORITY

An integral part of California's prison system today is the Adult Authority, which has seemed steadily to broaden in scope and power without the increase in administrative effectiveness that should accompany it. It is a frequently voiced criticism, and one with which your committee is inclined to agree, that this important body of three men is physically incapable of handling the tremendous administrative load now on its shoulders. Your committee is likewise inclined to believe that the Legislature should beware lest the tremendous power and authority over the lives of thousands of human beings, now vested in the Adult Authority, breed something akin to self-satisfaction. This is said with ready acknowledgment that the men comprising it are definitely superior in calibre.

The Adult Authority is, in effect, if not in law, a quasi-judicial agency and is given broad powers over convicted male felons. Its members were given the following specific duties in regard to male felons:

1. Supervising and controlling the Diagnostic Clinic, which the act provided that the Director of Corrections should establish.

2. Determining and redetermining terms of imprisonment.

3. Classifying prisoners to determine where they are to serve their sentences and supervising a classification and treatment program within each institution.

4. Transferring prisoners between institutions.

5. Prescribing punishment to be administered to prisoners for infractions of prison discipline and the awarding or forfeiting of credits.

6. Restoring civil rights.

7. Granting or revocation of parole.

8. Directing the operations of the Bureau of Paroles.

9. Making investigations, at the request of the Governor, on applications for executive clemency and providing him with reports and recommendations.

10. Serving as members of the Board of Corrections.

One solution of the difficulties faced by the Adult Authority might be increasing the number of members from three to perhaps five. Another—and one which this committee believes should have serious study—is a much greater delegation of duties to staff members acting under the Authority. There seems to be no reason why members of the Authority should be lawyers, psychiatrists or any other type of specialist. Their preeminent qualifications, it appears, should be a broad understanding of custodial problems and rehabilitative techniques, along with a genuinely deep-seated urge to make California's program one aimed at correction instead of mere incarceration.

With this in mind, it seems clear that the brunt of the tremendous chore of classifying convicts could be handled by staff subordinates rather than by the Authority's members themselves. After having sat in with the board members during many of their sessions, it seems certain to this committee that the Authority is unable itself to allot sufficient time for adequate judgment of the cases that appear before it. Each case is a human life which may be saved or broken during the few frightened minutes in which it stands before the members of the Authority for review and judgment.

Your committee earnestly suggests that time and study be given to enlarging the staff of this body.

Parole

The charge has been made that the Adult Authority is administratively top heavy. This is, of course, a vague statement but the committee believes it deserves careful inspection in view of the committee investigation of the Bureau of Parole. The bureau is directly under control of the Adult Authority.

As has been indicated, the Adult Authority is, in effect, a quasi-judicial authority. Inasmuch as it is of this nature, it seems questionable that the State's paroling body should be operated directly under its control. Your committee suggests that the Parole Bureau should operate independently of the Adult Authority, exactly as probation departments operate independently of the courts. It seems a fair analogy to state that probation departments could not function properly if they were merely a court agency.* ***

A parolee is a prisoner who has been permitted by the Adult Authority to serve a part of his sentence on the outside. He may be ordered returned to prison on any claim of violation by the Adult Authority at any time. Since the Director of Corrections is the authorized custodian during the prisoners stay in prison, it seems that his custodial authority should extend to supervision of prisoners serving their sentence on the outside.* ** ***

Your committee studied the operation of the State Bureau of Paroles at some length and discovered what would appear to be numerous instances of inadequate operation.* ***

* Not concurred in by Mr. Hagen

** Not concurred in by Mr. Meyers

*** Not concurred in by Mrs. Niehouse.

Based on reports of its investigators, your committee found a considerable state of administrative disorganization within the Parole Bureau. Private talks by them with numerous parole officers revealed a high degree of unhappiness and dissatisfaction among these employees. It is claimed that changes now being made will correct this situation. In studying the operation of the bureau and talking to its subordinate officers your committee at all times attempted to bear in mind the fact that in any organization employee grievances are likely to be found.

Generally speaking the principal complaint appeared to be that the top officials of the bureau are uncertain and contradictory in the orders they issue. The complaint was cited, too, that the top officials of the bureau do not maintain close relations with officers in the field—at least those in Los Angeles. Employees over and over again said they never saw or had a chance to talk over problems with their Sacramento heads, and, that the latter's policy with relation to them seemed to be one of distrust. This, they reported, was one reason for what they termed "excessive paper work." All parole officers appear to be carrying extremely heavy case loads and they resent the amount of time required in filling out statistical forms and other data required by the Sacramento office.

It seemed obvious to the committee that there was truth in the latter statement and that better office organization would permit more secretarial work to be done by secretaries, leaving the parole officers more time to operate in the field for which they are trained.

It should be borne in mind that a parole program is only as good as the parole officers in the field. Top level administration could be perfect but if that administration were unable to employ good agent personnel, the program would fail. Instances have been reported in California of failures of individual parole officers. It is the committee's observation that the salary scale of parole officers in California, which commences at approximately \$244 per month, is not sufficient to guarantee the best employee morale or qualification. It should be apparent that this position, which should demand a high degree of intelligence and special training, is not likely to be sought after by qualified personnel with a low salary scale in effect. In fact many county probation officers are better paid. The committee feels that employment in the state parole service should be the ambition of every officer in the probation or parole field. Salaries commensurate with responsibility are necessary. In this connection it is well to remember that the failure of a parole officer renders useless the previous activities and expenses of the courts, the custodial officers, and even the Adult Authority itself.

Underlying the unhappy situation which seems to exist in this important bureau is one factor which may tend to decrease validity of charges of bad "top management." This is the fact that the Bureau of Parole has always been infused with more or less of a "cop" psychology. Your committee is unable to locate any essential difference between the work of parole officers and probation officers. Probation officers do not carry guns, yet a majority of parole officers will insist if questioned that their right to carry firearms should be preserved; indeed, that without arresting power and the right to carry firearms their effectiveness will disappear.*

* Not concurred in by Mr. Hagen.

Many of the newer parole officers have backgrounds leaning closer to social work than to police work, but there are still many officers in the Los Angeles area surveyed whose basic attitude toward their work is that of policeman. The administrative heads of the Parole Bureau have recently followed a tendency of setting the policy (with relation to carrying guns and other matters) which favor the sociological rather than the police approach. This inevitably has bred conflict between the administrators and the older type of parole officers with their semi-police attitude. Such a conflict perhaps is inevitable. But your committee is inclined to place the blame on the administrative heads for not making the transition to newer concepts and techniques, in a vigorous, clear manner. It is worth noting, in passing, that federal parole officers do not carry guns, badges or other paraphernalia that tend to place persons doing parole work in the category of police officers.

Among the deficiencies of the Parole Bureau is one in common to other branches of our custodial system: The bureau makes an impressive showing on paper which is not carried out in fact. Furthermore, rather than frankly admitting its shortcomings there appeared to be a sense of fear and distrust of outsiders and an inclination by the bureau's administrators to cite deficiencies or excuse them.

For example, the bureau proclaims that it carries on a commendable in-service training program for parole officers. Representatives of the committee sat through sessions of this program, which appears to be one day-long meeting monthly. It was the observers' impression that little was accomplished in the way of staff education and that a large percentage of the staff attending felt the day-long session to be a waste of time. Your committee highly recommends in-service training but believes that, to be effective, such training must be carefully organized and vigorously administered.

Your committee questioned numerous parolees and while it did not take many of their stories at face value, it is inclined to give some credence to the following repeated comments from parolees: (a) parole officers are just like policemen and we want to stay away from them as much as possible, and (b) parole officers don't do us any good—they're too busy.

It seems vitally important to your committee that the entire operation of this bureau be investigated thoroughly with these three points in mind:

1. Whether the Parole Bureau's shortcomings could be alleviated by better administration,
2. Whether administration could be anything but inadequate as long as the bureau is merely an agency of the Adult Authority,
3. Whether it would not be highly desirable for philosophical reasons alone to remove the bureau from the Adult Authority and place it under the Director of Corrections.

There is much confusion, which this committee is unable to resolve, over whether the case loads of parole officers should be large or small. The Federal Probation and Parole Bureau operates on the principle that a parolee or probationer should have a minimum of supervision when he is sent back into the community. Federal parole officers carry case loads

of possibly 200 men, as opposed to somewhere around 90 in the state bureau.

Wherever the truth may lie, it is a fact that a continuous effort has been exerted to secure more state parole officer positions in order to reduce the case load per parole officer on the premise that such reduced case loads will permit better and closer supervision over parolees. This, in turn, is supposed to reduce the rate of parole violations and result in savings to the state by keeping the parolee from being again maintained in an institution with the attendant high per capita cost. The obvious other result is the greater degree of supervision afforded the parolee.

While this premise is desirable, the actual results do not support the premise. An examination of the percentage of parolees returned as violators does not show an improvement anywhere near commensurate with the degree of reduction represented by reducing the case load of parole officers.

In 1945-46 the case load was 104 per officer and 21.26 percent of the parolees were recommitted to prison.

In 1946-47 the case load was reduced to 94 and 27.93 percent of the parolees were recommitted to prison.

In 1947-48 the case load was reduced to 90 and still 27.1 percent of the parolees were recommitted.

Based on the first six months of the 1948-49 Fiscal Year with a further reduction of case load to 85, the actual recommitments will be 28.9 percent of the total parolees.

It is, therefore, apparent that in spite of reduced case loads and supposedly better constructive supervision, the rate of recommitment is going up.

Mr. Walter Gordon, in answer to the question as to why the recommitment rate was going up despite the fact that the parole officer's load was being constantly reduced, said that this was due to the fact that the parole officers were now doing more efficient work, that they were closer to the parolee and detected him violating his parole more often.

There appears to be something of a paradox here. Your committee wonders if the recommitments do not continue to rise mainly because the fundamental attitude of many of the parole officers is not closer to the policeman's than to the social workers. Furthermore, your committee has been consistently unable to understand the figures on recommitments. Those given above are taken from one source. Others do not agree with them. A report by the committee showed some time ago that in two years 3,670 were released and 1,763 recommitted, which gives a percentage of 48 percent. In addition, your committee is puzzled why the rate should run close to 48 percent for men and to 18 percent for women. It has been given many explanations, but feels the subject is one for further study.

PROBATION

Just as modern as the numerous new scientific approaches to the detection of crime is the probation system, which has been developed by government as a part of its machinery in securing the peaceful and orderly processes of society. The probation system has two particular functions. It is a means whereby courts may be adequately informed of all pertinent facts to be considered after a person has been convicted of a

criminal offense, and thereby enabled to make orders sensibly directed toward safeguarding the public peace. It is also a means of exercising custody and supervision of convicted persons not committed to prison.

Your committee has pointed out in the past, and points out again, that probation level is the point at which a great deal of intensive diagnostic testing should be done, rather than leaving it until the person finds himself in prison.

Our real purpose in government is to protect the peace. Probation is merely an instrument of government used in accomplishing this job. In a way it may be considered a tool of government to assist in selecting the right persons to be admitted to our expensive prisons and jails, and to devise means by which those not qualifying for such treatment may be adjusted to the demands of society.

Your committee was impressed by the talk, "New Horizons in Probation" by Louis J. Sharp, Assistant Chief of Probation, Administrative Office of the United States Courts, delivered at the recent Congress of Correction in Milwaukee.

Mr. Sharp said, in part:

"Let us talk less of decreasing case loads and do more to manage them. Probation officers are becoming increasingly adaptable to large case loads, or at least loads in excess of the number considered desirable by leaders in the field. They are looking more and more and with increasing attention to finding ways of managing the assignments they are called upon to handle. They will move closer in the next few years to the systematic classification of their probationers in terms of what the latter really need and what the officer can allocate them in the way of personal attention. They will be thinking of streamlining office procedures, tailoring their field travel to the demands for economy of time and funds, and analyzing their work in other ways in a search for time-saving devices. Let me warn here: Even with improved procedures, one should not become resigned to a too-heavy case load. Even with excellent management much is bound to be left undone if the number of cases is too high to permit careful, thoughtful, and thorough work. But the worker can be orderly, dispose his attention where it is needed most, and achieve markedly improved service. The latter satisfaction will be his reward for good management.

"Let the probation officer become a leader in the community. The good probation officer knows his community—its culture its traditions, its institutions, and its agencies. He knows its social resources and when and how to use them. He is in an enviable position to assume leadership in attacking social forces and conditions which often are at the root of many of our criminal problems and he has the responsibility for bringing these to the notice of community leaders. He should also work toward a better understanding between the legal and social work professions. These two professions, as one writer put it recently, are not always friendly, must less brotherly. The solution to correctional problems depends so much on the support and acceptance of our methods by the lawyer who administers the law that we should not overlook an opportunity to create cordiality and cooperation. Probation officers have not begun to scratch the surface of community leadership, although it is increasingly evident that they are beginning to accept more readily their

obvious responsibility. More and more there will be progress in this direction."

Your committee quotes these comments by Mr. Sharp because it feels strongly that they constitute needed advice to workers throughout the criminal field—in parole work, for example, as well as in probation.

Following are what your committee believes to be the principle shortcomings of probation generally, in other states as well as California:

1. Probation legislation has in vision and expansion outstripped the administration of its service.

2. Probation service is still largely dependent on state and county economy; the more prosperous, economically healthy areas have probation facilities—the weaker, sparsely settled jurisdictions do not.

3. Even in some progressive areas where probation has come of age it is still limited in its application by statutory provisions which are far from wise and frequently crippling.

4. Interstate cooperation in handling the supervision of probationers is inferior to that now existing in parole cases.

5. A broad fertile field—the lower courts of the Nation—has been largely left untouched by probation.

Use of the institution of probation in California is highly uneven, as has been stated in past reports. It is used most extensively in metropolitan areas. Many small communities are antagonistic to it or ignorant of its potentialities, despite the fact that it has been proved to be perhaps the most valuable of all tools in the handling of law violators. Judges in many small communities ignore it because, they say, they know all the persons who appear before them. Actually of course, they do not, because in many such areas a large proportion of the persons appearing before them are migrant laborers.

The Los Angeles County Probation Department is almost undoubtedly the most successful one in the State. It is significant that it is the only probation department within the State which is not a part of the juvenile court system. Furthermore, in all counties but Los Angeles, San Francisco and Santa Clara the probation officers are appointed by the juvenile court judge, and presumably handle adult probation work only incidentally.

Only in Los Angeles County is the probation department an independent branch of the county administrative organization.

The committee feels that a probation department, to function properly, must be an independent agency, and it seems highly inadvisable that it should be a step-child, so to speak—appointed by the judiciary.

Your committee, therefore, urges that the probation officer should be appointed by the board of supervisors and that probation staffs should have civil service status, tenure and all other advantages that will tend to make them a more respected branch of public service. Your committee begs to point out that the appointment of such officers by either the judiciary or its juvenile department is illogical. The functions of probation officers are so broad and their operations so scattered that no one judicial branch is a logical body to select such officers. Their selection should be by the highest body in the executive branch of every county.

Your committee also wishes to report that recent amendment of the Penal Code permitting so-called summary probation is a cause of considerable trouble. Summary probation permits probation without pre-sentence investigations. Under the law, even with summary probation the offender is still subject to the probation laws generally and the judges required to place the person in custody of the probation department. Judges very generally are failing to do so however, which means the offender receives no investigation and the probation department has no records concerning him.

Your committee also urges that in Section 1203 of the Penal Code the phrase calling for pre-sentence investigations in all felony cases "where the defendant is eligible for probation" be amended by striking out the foregoing phrase. This in effect would require investigation of all convicted offenders—a highly desirable service and a valuable one.

EMPLOYMENT OF PRISON LABOR AND JOB PLACEMENT

Perhaps no feature of California's prison system is more inadequate when compared with other states than the unsystematic employment of prison labor. California institutions, from the state level to the local, seemingly have done a sketchy job of educating labor, business and agriculture concerning the proper uses of prison labor.

Tied to this failure—which leads inmates to deterioration through idleness and increases prison construction and administrative costs—is a similar state-wide failure to operate really adequate training programs.

The Federal Plan

The following is a general outline of the federal plan, which this committee believes is a superior system:

The program of general education is planned to meet the needs and interests of three inmate groups: those who, on the basis of standardized achievement tests, measure below fifth-grade level and thus are considered functionally illiterate; those whose educational levels range from fifth to eighth grade and who wish to raise their general educational level or to fill specific subject-matter deficiencies; and those of secondary school level or above who desire high school or college courses.

Of these groups the first properly commands the most serious attention. While only about a fifth of the prisoners received from the courts are reported not to have gone beyond fourth grade in school, nearly a third fall into this functionally illiterate category on the basis of tests. In practically all institutions these inmates, depending on age and probable ability to profit, are given the opportunity to attend school classes during the daytime.

About half of those committed to federal institutions have continued their formal schooling beyond the fourth grade but not beyond the eighth. Educational tests confirm this proportion. For this group opportunities are provided to overcome deficiencies in such public school subjects as English, advanced arithmetic, history, geography, and others. Several of the federal institutions have worked out arrangements with state or local departments of education for issuing eighth-grade certificates or diplomas to inmates able to pass the necessary examinations.

According to tests, only about one-fifth of incoming federal prisoners score educationally beyond eighth-grade level, though prisoners' histories show the proportion at approximately one-third. For purposes of administration and reporting, all nonvocational courses for this group are considered advanced. Among these are bookkeeping, psychology, advanced mathematics, and languages. In some institutions a planned series of high school subjects permits inmates to qualify for high school diplomas.

To meet the needs of those who cannot attend classes or whose special interests cannot be met in any other way, a wide variety of correspondence courses are available. These courses are prepared by the federal educational staff or are obtained from university extension divisions or established correspondence schools. About 2,400 men were enrolled in some type of correspondence course.

This year emphasis was placed upon what was termed social education. Inmate forums, current events and discussion groups, debates, and general lectures fall within this category, and have been a recognized part of the federal program for many years. More than 3,000 such group meetings were reported with an average attendance of about 70. In addition, more than 1,500 educational films, including both training and documentary films, were shown to groups which averaged from 50 to 60 inmates.

Social education also implies a more direct approach to the problem of personal adjustment and personal attitudes. Several federal institutions have introduced courses in which an attempt is made to deal directly with human relationships, personal problems of adjustment, and the matter of obtaining and holding a job upon release. It is hoped there will be more experimentation with this direct and more personal approach.

Federal Vocational Training

Slightly less than 8,000 inmates were enrolled in various phases of vocational training. For purposes of administration and classification of trainees, the program has been organized into four major divisions: on-job training carried out in connection with both industries and maintenance work, trade training, related-trades classes, and vocational agriculture.

On-job Training

In on-job training, inmates on regular work assignments are given job instruction by their foremen or supervisors on a planned rotation basis. On-job training is usually supplemented by several hours a week of related-trades instruction. A manual for the development of on-job training has been completed which attempts to standardize methods and procedures which have been found most successful.

Trade Training

Trade training is more formalized. Forty-one trade-training shops were operated last year in eight institutions. Each was a full-time training unit and met training, equipment, and shop-layout standards required for certification by trade schools, state vocational departments, and labor unions. Included were machine shops, sheet-metal shops, typewriter-repair shops, auto-mechanics shops, radio and electric shops, a brick

masonry, a commercial-art shop, and others. More than seven hundred inmates were enrolled for training in these units.

Deserving of special mention in connection with trade training is the Airplane Mechanics School at Chillicothe, Ohio. Since 1940 this unit has been the most highly developed Federal prison training project. It has been certified by the Civil Aeronautics Administration as a mechanics school, a ground instructor school, and as a repair station. This past year 36 men were graduated from the school and satisfactorily placed in work related to their training.

One of the most outstanding federal training units is the school for tabulating-machine operators at the National Training School for Boys in Washington, D. C. The International Business Machines Corporation has made available to this unit extensive machine equipment without cost to the Government. The unit does the machine-tabulation work for bureau and personnel statistics, and last year also carried out tabulating projects for the public-welfare and police departments of Washington, D. C. The program, inaugurated last year, of placing boys who have completed the course as daytime internes in the machine-tabulating divisions of government agencies while they are still living at the school was continued and proved highly successful. Last year 53 boys were enrolled for some period of time in the course; 40 completed it, of whom 29 were placed as internes. Thirty-five of the 40 boys who completed the course were paroled before the end of the year, and of these, 14 are known to have gone to regular jobs as IBM tabulating-machine operators.

Another highly developed training unit is the radio and communications course at Englewood, Colorado. Successful completion of the course and satisfactory performance on a required written and practical examination leads to certification, and to an operator's license issued by the Federal Communications Commission.

Related Trades Instruction

Related-trades instruction is an important feature of all the vocational work. Its purpose is to provide the trainee with background knowledge necessary for a better understanding of a trade and its practices. The instruction usually includes trade theory, interpretation of drawings, trade mathematics, safety practices, and information on employment opportunities and working conditions in an occupation. Also related-trades instruction was carried on frequently through correspondence courses.

The training in agriculture is individualized and is related whenever possible to the prisoner's own problem. The following letter illustrates the federal effort to individualize and to cooperate with outside agencies. It is from a county agricultural agent in reply to a request for an evaluation of an inmate's farm and for suggestions as to the training he would need to make it profitable.

"On investigation I find that the information given by B——— relative to the land available to him is accurate. It is the opinion of the responsible people who know his situation that the land he owns together with what he can rent does constitute an economic unit. The most common type of farming in the community is corn raising and gardening. One of his most serious handicaps

is the lack of farm equipment. People in his community do not recognize the value of good pastures and pasture care. Likely an understanding of the methods of maintaining soil fertility would be of value to him. Perhaps the best chance for money crops would be truck crops, fruits, and poultry. He might raise a limited acreage of tobacco. The soil in this county is capable of producing good quality burley.

"It had been suggested by _____ that if you do too good a job of teaching farming to inmate B_____, your institution may become more crowded with _____ county men."

A pleasing evaluation of the farm training is found in the following letter from another County Agent about a federal inmate already released:

"I am writing with reference to your letter of April 8th concerning Mr. G_____, who was a trainee in vocational agriculture under your supervision and released on or about September 1, 1947.

"Mr. G_____ is operating a farm which belongs to his wife, consisting of approximately 30 acres of cropland. Since Mr. G_____’s return to the farm, he has been carrying on a very nice program of work, having purchased a team of mules, two brood sows, and a number of cattle. He is apparently very much interested in his operations. Evidently the training received while at the institution was very beneficial.

"If I can be of further service to you concerning Mr. G_____, please feel free to call upon me."

Job Placement—The Federal Approach

Job placement is a logical development of a vocational-training program, its purpose being to develop employment opportunities for inmates who have had training or experience in some trade. Personal contacts with employers as well as cooperative relationships with state and federal employment agencies and with labor unions are involved. There are five federal placement units—at Atlanta, Leavenworth, Chillicothe, McNeil Island, and the National Training School for Boys. Each placement supervisor covers a particular area and handles all cases needing special employment assistance who are to be released in his area. There are therefore referrals from other institutions to each of the five units.

This past year about 1,100 placements were made, somewhat fewer than in previous years. More than a third were in jobs directly related to the training or job experience gained in the institution. Employers were more selective and more uncertain of their future needs than during the war and early postwar years and thus were less willing to insure employment of inmates appreciably in advance of their release dates. Placements required more personal contacts and correspondence by placement supervisors than heretofore.

The educational departments in several institutions have developed excellent relationships with state and federal agencies which have led to the approval of specific training programs and the certification of trainees. The Civil Aeronautics Administration and the Federal Communications Commission have already been mentioned. In addition,

certification of training in the Federal Prison Industries shops at Leavenworth has been approved by the Kansas State Board of Vocational Education; the Connecticut State Board has approved the typewriter-repair course at Danbury and trainees completing the course are certified as qualified mechanics. The State departments of education of Michigan, Oklahoma, and Pennsylvania grant high school and grade school diplomas to men in the Milan, El Reno, and Lewisburg institutions; and the Commission on Accreditation of the American Council on Education has approved for all federal institutions the use in individual cases of certain of their general education development tests to secure high school diplomas from inmates' local school systems. Obtaining such cooperation depends largely upon carrying on institution educational programs of high standards.

Prison Industry—The Federal Plan

Practically every federal prisoner is provided work in accordance with his capabilities, and in industries selling only to government agencies. Those who are not needed for maintenance tasks about the institution, on farms, on construction or building projects, in road and forestry camps, or on full-time vocational training projects are given industrial assignments. These industries are operating by Federal Prison Industries, Inc., a government corporation which is closely allied to the Prison Bureau and is in effect its industrial division.

All of the expenses of the corporation are met out of its earnings. At the end of the 1948 Fiscal Year the assets of the corporation, consisting of cash, accounts receivable, inventories, and plant and equipment, had a net value of approximately \$15,600,000. Up to the end of the year the corporation had paid into the Treasury of the United States dividends amounting to \$11,688,000. An additional dividend of \$1,312,000 was authorized during the year and paid into the Treasury shortly thereafter, making a total of \$13,000,000 paid into the Treasury in dividends since the corporation was organized.

Generally speaking, the activities of the corporation continued substantially on the same level as during the preceding year. Changing conditions made necessary the discontinuance of certain shops and the establishment of others in order to provide maximum employment and training opportunities and to maintain the industries on a sound economic basis.

The sales of the corporation for 1948 were 23 percent greater than the year before and its industrial profit of \$3,003,226 greater by 50 percent. Only during the war years when industries were geared to a much longer work week were sales and earnings greater. This year all federal industries operated on a 40-hour week.

In summary the financial and statistical highlights of the corporation's operations for the year are shown in the following:

INDUSTRIAL	
Sales to government agencies	\$14,785,201
Administrative expense	246,917
Net industrial profit	3,003,226
Dividends paid into treasury	2,000,000
Number of shops and factories	41
Number of institutions in which industries operated	19
Number of inmates for which full-time employment was provided	3,157

VOCATIONAL TRAINING

Number of training fields or shops-----	410
Number of inmates enrolled without duplication-----	7,956
Number of inmates completing training-----	4,100
Vocational training expense-----	\$326,887

"One of the most important tools looking to the rehabilitation of inmates is the opportunity to work thus provided," say federal authorities "No single factor contributes so much to readjusting the inmate as does providing him with useful and stimulating employment. He not only has an opportunity to learn how to hold his place in a modern production line but he is allowed to earn a wage adjusted to his efficiency and to his situation. The total amount paid in wages this year aggregated \$624,088. This was an average of \$16.47 per month per inmate for all types of labor."

The annual report for 1949 has been completed but has not as yet been approved by the board of directors; however, it will show there were 9,220 inmates enrolled in 474 training courses or shops, 5,504 of whom completed training. Out of the earnings of the corporation, \$385,129 was expended for vocational training. In addition to the training aspects the inmates were paid wages and received industrial "good time." Since the corporation was established, \$7,395,053 has been paid to the inmates in the form of wages. To quote a few other figures, the sales of Federal Prison Industries, Inc., in 14 years have amounted to \$152,583,936 with a net operating profit of \$26,374,573 of which \$13,500,000 have been turned into the treasury as dividends.

The industries were also closely coordinated with the vocational training program. A large number of the prisoners assigned to industries were there primarily for the purpose of learning a trade. Others were given training in the special trade-training units or related-trades classes which have been described.

The success many of those have met upon release has been encouraging. For instance, one of the inmates who worked in the glove factory at the correctional institution at Danbury, Conn., became so interested that he not only learned how to make all types of work gloves but also took a complete training course in the maintenance, upkeep and repair of the various types of machines used. Upon release, and with the wages he had saved, he started manufacturing work gloves in a small way. He now owns his own factory employing about 30 persons.

Another inmate who gained considerable skill as an artist by completing the commercial art course at the penitentiary at Terre Haute, Ind., is now successfully employed in an art studio at \$12.50 per day.

As a result of new legislation, Federal Prison Industries, Inc., was authorized to undertake the operation of industrial plants in Army and Navy disciplinary barracks. Preliminary surveys were made and discussions on contractual arrangements are in progress. It is expected that the Navy will desire industrial programs at their Portsmouth, N. H., and Terminal Island, Cal., institutions, while the Army has expressed an interest in such programs for their institutions at Camp Cook, Cal.; Milwaukee, Wis.; and Fort Leavenworth, Kan.

Analysis of H. H. Rudolph

The Cost of Idleness

Among the best statements of the problem of prison labor was that offered at the last national Congress of Correction by Mr. H. H. Rudolph, Superintendent of Industries, Indiana State Prison.

"We have come to realize," he said, "that each inmate is individual, not just a number, so how to make them over and what to do to accomplish our purpose, is a major problem and an expensive one to solve. I think we are in full agreement that idleness is our biggest worry. Letting inmates play checkers, spend long hours on the recreation field or loaf around the cell house or yard, certainly isn't going to do much to rehabilitate them. So, as one phase of penology, we have developed extensive educational and vocational programs, as a part of which we have 'Prison Industries.' Of course, prison industries are not anything new in the field of penology—they have been with us for many years—the difference is that in the old days most of them were operated by outsiders under the contract labor system. Men were placed in these shops as punishment, with little thought of teaching them something. I can well remember those days in my own institution. Prison industries were not considered too much as a vocational training function. Now, of course, the contract system has been outlawed in most states and shipment of prison-made goods has been either eliminated or considerably curtailed by state and federal laws and this change has really given us a big problem to solve.

"If we are to have a well-balanced industrial program, we must find an outlet for the products we manufacture. I believe that laws providing for a state-use system will give the greatest outlet for these products.

Antagonism to Prison Industries

"There seems to be a natural antagonism against prison industries by outside manufacturers and state legislatures are not too willing to appropriate the money needed for building and equipment, so we in this work not only have to fight hard to get the funds needed for capital outlay, we have to fight for laws that will permit us to dispose of the manufactured items.

"It is encouraging to know that there are men sufficiently interested and influential to interest their state legislatures in prison industries. I know of one state that has just recently appropriated \$4,000,000 for an industrial program. Many other states are expanding and improving their present facilities.

"In the old days, they tried to do everything by hand—using as little machinery as possible. Little attention was paid to methods used in outside industry. Today, if upon release, our inmates are to find their place in society, in industry, and on the farms, we must teach them methods used in outside industry—they must learn how to operate the more modern machinery that they are most likely to come in contact with.

"I find at our institution we have very few men who can handle a team of horses—they don't know how to harness them or care for them, but they do know how to handle a tractor. There are many men who would like to learn something about farming, so if we are to teach them in up-to-date methods, we must have up-to-date machinery and equipment and the farms should be operated on a scientific basis. We purchase hundreds of thousands of dollars of raw materials and in most cases they are

the best obtainable, therefore, what we manufacture with them should compare favorably with products manufactured by outside industry. You cannot do a good job unless you have something to do it with. Our own institutions and departments are our severest critics. We must have efficient personnel—our foremen and farm managers should be men who are experienced in their particular line. Too often we find a department head depending on some inmate to carry him along.

"I believe that most men commit crimes because they have too much time on their hands and they have not learned to use their heads or hands or to apply themselves in a gainful occupation. Prison industries can do a lot toward rehabilitation. Perhaps we cannot teach a man a trade that he can work at on the outside, but the one thing we can do is to teach him how to apply himself. Let us not practice slipshod methods in our shops. I don't think we should overload the shops with men just to have them assigned someplace. If we have just enough men in the shop to do the work and if we don't let them loaf, they will become industrious and develop confidence in themselves.

"When a man is assigned to work, the classification committee should give careful consideration to his ability, his physical and mental condition. Proper assignment is the first step toward his successful rehabilitation. Our job is made more difficult because we are dealing with men who in most cases are below average in intelligence and dexterity. We cannot expect to have all of the best men assigned to industries, but we should have a fair share of them.

The "Prison Look" Unnecessary

"In the shops of my institution, we have tried to do away with that 'prison look.' The old black and grey certainly isn't conducive to good morale. We have taken the advice of color experts and have used certain uniform color combinations in all shops. We have no grey walls with black trim. All machinery has been painted a pleasing shade of green—other colors are used denoting certain measures of safety practice. We have and are at present installing safety devices on all machines wherever possible to do so. It might cost a little money, but keeping the shop walls and ceilings painted, clean floors, clean machinery, well-arranged materials and general neatness, are all good builders of morale. Good lighting is also of great importance.

"In some states men are not permitted to smoke outside of their own cells. In other states men are permitted to smoke promiscuously. In the first instance I am sure that men will steal their 'smokes' and, of course, if caught, they will be punished in some manner. In the second instance, it seems to be bad practice—one I am sure will not be found in many industries. Outside industries have learned that rest periods at stated times, cleanliness and neatness in the shops, not only boost the morale of the worker, but give them greater production and better quality products. The outside worker is a human being—so is our inmate.

"In my institution, smoking had never been permitted in the shops. After many conferences with the warden, he finally approved rest periods during which time smoking was permitted. When that time comes, everything stops—the men do their smoking in the open. We have a 15-minute rest period in the forenoon and one in the afternoon. We get

just as much production and better quality workmanship. Shop discipline too has greatly improved.

Inmates' Compensation

"Quite frequently we receive questionnaires from some state institutions regarding the operation of industries in our own state and one question usually asked pertains to payment of inmates.

"I do not mean to belittle the importance of services rendered by inmates working in the dining room, powerhouse, hospital or other non-industrial departments, but I do feel that the men working in the industries should be given greater compensation than those in the service departments. Men working in the shops are more restricted in movement—they are under more pressure and usually there are greater physical hazards. They cannot have many of the privileges enjoyed by the nonindustrial departments. The shop worker is expected to produce merchandise of quality and in many cases the public becomes involved in its final use.

"I could go on for hours talking in general about prison industries. We won't all agree on everything, but one thing certain is that get-togethers like this and the discussions we have in our Penal Industries Association meetings, have borne fruit—maybe slow, but sure.

"Prison industries and the operations of large farms, are big business—sales run into the millions of dollars in many institutions—we have half a million dollars and more in inventories of raw materials and finished stock and unless our industries are operated efficiently and modern methods used, they may prove highly unprofitable and we will not gain full benefit from them, as a part of our vocational training."

The California Problem

The problem here, as stated recently by Director McGee of the Department of Corrections, is as follows:

"The prison population of the State of California has been increasing, since 1944, at the rate of approximately 100 per month. This means that the State is in need of an additional penal institution for adults every 12 months. I predict, on the basis of statistical studies, that this increase will continue for at least another three years. While our present prison population is 10,291, as of February 18, 1949, the experience of other states with similar population size and ingredients would lead us to believe that we must plan, over the next 10-year period, to provide facilities for approximately 15,000 adult prisoners. We have normal capacity and permanent structures, at the present time, for 5,300.

"In any prison, in a modern industrial and agricultural state like California, maintenance work, educational activities, agricultural employment, and the enforced idleness of unemployables will satisfactorily occupy the time of approximately 60 percent of a prison's population. Other types of constructive activity must be found for the other 40 percent."

Official Policy in California

"The policy of the Department of Corrections, with relationship to finding such employment to avoid the degenerating effects of idleness, has been as follows:

"1. We concur in the policy already established in the law of limiting the sale of prison-made products to tax-supported agencies, primarily to the State itself. There is only one exception to this in the State of California and that is the special law providing for the manufacture of jute bags for direct sale to farmers. This competes with no other industry in California.

"2. We believe that any activities of this nature into which the State may plan to embark are a matter of public interest. Accordingly, no new industry is established in any California prison without a properly advertised public hearing held before the State Correctional Industries Commission. This is now provided by law (1947 Legislature).

"3. We believe that labor, industry, agriculture, and the general public have both a responsibility and an interest in this matter. Accordingly, the Correctional Industries Commission, which has control of the establishment of new industries, has seven members represented as follows: Director of Corrections, chairman; two representatives of organized labor; two representatives of industry; one representative of agriculture; and one representative of the general public.

"4. We believe that prisoners should be employed at constructive and meaningful work which will contribute to their mental health, to their vocational rehabilitation, and to the support of the institutions.

"5. The necessity for eliminating idleness must be balanced against any undesirable exploitation of prison labor or the questionable practice of government entering into any extensive productive enterprises. The exploitation of prison labor is thoroughly safeguarded by both the constitutional and statutory law in California. For example, the Constitution prohibits the contracting of prison labor to private enterprise. The Penal Code is replete with provisions prohibiting any private advantage or profit from prison labor. Consequently, if prisoners are to be employed, the only possibility of so doing is for the prison system to develop and operate productive enterprises within the institutions.

"6. To avoid the possibility of any one prison industry adversely affecting that particular trade or industry in the State, the department has adopted a policy of diversification of industrial activities. In other words, it is our policy and our practice to establish numerous relatively small industrial activities rather than a few very large ones. The question of size, however, must be subject to practical administrative limitations including the employment of specialized foremen and superintendents, capital investments in buildings and equipment, and the size and character of the state-use market into which the products must go.

"7. Another factor which the department and the Industries Commission always consider is the question of whether or not any proposed industrial activity will compete with private employment in any important way within the boundaries of the State of California.

"8. Another consideration in the management of these activities is the selling price of the articles produced. When selling these products to other state departments and agencies of government, we attempt to keep the price as near the current wholesale market as possible.

"The current situation with respect to the employment of prisoners is set forth on the attached schedule which is a part of the regular report made by the Division of Correctional Industries to the Correctional Industries Commission as provided by law. You will note that, as of December 31, 1948, there were 2,456 employed in industrial activities and there were 510 idle men, able to work, in the system.

(Your committee wishes to comment at this point that quoted figures on employment often are not what they appear. Constructive, active, vigorous employment is something quite different from the "leaf-raking" work that sometimes is evident in institutions.)

"The department has no present plan to establish any new industries in the immediate future. Our present concern is to improve those industries we are now operating.

"Neither the department nor the Correctional Industries Commission believes that the entire "state-use" market should be exploited by prison labor or that there should be any excessive use of prison labor in competition with free labor. However, the management and operation of prisons is a necessary function of government and we believe it is only fair to suggest that all of the individuals and groups who have an interest or a stake in the question of prison industries should lend us the cooperation which we seek and should be prepared, each in his own way, to make a fair contribution to the handling of one of the most difficult aspects of State Government."

The Source of Difficulty ¹

Despite this seemingly sensible policy—fair to both industry and organized labor—there has been steady and concentrated opposition to almost every move made that would permit more constructive programs of industry within jails and within the prison system. Both the California Manufacturers Association and the San Francisco Labor Council, among others, have adopted resolutions opposing expansion of prison industry. Inasmuch as the proposed expansion has been set up along lines so diversified that neither industry nor labor would be seriously injured, your committee arrived at the following conclusion:

On both state and local levels, a vigorous approach to this problem has been lacking. It is imperative that those responsible for prison and jail administration should conduct vigorous educational campaigns to enlighten industry and labor concerning the desirability and ultimate economy of an integrated and far-reaching program of prison industry and agriculture. This calls for hard work by prison officials outside our prison walls, but if industry and labor are properly informed, there is every reason to believe that they will cooperate with an expansion program here which will bring constructive prison work closer to the level existing in prisons in other states and in the federal system.

Having treated it fully in past reports, your committee will not deal with the State's admirable institution at Chino. But at this point it wishes to call attention to a practice that seems fundamentally bad. Although operation of Chino appears excellent, it lies on poor land that was cropped to death before purchase. The plant itself is a monument also, to improper planning, with heavy walls and even gun towers that have never been used. And while professional laborers were hired to

¹ Mr. Meyers and Mrs. Niehouse do not agree to all of the language in the subjects "The Source of Difficulty" and "A Sample Protest"

construct most of this expensive edifice, inmates are being taught plastering on projects at which they do construction work for practice, then tear it down and start over.

A Sample Protest ¹

Your committee urges that every effort be made to bring business, labor and agricultural leaders as close as possible to the problems inherent in the operation of industry and agriculture by prison inmates. Once they are thoroughly familiar with the problems involved, past experience in other states indicates, their uninformed opposition will diminish.

Here is a typical protest, one of many recently addressed to your committee chairman.

"DEAR SIR: We have in our possession a copy of 'Proposed Interim and Long Range Industrial Program for the California State Department of Corrections.'

"May we refer you to the heading of 'Potential Production Possibilities, Interim Type No. 1,' concerning leather carrying cases and bags.

"This, in our opinion, is the most unfair practice that any state institution can take part in. Not only do our taxes go into the rehabilitation of prisoners, but at the same time, they will be in direct competition to our business, thus throwing out of work those people who make a living and earn that living honestly.

"The facts are sufficient to warrant your taking appropriate measures to correct this unwanted competition to honest labor.

"Thank you for your intervention on our behalf."

This letter was received from a Los Angeles manufacturer of industrial leather goods. The obvious answer—one which most fair-minded citizens will agree to whether they be farmers, businessmen or labor union members, might be summed up thus:

"I note that you are opposed to prisoners entering into industry, especially as it pertains to leather carrying cases and bags. I do not believe, however, that you would go so far as to say that when the State has the right to lock people up and deprive them of any labor activities that the State should waste its labor resources any more than it should waste its money in the bank. The net result is the same. Certainly men and women cannot be incarcerated and required to sit on benches all day long. If this program is not to be carried out and, since something like 5,000 prisoners are being released annually, I think you can begin to visualize what kind of a crime problem we would have. Men would be turned out who would be totally unfit for work mentally and physically, who would most likely follow a life of crime. The employment angle is a most important one.

"Obviously if people are to be employed they must have something to do and if the State is going to realize on this after the added cost of operation, the work must be useful and being useful it is most certain to have some bearing on private industry. However, I believe that the record will show that there is very little for you or anybody else in California to be alarmed about when it comes to prison labor.

¹Mr Meyers and Mrs Niehouse do not agree to all of the language in the subjects "The Source of Difficulty" and "A Sample Protest"

"In the first place all of our legislation is designed to see that prison labor shall not be sold on the public market and should only be used by state and other public agencies which are tax supported.

"Then again, the prison population in California, while now very high with a total of 10,000, this is only one prisoner to 1,000 population. Most of these people were undoubtedly in production before they were incarcerated and were not then considered a liability because they were producers. Of the 10,000 in prison less than 2,500 were employed in industries last year, or about one-fourth of the total, which means that only one person out of 4,000 population in the State is employed in prison industries. Of this latter number about 1,000 are employed only part time, which then means that only one prisoner to 7,000 population is on full-time employment. Since prison labor is not so productive as free labor it would appear to me that the threat to private industry is indeed very, very small.

"Furthermore, I do not believe that you would want to go along with the idea that the State should not only support the prisoners out of pocket, but that it should have to support a free man to wait on the prisoner.

"You know that there is a very heavy drive to keep down the cost of government and no doubt you are one of those who feel that the matter is getting out of hand. I am one who believes that state hospitals and prisons should do everything possible within their own resources to become as near self-supporting as wise discretion will permit. To say otherwise would be like saying to the bank that we will put our money away and borrow your money and pay you interest and this, obviously, would not do.

"It is true that those who meet with competition by prison labor, even though it be restricted, are tax payers but also there are others who are tax payers and have a right to be considered in the cost of government.

"In closing I might add that I have now before me letters from private industry that take the position that prison labor, so long as it is confined to producing the needs of State Government or other tax supported agencies, is not harmful to private industry."

Prison Industry on Local Levels

Difficult as the situation is on the State level, with prison production lagging far behind that of other progressive states, on the local level the situation is even worse. County and city jails for the most part make no effort whatsoever at providing constructive work for inmates which would help them help themselves and at the same time save huge amounts of money in construction and maintenance costs. Custodial personnel at the Los Angeles County Jail, for example, informed committee members that it was well-nigh impossible to get jail tanks repainted because such painting would have to be done by labor union members. Your Committee feels that there is no reason why jail inmates should not provide such maintenance. At least a concentrated drive to educate union labor would result in labor's agreement to permit such maintenance work to be done by inmates.** ***

** Not concurred in by Mr. Meyers

*** Not concurred in by Mrs. Niehouse

Furthermore, it seems clear that employment in institutions should be something more than mere labor. It should operate always side by side with well-organized training programs that definitely move the inmate toward greater skills and employability.

Preparing Prisoners for Jobs

In mapping pre-release programs and in attempting to secure jobs for inmates about to be released and parolees, there appears to be a general failure to give due consideration to the fact that few employers are willing to hire a person sight unseen. This problem was graphically expressed to the committee members recently by Richard A. Leutheuser, Supervisor of Salaried Personnel for the Ford Motor Company at Dearborn, Michigan.

Mr. Leutheuser said, "We feel that after a person has been released from prison he had paid his debt to society for the crime he was convicted of and this should not be a barrier in considering him for employment. His abilities are evaluated in the light of our present employment needs and in the event that a suitable opening does present itself, he is given the same consideration as other competing applicants.

"One of the primary problems in dealing with this type of applicant is that most institutions require that the inmate have employment prior to his release as a parolee. Of course, we are not in a position to make a final offer to the inmate until he has been interviewed, and such interviews are difficult, if not impossible, to arrange for obvious reasons."

In view of this situation, your committee earnestly recommends that, at least on the state level, steps be taken to set up special quarters near metropolitan areas for those about to be released. For example, prisoners about to be released who formerly resided in and near Los Angeles might be transferred from institutions throughout the State to special quarters at Chino. Here they might receive a few final weeks of living as close as possible under conditions approximating civilian life. They might, furthermore, be transported to and from Los Angeles daily in groups for the purpose of seeking interviews and jobs.

Apprentice Training

In line with the study which the committee has made in connection with the release of people from our penal institutions, especially the younger groups, we have examined the possibility of the opportunities offered by the Division of Apprenticeship Standards of the Department of Industrial Relations.

In too many cases these young people are released, to take a place in society without any training in a skill which would enable them to look forward with the feeling of pride or satisfaction which the trained mechanic possesses—the feeling of multiplying of wealth through the use of skill and knowledge by which a dollar's worth of raw material is converted into an article worth ten or a hundred dollars.

A very large number of the younger people who leave our institutions are forced to enter that always-large pool of unskilled labor, from which so large a proportion of the inmates of our penal institutions come.

The Division of Apprenticeship Standards of the State of California is bringing together, through a unique setup, representatives of industry

and labor, who contribute their time and effort without pay—and the unskilled young man who wants to learn a skill, under a definite fixed plan, which will enable him to look forward with certainty that his income will be higher and his condition of employment better because of his skill and knowledge.

We have visited shops, plants and offices where these apprentices are employed, we have talked with them, with their employers and with representatives of a number of labor unions. The work of the people of the Division of Apprenticeship Standards consists largely of providing a plan, which provides for orderly and fixed rates of pay on a progressive scale together with a rotating system which enables the apprentice to become familiar with the complete technique of his chosen trade. Each apprentice is required to attend classes—which are set up under the standards of the State Department of Education.

Employers tell us that they are wholeheartedly in favor of the apprenticeship plan which is activated through the Division of Apprenticeship Training, because it will insure a supply of trained mechanics, of which there is a shortage which for the past ten years has reached alarming proportions.

California is said to have the largest program of apprenticeship training in the United States, the present number being about 30,000 in trades and skills ranging from accountancy to woodworking.

This committee can see no reason why from 600 to 800 of the young inmates, among those released each year from our Youth Authority and penal institutions, could not be integrated into the apprenticeship training program—with positive advantage not only to themselves, but also to society as a whole, without adding a cent to the tax load of the citizen.

California could put such a plan into effect without any overlapping of the activities of either the Youth or Adult Authority or the Division of Apprenticeship Standards—each carrying out the present established policies of their own respective agency. A simple plan of integration of activities should result in an entirely new application of effort which is of public benefit.

As has been mentioned at the present time it is difficult for a person in our institutions to make employment contacts, because nearly all employers, especially the larger in most cases, the more desirable employers—want to see and talk with the prospective employee. This is especially true in the case of the employment and indenture of an apprentice. The plan under discussion could be solved by conditional parole, enabling the prospective employee and employer to meet and talk things over and to insure that each will be satisfactory to the other.

A second problem which would arise in some cases is finances. Some of the young men, who would otherwise be satisfactory to prospective employers and in the cases involving union membership, to the labor members of the committee, would need financial assistance for a short period of time. Both the industry and labor union members suggest that the State arrange for loans in these cases, repayment to the State to begin after the beginning of the second six-month period of apprenticeship employment.

The costs of incarcerating persons in our institutions ranges from \$750 to \$2,000 per year; therefore, it can readily be seen, that even if

some defaults in the loans should occur, the State would come out ahead. Society as a whole will be better served by any plan which converts a tax-eater into a taxpayer and which increases an inmate's skill, making him a more valuable member of society.

LOCAL CORRECTIONAL PROBLEMS

In the following section of this report your committee desires to comment on local jails and correctional facilities. In past reports, this committee has presented voluminous and detailed reports on the barbaric conditions prevailing in most of the smaller jails throughout the State. Following these investigations and reports the Legislature enacted a law setting up on a state-wide basis minimum standards for feeding, clothing and bedding. It remains a fact, however, that many jails throughout the State are still a century behind in maintaining standards in line with present-day concepts of what a jail should be. In the last report of the Federal Bureau of Prisons jails are rated by states on a percentage basis. In California 70 jails were inspected. Of these, 48 were rated under 50 percent, 15 from 50-59 percent, four from 60-69 percent, one 70-79 percent, and two 80-89 percent. For contrast, of 27 jails inspected in the State of New Jersey only four were rated under 50 percent, while 13 were 50-59 percent, seven were 60-69 percent, two were 70-79 percent, and one was 80-89 percent.

Nevertheless, progress has been made, particularly on the county level. Rather than continue its past policy of repeatedly pointing out short-comings, your committee would like at this time to briefly sketch some of the possibilities that can make rehabilitation effective for inmates while, in the long run, saving large sums of money for the taxpayers. The sheriff's departments of Alameda and Los Angeles Counties have both inaugurated large-scale "jail farm" projects, which are recognized as a major means of solving the jail problem. Both departments have based their progress on the premise that expensive concrete walls and steel bars are not necessary for the majority of prisoners. In both cases, experience to date bears out this premise.

General Observations

There is a deep and fundamental difference between the operation of the sheriff's department and the police chief. The sheriff's fundamental job is jails. He is not subject to the political pressures, the vice and crime problems of city government—relatively at least.

Jailers, neither city nor county, usually know other jails well. However good the city administration, it is well nigh impossible for a good city jail program to develop, because of the difficult problem of getting enough attention and interest from the police chief, who has many problems other than jails on his hands. A good metropolitan jail is generally the result of almost superhuman efforts by the officer in charge of it.

It should be remembered that Los Angeles County, for example, might run hospitals for the mentally ill better than the State could, and cheaper; but if it did, hospitals in small counties probably would be below par. Therefore, mental hospitals are operated on a state level, and small counties can receive service as adequate as large ones. Similarly, if all jails were on a city level, it is likely that a few would be good but

most of them—especially in the county's smaller towns—would provide poor custody.

A sentenced prisoner, it should be remembered, is on his way through a total trip that includes contacts with many enforcement, custodial and releasing agencies, and maladjusted prisoners. Yet no one body patrols the whole route. It should have some semblance of such patrol, for the whole route cannot be good if sections of it are bad.

Los Angeles County Sheriff's Program

The rehabilitation work done by the sheriff's office of Los Angeles County, certainly one of the more outstanding projects of its type in the State, had its origin in the early 1920's with the simple but then startling concept that the existing chain gangs might, at least in some cases, be operated without the chains.

From the chain gangs of the 'twenties to the present is a lesson in slow but progressive thinking and methodical application of such thinking to practical situations. Today the Sheriff's Division of Rehabilitation operates an impressive "honor farm" with approximately 720 prisoners, Biscailuz Center—a juvenile facility; six road camps, and numerous roving "work parties." Thus we see that, to quote one local authority, "The custodial problem is whatever you make it."

The road camps, which launched the program, were instituted under former Sheriff William I. Traeger and were a success from the start. The present county jail's inadequacy to hold the increasing stream of prisoners, in 1937 prompted the present sheriff, Eugene Biscailuz, to conceive what has become the Wayside Honor Farm.

Such "farms" already were in existence elsewhere but had not generally been successful—perhaps primarily because they were "over-sold" to authorities as a cheap means of detention.

The long-range economy of such farms is indisputable, but it should be remembered that they require the serving of three substantial meals daily (as opposed to the two light ones given in most jails) and more personnel for supervision than a concrete bastion requires. The Wayside Farm started simply with 20 men. By 1947 it contained 300 men. In the latter year the custody of all prisoners in the sheriff's department was officially divided between the main security unit (the county jail) and a new division of rehabilitation.

A New Approach

The new division immediately was faced by a series of policy decisions, most of them intimately tied to the problem of the county jail's overcrowding. (With a rated capacity of 1,756 its actual load today is close to 3,000.) Besides expansion of outside units, the division decided to institute study and development of rehabilitation programs.

A new policy was inaugurated whereby the judge, if he saw fit, could set aside a felony conviction and sentence to the county jail instead of sending the convict to a cell-block. In other words, if committed to the sheriff, instead of State prison, the convict would be treated as a misdemeanant. Jails, the division is agreed, as are most authorities on penology, should be primarily for detention or to hold persons in transit, and for persons needing medical attention.

The division next decided to increase the capacity of the Wayside Honor Farm to 1,200 and make it a self-contained unit with the three conventional levels of security—minimum, medium and maximum.

By enactment of new legislation in the 1949 Regular Session of the Legislature it was also made possible to set up a classification committee designed to study and assign all persons as they were received into the sheriff's custody, thus determining the degree of security needed. The same committee was charged with the granting and revocation of "good time" to prisoners.

The rehabilitation program being carried out by the sheriff's department was inspired by the fantastically overcrowded conditions in the county jail. It was not expected to be a panacea, and has not been one. Despite the fact that it is one of the most enlightened and extensive programs being carried out in California to relieve jail congestion, it remains a fact that teen-age boys are kept in cells in the county jail under horribly overcrowded conditions because there is no room for them in the old juvenile hall.

The 1949 Grand Jury took a critical look at conditions among juveniles in the county jail and found that very often three boys are put in one cell, the third boy sleeping on a mattress on the floor in front of the toilet. When it is necessary to add a fourth boy, he sleeps on the deck. In the daytime two boys sit on the bunks, the other two on the rolled up mattress, leaving very little room for moving around inside the cell.

On pleasant days, an hour's exercise on the roof is permitted.

A teacher is provided but in the dim light of the cells young eyes neither can, nor should, do much reading. The jury has recommended to the supervisors that adequate lighting be provided. This has not been done, and we hereby repeat the recommendation.

One boy has been held under these conditions for 125 days, the jury found. The average stay is 33 days.

Nevertheless, as we have said, a start has been made. In discussing the operation of a county facility as opposed to a city jail a few basic facts should be kept in mind.

Throughout the program there is evident a very definite attempt to make the word rehabilitation meaningful. For example, although the rehabilitation program of the sheriff's department obviously recognizes that the foundation of all rehabilitation is work, the solution often is not as simple as it might seem. Many men in custody, it is found, can neither read nor write. Inasmuch as rehabilitation, in the end, means adjustment to the society we live in, for such persons mere work cannot be regarded as a solution. The county program is making concrete efforts through care and treatment programs now being worked out to attack this fundamental educational problem in a sensible way. The county program is also noteworthy in that its administrators are attempting to relate their work as closely as possible to the general public welfare programs. When it is realized that there are some 400 agencies in the county dedicated to welfare work it becomes apparent that the sheriff's rehabilitation division is to be commended for its vigorous efforts to gain all possible help from these welfare agencies. The Los Angeles Welfare Federation has a committee now working to bring the benefits of its agencies to the prisoners within the jurisdiction of the sheriff's program.

Special comment is due Biscailuz Center, the juvenile detention facility which is part of the sheriff's program. This is a minimum security unit located only a few miles from downtown Los Angeles where the sheriff's department detains 16-18-year-olds because there is no room for them at Juvenile Hall. It is not a prepossessing facility physically, but a single illustration is enough to demonstrate the vast superiority of this open air, sunlighted detention camp to leaving youngsters to rot behind the bars of the county jail:

For years a problem at the jail has been the tearing up and defacing of the jail walls by idle juveniles. At Biscailuz Center one of several work projects is the making of adobe bricks, which provides a constructive expenditure of youthful energy and which the inmates work at willingly if not with eagerness. The policy at the center is one of tiring the inmates out daily, both through strenuous work and a full program of sports activities. Approximately 3,000 juveniles moved through this facility last year and the record shows a total of only seven escapes. This record of so remarkably few escapes indicates the efficacy of a program of strenuous activity, its directors believe, and it has changed the thinking of custodial authorities concerning 16-18-year-olds considerably in this area.

Productive Work and Other Problems

The Rehabilitation Division faces the same knotty problems as do state and federal penal and correctional institutions, and among these none is knottier than that of industrial production. This problem is treated at length in other sections of this report. As it affects the Rehabilitation Division, the principle issue is competition with private business, organized labor and agriculture—or the fear of such competition by these groups. Just as state correctional institutions seem to lag behind the federal program in solving this problem, so this county program appears to lag behind the state program. Already mentioned has been the statement of officials in the county jail that the use of inmates for painting jail walls has been strongly opposed by union labor. It appears that the production program within the Rehabilitation Division could be greatly expanded without any serious threat to industry, labor or agriculture. The present policy is, on the whole, to produce only for the division's own use. Your committee sees no valid reason why projects in the division should not produce for many more county institutions. The bakery at Wayside Honor Farm, for example, produces only for its own use. Yet it has the capacity to make all the bread needed by all county institutions. It has been estimated that this would give the county a saving of approximately \$50,000 a year.

Another difficult problem facing the Rehabilitation Division are the county road camps, of which there are six—all under its jurisdiction. These are classed as medium security, with no guards at night. Two difficulties are apparent:

- (1) The camps are operated by the State Highway Department, with the county furnishing only the prisoners and guards—a situation which breeds administrative friction.

- (2) Road camp prisoners are paid 50 cents per working day, while prisoners at the Wayside Honor Farm receive no compensation for their labor.

Although the division is woefully understaffed, a well thought-out program of classification and orientation exists and is in operation in skeleton form. More than 100 prisoners are booked daily into county jail. About 25 or 30 come under the jurisdiction of the Rehabilitation Division's classification board. The others stay in jail to await trials or are released under probation by court order or go to a penitentiary. Almost all of those who go before the board have received specific sentences of 30 days to a year.

Members of the board include a representative of the main security unit (county jail), the head of the Rehabilitation Division or his representative, and a lay member. A staff member of the division gives the prisoners group interviews, during which they fill out questionnaires covering their social background and explaining what if any particular personal problems they face.

Because the staff of the board at present consists of one highly competent but overworked person, the intensive "cumulative case history" which the division would like to provide for each prisoner is impossible. The staff member is, at present, forced to select only those persons which the group interview indicates it is most necessary to interview personally. The cumulative history is a well thought-out device which follows the prisoner on his trip through the county's custodial system.

The committee closely observed the operation of the classification board and found the attitudes of its members to be intelligent, painstaking, social minded and sympathetic to the problems of the convicts. This attitude was in striking contrast to the "police" attitude of the County Parole Board, one of whose meetings members of the committee also attended.

Before assignment to one of the Rehabilitation Division's facilities, the prisoners receive a full day educational treatment which includes lectures on alcoholism, institutional routines, and the mechanics of probation and parole.

Thus, it appears to your committee that the County Rehabilitation Division lacks only sufficient funds to make an outstandingly intelligent operation of the handling of county prisoners. The framework is there, the program is already in operation on a limited scale and the approach to the problem obviously is being guided by officials thoroughly acquainted with the best modern techniques for making incarceration a rehabilitative experience rather than mere punishment and degradation.

Alameda County Sheriff's Department

The Santa Rita Division and Rehabilitation Center of the Alameda County Sheriff's Department is another example of isolated, outstanding struggle to make rehabilitation a meaningful word.

History

Located on U. S. Highway 50, about 25 miles southeast of Oakland, and about one and one-half miles north of the town of Pleasanton, this division and other county departments utilize the buildings, facilities and 3,000 acres of land occupied during the war years by the Naval Camps Parks and Shoemaker. Many of the Navy facilities were left

intact and have been adapted to the needs of the sheriff's and other departments of the county government.

During the war years and immediately thereafter, it became apparent that the facilities for taking care of the county's law violators were painfully inadequate. Oakland's Fifth Street Jail was both antiquated and overcrowded; the courthouse jail was never intended to hold other than men awaiting trial, and the prison farm near Fairmont Hospital was both overcrowded and lacked space for any organized program of rehabilitation.

During the spring of 1946 negotiations were started with the Navy by Sheriff Gleason and the board of supervisors, which culminated in a lease for that part of the property, including the disciplinary barracks and about 56 adjoining acres, at \$1 per year. This lease has since been extended an additional 10 years and amended to include all of Camp Parks and Shoemaker at the same rental, with the possibility of permanent acquisition at a nominal sum.

On November 6, 1946, the first group of workers arrived to place the buildings and facilities in operating condition, and on January 3, 1947, the inmate and officer personnel of the old farm was transferred to Santa Rita. Within the following few days, personnel of the Fifth Street Jail, including the women's section, was transferred. Also moved to the new location, was the office and personnel of the Livermore Valley substation, which for geographic reasons and convenience to the public now functions operationally as a section of the Santa Rita Division.

Objective and Program

The objective of the sheriff here is two-fold. First, the physical and mental rehabilitation of the county's law violators; second, to do this with minimum expense to the taxpayer by making the program as nearly self-sustaining as possible.

To accomplish these objectives, medical, farm, industrial, vocational and educational programs were initiated by Sheriff Gleason in the early part of 1947, and in April of this year the Alcoholic Clinic was started with the employment of a full-time medical officer, who is also a psychiatrist.

Education

The educational program is sponsored by the local Amador Valley Joint Union High School District, and includes both academic and vocational classes. Shop classes are conducted daily, except Saturday and Sunday, and classes in elementary and high school subjects are conducted five days a week. Physical education, leathercraft, American history, and a special class for people learning to read and write, are some of the more popular subjects. The physical education instruction is closely coordinated with the athletic and recreation programs, which include basketball, softball and boxing. Inmates have the opportunity to complete work for a high school diploma, and a number have received such certificates of completion while here.

The vocational instruction is closely coordinated with the industrial and farm programs, actual construction, maintenance and farm work being carried out by the men participating. Homemaking, typing, shorthand and history are some of the subjects given in the women's classes.

There are something like 3,000 acres of land available to the sheriff, 500 of which are now under cultivation, and facilities for custody of 1,500 to 2,000 prisoners, with a population of only 500. Great quantities of paint were purchased and all buildings in use for housing and living quarters for the staff have been painted pure white. The buildings are one-story structures with plenty of lawn and air space between them. There have been practically no escapes during the last year. From 27 escapes over the period of time during which the place has been in operation only one person has not been returned. He has been gone since August 10th.

The project is really moving ahead. On the date of the committee's recent visit the following items were noted: 73 head of cattle, 150 hogs with about 30 new litters within about three weeks; 2,000 sacks of barley were raised, 650 sacks of wheat, 900 bales of hay, and 80 tons of beets were traded in the open market for 1,700 pounds of sugar; 280 tons of tomatoes were sent to the cannery in exchange for canned tomatoes with a value of about \$6,138. The project has manufactured about 2,000 toys for the county welfare department. Staff members include one psychiatrist, two male nurses, therapists.

Noteworthy is the alcoholic clinic used for both legal and voluntary commitments. The total in the clinic in December was 111; 10 were sent there as volunteers in December, six in November, and 10 in October. Those who were able to pay or whose relatives were able to pay were charged \$50 per month for the treatment. Commitments are under Section 647 of the Penal Code. The sheriff is not claiming that the clinic will be a success, but has established it on a trial basis.

Problems in Smaller Communities

Members of your committee have inspected numerous custodial facilities in smaller communities, and discovered again what has been obvious in the past—general inadequacy.

Past committee reports have dealt exhaustively with custodial shortcomings and lack of programs in smaller communities and your committee will not at this time repeat the story. It will merely mention in passing a few comments from reports of the Department of Corrections on small communities which were made following visits to these communities by members of your committee. Members of your committee, in the course of a trip which passed them through the area, paused to visit the jails at Dos Palos, Merced County, and Firebaugh, Fresno County. Investigations made by the Department of Corrections, at the instigation of your committee, brought forth the following complaints.

Firebaugh:

1. The physical structure of the Firebaugh Jail is inadequate with respect to bedding, heating, lighting, sanitation, ventilation and general cleanliness.

2. Adequate jail supervision is practically impossible without added personnel.

3. There is a definite need for administrative and financial agreements with agencies other than the city which are now also making use of the Firebaugh City Jail.

4. Women are occasionally held in these jail quarters which are definitely inadequate for such detention.

From the above, it appears that the holding of women in the Firebaugh City Jail may be in violation of the California Penal Code, and that a number of other conditions fall short of minimum jail standards as established by the State Board of Corrections.

Dos Palos:

1. The jail is badly in need of cleaning and painting.
2. Adequate jail supervision is practically impossible without added personnel.
3. Women and, occasionally, juveniles are held in these jail quarters which are inadequate for such detention.

From the above, it appears that the holding of women and juveniles here, too, may be in violation of the California Penal and Welfare and Institutions Codes, and that several other conditions fall short of minimum jail standards established by the State Board of Corrections.

It is hardly necessary to repeat once more that shortcomings of such local jails are merely symptomatic of a general lack of custodial programs. Indeed the jails, poor as they are, are the only evidence in most such communities of any program whatever. Rehabilitation, probation and parole are unknown entities.

This is not to say, however, that jail facilities are inadequate only in small communities. The City of Los Angeles has plans under way for an extensive addition to its downtown Lincoln Heights jail. These include extensive quarters for confinement of sentenced city prisoners, whereas all the best authorities in the field agree that extensive downtown steel and concrete bastions are undesirable, and that most sentenced prisoners should be removed to jail farms, road camps and the like, where they will not deteriorate in idleness.

Equally shocking is the situation in the City of Oakland where authorized representatives of the State Board of Corrections have just reviewed plans for a jail in the proposed new Hall of Justice. The Board of Corrections has made the review in accordance with Section 6029 of the California Penal Code which requires such review.

The committee is shocked to learn that jail plans for a city the size of Oakland would be so improperly drawn as is indicated in the following disapproving comments by the Department of Corrections inspection report:

"It is noted that the proposed new jail structure will house approximately 800 inmates and that the present jail population, composed mainly of short-term misdemeanants and unsentenced persons, approximates 300 inmates. The need for such a large jail in Oakland is evidently based upon a plan to confine sentenced city prisoners in the proposed new city jail rather than send them to the Alameda County (Santa Rita) Rehabilitation Center, as is now the case.

"The Board of Corrections does not favor the construction of this type of jail which results in the confinement of sentenced persons for long periods of time in near idleness. It is their belief that, insofar as possible, constructive treatment should be provided for all sentenced persons. Otherwise, confinement accomplishes little except temporary removal of the prisoner from the streets. In accordance with these principles, the following recommendations are made to the City of Oakland:

- "1. Take the necessary steps to establish a meaningful work and treatment program for all sentenced city prisoners who might possibly

benefit from such a procedure. This might be accomplished by continuing the present practice of committing city prisoners to the Alameda County Rehabilitation Center at a fixed rate per inmate; or, by the City of Oakland establishing a jail industrial farm of its own.

"2. Plan a 400-inmate central holding jail for unsentenced and for short-term sentenced persons.

"If the City of Oakland decides to continue with present plans, the following suggestions are offered in connection with the proposed 800-inmate jail:

"1. Provide a passageway from the stairway directly into the courtroom holding area so that male inmates do not have to go into the women's section on the third floor to get to the courtroom.

"2. Provide a screening device, or otherwise arrange visiting facilities, so that visitors do not have unobstructed vision into inmate dayrooms on each floor.

"3. It is noted that single cells in most cases are located at the far end of corridors away from the central supervision offices. It would be desirable to locate these cells nearest the supervision, if possible.

"4. It is felt that toilets and showers should be included in the employees' locker room on the second floor."

The committee has not been able to thoroughly investigate the question but it feels fairly certain that Section 6029 of the Penal Code, requiring all plans and specifications of places of detention to be submitted to the Board of Corrections for recommendations is not being uniformly followed. It recommends that steps be taken immediately to see that this law is strengthened and rigidly enforced.

The shortcomings of the jail facilities throughout the State cannot be blamed entirely on the communities involved. Your committee wishes to note that there is a serious bottleneck in the State Division of Architecture where the drawing of plans has been repeatedly delayed. It has been estimated that more than 100 construction programs have been delayed because of this administrative inadequacy.

SAN QUENTIN HOSPITAL INVESTIGATION

The committee finds the psychiatric department at San Quentin is completely swamped and unable to carry out its professed job of treating sex psychopaths and other pathological inmates.

The committee's own investigation and that of a criminologist it employed revealed that the psychiatric staff would at least have to be doubled before any claim to "correctional therapy" within the prison walls could be considered more than a slogan.

A breakdown by Dr. David G. Schmidt, chief psychiatrist at the prison, reveals that about 500 of the inmates are actually psychotic, that only five psychiatrists are available for the population of close to 5,000 inmates, and less than two hours attention a year are possible for approximately 1,300 inmates who are on the treatment list.

This still leaves 2,400 men at San Quentin who have been recommended for treatment psychotherapy, whom we cannot treat because of staff shortage and 1,200 more not recommended for treatment about one-half of whom ask for treatment but we do not have the staff to give them psychotherapy at San Quentin, according to Dr. Schmidt.

Especially disappointing, the committee found, is the treatment of sex offenders. Claim is being made that sex offenders are receiving psychiatric treatment at San Quentin. Our investigation has demonstrated that this "treatment" is completely unsuccessful and therefore only lip service to the modern correctional requirement of psychotherapeutic treatment of sex offenders.

The committee investigated the hospital and psychiatric services a year ago and found them highly unsatisfactory, but had withheld its findings at that time when it was indicated conditions would be improved.

The reform has not happened, so the committee feels its proper recourse is to make public its findings. It believes more staff and facilities should be provided as soon as possible.

There is much discussion of building new correctional and hospital facilities, but here is a step that can be taken immediately and one that is relatively inexpensive.

There is little doubt that San Quentin is well run generally, or that the psychiatrists now there are able and devoted. Nevertheless, in this fortresslike prison, many among the 5,000 human beings are being injured rather than benefited while lip service is being given to the words "treatment" and "rehabilitation."

Other Committee Findings

1. The committee regards as strange the fact that there are only 150 hospital beds for a population of 5,000 and that less than half of those are available for medical or surgical cases. This is in contrast with Jackson, Michigan, where 500 beds are provided for a slightly larger population.

2. Utensils in the hospital clinic seem to be insufficient and unsatisfactory. Hospital facilities generally seem inadequate. The cleanliness leaves much to be desired. The individual rooms and their equipment appear unworthy of an otherwise well-conducted prison.

3. Physical facilities for psychiatric treatment are unsatisfactory. Electroshock is being administered in the presence of other patients who are compelled to watch the procedure.

Opinion has been expressed by responsible authorities, that this criticism of San Quentin's prison hospital is unduly harsh.

Warden Clinton T. Duffy, for whom the committee has the highest respect, has replied to your committee's criticism by saying, "This legislative committee is part of the very Legislature that repeatedly has turned down our requests for a larger staff. We have needed more help and have asked for more help but the Legislature has cut our appropriations instead."

Governor Warren has been quoted in the press, replying to the committee findings, to the effect that the difficulty is overcrowding and that California is operating "as enlightened a prison system as is to be found anywhere."

Your committee submits that these statements do not answer the specific findings of the committee, i.e., that the San Quentin prison hospital is improperly operated in many respects. The nature of the criticisms leveled by the committee indicates, obviously, that these shortcomings are caused by bad hospital administration as well as lack of staff and facilities.

Your committee urgently suggests further and immediate investigation by competent and recognized authority of this hospital, which is clearly one of the most important facilities in our prison system. The committee's study was intensive and it uncovered what appeared to be additional shortcomings. These the committee deems it not proper to make public without further investigation.

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 judgment, 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 services 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 Definition of the Term Insanity

Legislation introduced at the last regular session of the Legislature posed the question of the inadequacy of the definition of "insanity" employed by California courts in determining culpability for criminal acts, and suitability of mentally deranged persons for trial and punishment. The California courts employ the common law test of knowledge of right and wrong, a test which does not recognize the contributions of modern psychiatry to the concept of mental derangement sufficient to excuse a criminal act or render a convicted criminal eligible for custodial treatment different from that accorded other persons so convicted. It is the committee's conclusion that the Legislature should adopt a statutory definition of mental derangement for the three purposes mentioned which would recognize certain categories of compulsive behavior and patterns of mental derangement which are ignored by the common law definition.

Your committee recognizes that there would be no necessity for splitting hairs over a definition of insanity in relation to persons charged with or convicted of crimes if the State of California had a sufficiently specialized program of custody and treatment for convicted persons. In such a happy situation, it would make no difference with respect to social consequences whether or not a mentally deranged person charged with a crime were treated as an incompetent or as a responsible individual.

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 Dr. Alfred C. Kinsey

In this connection, the committee would like to offer the following comments by Dr. Alfred C. Kinsey, Professor of Zoology at Indiana University and author of the well-known "Kinsey Report." Dr. Kinsey notes the importance of society's being protected from the following types of sex behavior:

- (1) Relations which involve the use of force.
- (2) Relations which involve adults and very young minors, with the concept of what constitutes a young minor being lower than that which it attains in the technical law of most states today.
- (3) Sexual behavior which is compulsive and/or repetitive and involves activity which openly affronts society.

"People involved in the above activities should be given special clinical attention and provisions made for their treatment as mental cases to be paroled or retained indefinitely in custody until there is sufficient clinical evidence that such persons are not likely to repeat their social offense."

He suggests the recommendation that "the laws on indecency, sodomy, premarital and extramarital intercourse, etc., be considerably relaxed or abolished. I would again draw your attention to the fact that this was the recommendation made by the British Psychiatric Association and the British Bar Association last spring. I would note that such action was taken by the Swedish Parliament some five or six years ago.

"Whether our society is yet objective enough about variant sex customs to abolish these laws, the fact remains that these laws do not in actuality protect property or persons but merely custom. Persons who are offenders under these laws constitute more than 90 percent of all sex offenders who are convicted in our courts; but since it is in these areas that the law departs most from the custom of a high proportion of the population, it is in these areas that administration of the laws becomes most capricious, and the individuals involved become liable to action resulting from spite, envy, blackmail, etc."

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

reformatory force. Of course, the offender does not commit public offenses while he is incarcerated, but without adequate treatment during incarceration, 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 indeterminate 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 involve 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 and a Criminal Court, Its Uses and Possibilities," 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.

LINDER, 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.

PUBLIC HEARINGS, CITY OF OAKLAND, JANUARY 4, 5, AND 6, 1950

The committee held public hearings in Oakland to investigate charges that members of the City of Oakland Police Department had engaged in repeated unlawful practices in the course of arresting and detaining persons suspected of crime. Specific charges had been made that brutality by police officers had been particularly directed toward minority racial groups in Oakland.

It was the opinion of the committee that a case study of the situation in a particular city would indicate most vividly the possibility of abuse of the police power, the nature of such abuse, and needed action at the state level to remove such possibility or relieve against it. It was the feeling of the committee that poor local police work inevitably resolves itself into immediate state problems in the custodial and rehabilitative fields.

The committee heard a large number of witnesses, many of whom recited knowledge of unlawful arrests and unjustified use of force by Oakland police officers in their treatment of persons of the Negro race. Two cases of mistreatment of Spanish-American persons were developed

in testimony before the committee. All charges of specific acts of brutality were contradicted in the testimony of the police officers named in the charges, most of whom appeared before the committee in the afternoon and during the later evening of January 6th. In cases where police officers admitted the use of force upon persons, the officers asserted that the force was used necessarily.

Committee Conclusions Re: Oakland Police Department **

The evidence presented to the committee was lengthy but incomplete and of necessity the committee makes no findings of guilt or innocence of the officers charged with particular acts of brutality and/or discrimination. In this respect the committee's function might be compared to that of a judge in the case of a preliminary examination of persons accused of purported felonies. In the exercise of this function, the committee, on the basis of evidence presented to it, concludes that there is reasonable cause to believe that acts of police brutality and/or racial discrimination have occurred in Oakland. This conclusion is strengthened by the observations of Walter Gordon, Chairman of the Adult Authority, that the temptation for acts of angry force confronts a policeman continuously and that it is a rare police force which does not suffer dereliction in this respect, and the conclusion is further strengthened by evidence presented to the committee to the effect that the Oakland force has administrative deficiencies and lack of proper program for combating this common vice of police departments.

It is the conclusion of the committee that the problem of elimination of police brutality and minority discrimination confronts every police chief and can be answered only by an aggressive program directed at its elimination coupled with general high standards of personnel qualification and in-service training backed up by summary, if limited, disciplinary power in the chief.

On the subject of discrimination against minorities the committee heartily concurs in the recommendation of Walter Gordon, Chairman of the Adult Authority, that qualified members of minority groups should be given equal consideration in police employment and once employed should not be restricted to areas populated by their particular people. The reasoning for this conclusion is the fact that such a policy eliminates the factor of discrimination in the employment itself, tends to increase general public respect for the minority group in question and encourages the belief in the minority group that the department is not operated by strangers and is not a pistol pointed at them.

The committee took special note of the testimony of the Chief of Police of Oakland that under the Oakland city charter he has very little direct disciplinary control of men in his department. That power appears to rest in the city manager. Nor does the Chief of Police in Oakland have available, under the charter, any assistants in his office standing in a confidential relationship to him; likewise, he is apparently without specific funds for an adequate program of in-service training for his men. Comparison was made in testimony between the caliber of the police force of the City of Berkeley, which city lies contiguous to Oakland, and the police force of the City of Oakland, with the indication that the Oakland Police Department suffers greatly by the comparison. There was

** Mr. Meyers objects, in part, to entire report on Oakland Police Department.

much testimony to the effect that complaints of racial discrimination and brutality by police in the City of Berkeley are few in number as compared with complaints made in Oakland. Further testimony along this line of comparison indicated that the police force of Berkeley is organized so that the Chief of Police is in direct disciplinary control of his men, with confidential assistants to enable him to determine at all times the exact operation of his department on lower levels.

The committee feels that high standards of professional conduct and policy among the leaders of a police department will be reflected throughout the ranks of the law enforcement officers where the leaders of the department are in a position to enforce the policy by discipline and by adequate programs of training. Even more important is the ability of a department to attract men of good education and good background for police work, with a particular view to their impartiality in the enforcement of law among all classes and groups of citizens.

Committee Recommendations

The committee is aware that problems arising in local areas are in most cases effectively dealt with on a local level. However, the committee would, as a result of its hearings in Oakland, recommend that the Legislature take the necessary action to provide standards of minimum qualification in education and training for all law enforcement officers in the State. Such standards should be prescribed with the design to secure a class of law enforcement officers in this State highly professional in character. The expected result would be an impartial and equal enforcement of the law as among all classes of citizens.

The committee also recommends that a law be enacted to require that the booking of a person in places of detention upon his arrest for crime include an official statement of the person's physical condition, indicating whether any marks, bruises, lacerations, etc., appear upon his body, both at the time of entering into a place of detention and at the time of departure therefrom. It is believed that this measure, if enacted, would serve both as some protection for arrested persons from violence at the hands of police and as some protection of police personally against groundless charges of brutality.

General Observations

The committee urges that the Legislature and all public officials who are in any position to correct and avoid evils in the process of law enforcement should take immediate steps to improve whenever possible the relationship existing between police personally and minority racial groups. It was testified at the hearings that 90 percent of the Negro population of the City of Oakland are persons under the age of 45 years. The committee regards this as a most significant fact. It should be strikingly apparent that such a group as this one in particular is a young generation, and that the impression they receive of the standards and operation of our local government at this time will be a lasting one. The value of fair treatment of these persons and the consequent benefits flowing therefrom to all of society could not be overemphasized.

The committee calls attention to two interesting points concerning recent Oakland in-migration by racial minorities.

First, it was stated by reliable authorities, a major part of the influx has come from the southwestern states—not from the “deep south” as is frequently said. Second, studies conducted by social scientists have shown the educational rating of the in-migrants to be relatively high. In other words, the newcomers belonging to race minorities are not the uneducated, illiterate type of persons they have so frequently been asserted to be.

THE PROBLEM OF POLICE BRUTALITY IN RACE MINORITIES IN LOS ANGELES

In past reports, your committee has commented unfavorably upon the Los Angeles Police Department and race minority problems under its jurisdiction. During the last several months this issue has been studied. Numerous instances of alleged brutality have been investigated. Scores of charges of improper conduct by Los Angeles police officers have been received and run down.

Although in very recent years the committee has found more than adequate grounds for complaint on behalf of race minorities in this critical area, it is a pleasure to report that a great improvement has taken place, particularly under the administration of Los Angeles’ new police chief William Worton. Isolated instances of poor judgment on behalf of officers of course occur, but your committee is convinced that vigorous policy is now in effect to reduce racial tensions and to enlighten police officers on the most intelligent techniques for dealing with racial issues.

The educational and training features of the Los Angeles Police Department now in effect could be studied with profit by any city desiring to improve its police work.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today Upon Adjournment—

Rules.

Governmental Efficiency and Economy.

Social Welfare.

Interim Committee on Public Relations.

Next Tuesday, April 4th, at 8 p.m.—

Revenue and Taxation. Subject: County Sales Tax—Assembly Bill No. 131.

ADJOURNMENT

At 4.15 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.15 a.m., Tuesday, April 4, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY
THIRTIETH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, April 4, 1950

The Assembly met at 10.15 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Ellhott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Landsay, Lapscomb, 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.

Quorum present.

**Request for Unanimous Consent That Name of Mr. Kirkwood Be Placed
Upon Morning Roll Call**

Mr. Silliman asked for, and was granted, unanimous consent that the name of Mr. Kirkwood be placed upon the morning roll call, and that he be recorded as being present as he is just temporarily away from the Chamber.

REQUEST FOR UNANIMOUS CONSENT THAT PRAYER BE PRINTED IN JOURNAL

Mr. Dickey asked for, and was granted, unanimous consent that the prayer, offered by the Chaplain, Dr. Torrance Phelps, during this morning's 1950 Regular (Budget) Session, be deemed the prayer of this session, and be ordered printed in the Journal.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Infinite God: May we rise in thought for a moment into that mysterious world beyond the visible and the tangible about us—the infinite world of Easter.

The world of mystery—the mystery of the heavenly realms in which Thou and all the holy presence and the loved ones in glory dwell.

The mystery of Thy Spirit, omniscient and omnipresent, where the morning stars sing together, and yet the light of our minds and the love of our hearts.

The mystery of the *invisible soul* and the *immortal mind* within us, infinite in destiny, transcending time and space.

“Beyond the spectrums violet bar,
Other spheres there are,
And realms that touch us not,
Voyaging afar.”

—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Clarke, further reading of the Journal of the previous legislative day was dispensed with.

**REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS
BE EXCUSED**

Mr. Evans asked for, and was granted, unanimous consent that the members who were excused this morning in the 1950 Regular (Budget) Session be excused, at this time.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Evans.

Mr. Lincoln, on motion of Mr. Evans.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Davis, on motion of Mr. Evans

Mr. Erwin, on motion of Mr. Evans.

Mr. Lowrey, on motion of Mr. Evans.

COMMUNICATIONS

By the Chief Clerk:

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

ELK GROVE, CALIFORNIA, April 2, 1950

Mr. Arthur A. Ohnismus
Chief Clerk, Assembly
State Capitol, Sacramento

DEAR ARTHUR: Please convey to the Members of the Assembly my deep appreciation for the fine resolution passed by them at the time of my mother's death.

The friendships I made during my terms in the Assembly will long be remembered and their thoughtfulness at this time makes me feel very grateful

Sincerely yours,

DWIGHT H. STEPHENSON

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

The following resolution was offered:

Assembly Concurrent Resolution No. 18: By Mr. Cloyd—Relative to leaves of absence from the State of Members of the Senate and Assembly.

Referred to Committee on Rules.

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

Assembly Bill No. 138: By Mr. Hawkins—An act to provide for the Public School System and for that purpose; to repeal Chapters 2, 12, 13, 14, 15, and 16 of Division 3 of the Education Code; to repeal Sections 4713, 8704, 8761, 9613, 9614, 9615, 9616, 9617, 9642, 9645, 9809, and 16486 of said code; to repeal Article 10 of Chapter 16 of Division 2 of said code; to repeal Sections 671 and 671.1 of the Welfare and Institutions Code; to add Chapters 2, 12, 13, 14, 15, and 16 to Division 3 of the Education Code; to amend Section 16256 of said code, and to add Sections 8704 and 8761 to said code, and to provide that this act shall take effect upon the adoption of a constitutional amendment ratifying its provisions.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

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

Assembly Bill No. 84

Assembly Bill No. 98

Assembly Bill No. 128

And reports the same correctly engrossed

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

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

Assembly Bill No. 46—An act to amend Sections 5512 and 5513 of the Welfare and Institutions Code, relating to sexual psychopaths;

And reports that the same has been correctly enrolled, and presented to the Governor on the fourth day of April, 1950, at 11 a.m.

HUYCK, Chairman

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER. Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 60

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

NIEHOUSE, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 17

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

NIEHOUSE, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

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.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 31

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

NIEHOUSE, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 127

Assembly Bill No. 134

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

NIEHOUSE, Chairman

Above reported bills ordered to second reading.

Committee on Municipal and County Government**ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950**

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Senate Bill No. 26

Senate Bill No. 27

Senate Bill No. 25

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

STANLEY, Chairman

Above reported bills ordered to second reading.

Committee on Legislative Procedure**ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950**

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

Assembly Bill No. 3

Assembly Bill No. 64

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

MESSAGES FROM THE SENATE**SENATE CHAMBER, SACRAMENTO, April 3, 1950**

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

Senate Bill No. 3

Senate Bill No. 6

Senate Bill No. 13

Senate Bill No. 29

Senate Bill No. 32

Senate Bill No. 35

Senate Bill No. 36

Senate Bill No. 37

Senate Bill No. 38

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 amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives.

Referred to Committee on Social Welfare.

Senate Bill No. 6—An act to amend Section 290 of the Penal Code, relating to registration of sex offenders and sexual psychopaths.

Referred to Committee on Judiciary.

Senate Bill No. 13—An act to amend Sections 19601 and 19613.5, and to repeal Section 19613.6, of the Education Code, relating to child care centers, and making an appropriation therefor.

Referred to Committee on Education.

Senate Bill No. 29—An act to amend Sections 2164, 2165, 2165a, and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients.

Referred to Committee on Social Welfare

Senate Bill No. 32—An act to amend Sections 14, 25, 26, 28, 29, 35.2, 35 3, 45, 45.5, and 45 7 of, and to add Section 39 2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

Referred to Committee on Municipal and County Government.

Senate Bill No. 35—An act to create the Donner Summit Public Utility District, declaring the urgency of this act to take effect immediately.

Referred to Committee on Public Utilities and Corporations.

Senate Bill No. 36—An act to add Section 30.3 to the Public Utility District Act, relating to limitations on indebtedness and declaring the urgency of this act, to take effect immediately.

Referred to Committee on Public Utilities and Corporations.

Senate Bill No. 37—An act to add Section 118.2 to the Welfare and Institutions Code, relating to warrants issued to recipients of public assistance.

Referred to Committee on Social Welfare.

Senate Bill No. 38—An act to amend Section 974 of the Municipal Utility District Act, relating to municipal utility districts, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Utilities and Corporations.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 3, 1950

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

Assembly Bill No. 1
Assembly Bill No. 34

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

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

Above bills ordered to unfinished business file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1

Mr. Brown asked for, and was granted, unanimous consent that he be permitted to take up consideration of Senate amendments to Assembly Bill No. 1, out of order, at this time.

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1

Assembly Bill No. 1—An act to add Sections 330.1 to 330.5, inclusive, to the Penal Code, relating to slot machines, prohibiting the possession thereof and certain acts and transactions pertaining thereto, prescribing the penalty for violations of this act, and providing for the confiscation of such machines.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "330.5", and insert "330.6".

Amendment No. 2

On page 2 of said bill, after line 50, insert

"SEC. 6. Section 330.6 is added to said code, to read:

330.6. The provisions of Sections 330.1 to 330.5 inclusive of this code, with respect to owning, storing, keeping, possessing, or transporting any slot machine or device as therein defined, shall not apply to any slot machine or device as therein defined located upon or being transported by any vessel regularly operated and engaged in interstate or foreign commerce, so long as such slot machine or device is located in a locked compartment of the vessel, is not accessible for use and is not used or operated within the territorial jurisdiction of this State."

SEC. 7. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable."

Amendment No. 3

On page 1 of said bill, line 1 of the title, strike out "330.5", and insert "330.6".

Amendment No. 4

On page 2, line 50, of said bill, after "purchases", strike out the period, and insert "; and it is further expressly provided that with respect to the provisions of Sections 330.1 to 330.4, inclusive, only, of this code, pin ball, and other amusement machines or devices which are predominantly games of skill, whether affording the opportunity of additional chances or free plays or not, are not intended to be and are not included within the term slot machine or device as defined within Sections 330.1 to 330.4, inclusive, of this code."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 1 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Clayed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher,

Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Sillman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None

Assembly Bill No. 1 ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP CONSIDERATION
OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 34**

Mr. Caldecott asked for, and was granted, unanimous consent that he be permitted to take up consideration of Senate amendments to Assembly Bill No. 34, out of order, at this time.

**CONSIDERATION OF SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 34**

Assembly Bill No. 34—An act to add Section 330b to the Penal Code, relating to slot machines.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 34?

Amendment No. 1

On page 1, line 19, of the printed bill, after "value", insert "; provided, however, that this section, insofar as it relates to owning, storing, possessing, or transporting any slot machine or device as hereinafter defined, shall not apply to any slot machine or device as hereinafter defined, located upon or being transported by any vessel regularly operated and engaged in interstate or foreign commerce, so long as such slot machine or device is located in a locked compartment of the vessel, is not accessible for use and is not used or operated within the territorial jurisdiction of this State".

Amendment No. 2

On page 2 of said bill, after line 13, insert
"SEC 2 If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable"

Amendment No. 3

On page 1, line 17, of said bill, after "value", insert "or additional chance or right to use such slot machine or device."

Amendment No. 4

On page 2, line 4, of said bill, after "value", insert "or additional chance or right to use such slot machine or device."

Amendment No. 5

On page 2 of said bill, after line 13, insert
"(4) It is expressly provided that with respect to the provisions of Section 330b only of this code, pin ball, and other amusement machines or devices which are predominately games of skill whether affording the opportunity of additional chances or free plays or not, are not intended to be and are not included within the term slot machine or device as defined in said Section 330b of this code"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 34 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Diekey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Rumford, Sherwin, Sillman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—70.

NOES—None

Assembly Bill No. 34 ordered enrolled.

**STATEMENT OF LEGISLATIVE INTENT RE ASSEMBLY BILL NO. 1
AND ASSEMBLY BILL NO. 34**

With respect to Assembly Bill No. 1 and Assembly Bill No. 34, for the purpose of establishing legislative intent and to guide the Members of the Legislature in acting on them, we desire to state that the intent of these bills is to make illegal the possession of the so-called slot machines in their various forms and we do not intend to prohibit possession of what is commonly known as a pin ball machine

RALPH M. BROWN
THOMAS W. CALDECOTT

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

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

Assembly Bill No. 139: By Mr. Lindsay—An act creating the Water Supplies and Systems Fund in the State Treasury and making an appropriation.

Referred to Committee on Conservation, Planning, and Public Works.

**CONSIDERATION OF DAILY FILE (RESUMED)
UNFINISHED BUSINESS (RESUMED)
NOTICE OF MOTION TO RECONSIDER SENATE BILL
NO. 17 WAIVED**

Mr. Brady waived his notice of motion to reconsider the vote whereby Senate Bill No. 17 was passed

Senate Bill No. 17 ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER CONTINUED

By unanimous consent, the consideration of notice of motion to reconsider vote on the following bill was continued until the next legislative day:

Assembly Bill No. 61, on motion of Mr. Geddes.

SECOND READING OF SENATE BILLS

Senate Bill No. 23—An act to amend Section 6010 of, to add Section 6011.5 to, the Insurance Code, relating to insurance and to the standard form of fire insurance policy for county mutual fire insurers.

Bill read second time, and ordered to third reading.

**REQUEST FOR UNANIMOUS CONSENT TO REFER BACK TO ASSEMBLY
BILL NO. 61 ON UNFINISHED BUSINESS FILE**

Mr. Thompson asked for, and was granted, unanimous consent that Assembly Bill No. 61, on the unfinished business file, be taken up, at this time.

MOTION TO RECONSIDER ASSEMBLY BILL NO. 61

In compliance with a notice given on a previous day, Mr. Geddes moved that the vote whereby Assembly Bill No. 61 was passed be reconsidered.

Point of Order

Mr. Thompson arose to the following point of order: That Mr. Geddes is not speaking to the question.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

The question being on the motion by Mr. Geddes to reconsider the vote whereby Assembly Bill No. 61 was passed.

The roll was called, and Assembly Bill No. 61 refused reconsideration by the following vote :

AYES—Babbage, Brady, Burke, Burkhalter, Butters, Cloyed, George D. Collins, Condon, Conrad, Crowley, Dills, Doyle, Dunn, Evans, Gaffney, Geddes, Hansen, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lipscomb, Luckel, Maloney, McCarthy, Porter, Sherwin, Smith, Tomlinson, and Waters—32.

NOES—Beck, Bennett, Berry, Caldecott, Coats, Connolly, Cooke, Crichton, Elliott, Fletcher, Fleury, Grant, Grunsky, Hagen, Hahn, Hawkins, Lewis, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Rosenthal, Rumford, Silliman, Stanley, Thompson, Weber, and Yorty—30.

Assembly Bill No. 61 ordered transmitted to the Senate.

RESOLUTIONS

The following resolutions were offered :

By Mr. Evans :

House Resolution No. 42

Relative to congratulating Clayton A. Dills on his forty-second birthday

WHEREAS, April 2, 1950, marked the forty-second birthday of our esteemed colleague, Clayton A. Dills, who was born on a Texas farm, the fifth son in a family of seven boys and two girls; and

WHEREAS, Clayton A. Dills came to California in 1925 with his parents and was educated in California schools; and

WHEREAS, Clayton A. Dills was elected to the Assembly in 1942 from the Sixty-seventh District and has been re-elected in 1944, 1946, and 1948; and

WHEREAS, Clayton A. Dills has served well and faithfully throughout these years and has earned the respect and friendship of his fellow members; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly join heartily in extending congratulation to Clayton A. Dills on his forty-second birthday; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Clayton A. Dills.

Request for Unanimous Consent

Mr. Evans asked for, and was granted, unanimous consent to take up House Resolution No. 42, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

By Messrs. Morris and Evans :

House Resolution No. 43

Relative to commending the Division of Narcotic Enforcement of the Department of Justice and Walter R. Creighton, Chief of the Division

WHEREAS, The Division of Narcotic Enforcement was created in 1929 when it became apparent that the narcotic problem was reaching such proportions that something should be done by the individual states, independently of federal participation, to prevent the increase in the abuse of narcotic drugs; and

WHEREAS, The Federal Narcotic Bureau has neither authority nor facilities to take over narcotic enforcement problems involving the ordinary narcotic trafficker and addict, that bureau being concerned primarily with tax regulations, interstate transactions, and smuggling; and

WHEREAS, The Division of Narcotic Enforcement cooperates with the Federal Bureau of Investigation, the United States Customs Service, and the Federal Narcotic Bureau, and also all branches of law enforcement agencies throughout the State, and often participates in activities involving great personal risk to its members; and

WHEREAS, In addition to enforcement work relative to illicit narcotics the division controls the use of medicinal narcotics prescribed and administered by the medical profession and maintains a program of preventive educational work; and

WHEREAS, The efficient job done by the division is seldom accorded publicity such as is given to the work done by other federal and state law enforcement agencies and is therefore virtually unknown to the people of the State of California; and

WHEREAS, The Division of Narcotic Enforcement, and its chief, Walter R. Creighton, are highly deserving of praise and publicity for the service being rendered to the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby commend the Division of Narcotic Enforcement of the Department of Justice, and its Chief, Walter R. Creighton, for the faithful and efficient service rendered to the people of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Division of Narcotic Enforcement of the Department of Justice.

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

By Mr. Yorty:

House Resolution No. 44

Relating to the study of proposals for the construction of
Centennial Memorial Buildings

WHEREAS, Legislative proposals have been made for the erection of two centennial memorial buildings to stand as permanent memorials of the completion of this State's first 100 years of statehood; and

WHEREAS, It was urged that one of the proposed centennial buildings be erected in the northern part of the State on the Berkeley Campus, of the University of California, to house the Bancroft Library; and that one be erected in the southern half of the State to house historical and cultural materials and activities having to do primarily with the southland; and

WHEREAS, In order for the Legislature to intelligently consider and act upon such proposals, additional information concerning the same is required; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Governmental Efficiency and Economy, is hereby requested and directed, in addition to the duties otherwise conferred upon it, to carefully study and investigate the proposals contained in A B 784 of the 1949 Legislative Session for the erection of centennial memorial buildings, and any other proposals that may be submitted to the committee, and to report to the Legislature during the 1951 Regular Session upon the results of its study and investigation and its recommendations in connection therewith.

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

ANNOUNCEMENT

Mr. Beck announced a Democratic luncheon meeting and Caucus at noon, today, at the Hotel Sacramento

ANNOUNCEMENT OF COMMITTEE MEETINGS

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

Today upon recess—

Rules.

RECESS

At 10 45 a.m., on motion of Mr. Dickey, the Assembly recessed until
2 15 p.m.

REASSEMBLED

At 2.15 p.m., the Assembly reconvened.

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

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION TO SET SPECIAL ORDER

Mr. Dunn moved that Assembly Bill No. 65 be made a special order of business for today, April 4, 1950, at 3.40 p.m.

Mr. Sherwin seconded the motion.

The roll was called, and the motion carried by the following vote:

Ayes—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Doyle, Dunn, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hineckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Matoney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Reagan, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—66.

Nays—Kilpatrick—1

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

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

Assembly Bill No. 140: By Messrs. Weber, Lindsay, Hansen, and Cloyed—An act relating to regional public works districts, including the definition, formation, operation, maintenance, powers, duties, officers, employees, merger, consolidation, alteration, and dissolution thereof.

Referred to Committee on Conservation, Planning, and Public Works.

**MOTION THAT 3,000 COPIES OF ASSEMBLY BILL NO. 140
BE PRINTED**

Mr. Weber moved that 3,000 copies of Assembly Bill No. 140 be ordered printed for the use of interim committees.

Motion 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. 141: By Mr. Coats—An act granting certain lands owned by the State of California to the County of Butte for public park purposes upon certain trusts and conditions.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 142: By Messrs. Maloney and Gaffney—An act making an appropriation for an investigation of the cost of proper living for women and minors and the consideration of the findings thereof.

Referred to Committee on Industrial Relations.

Assembly Concurrent Resolution No. 19: By Messrs. Waters, Geddes, Doyle, Fletcher, Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Condon, Connolly, Conrad, Crichton, Dickey, Dolwig, Evans, Fleury, Grant, Grunsky, Hineckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, Luckel, McCarthy, McMillan, Meyers, Morris, Moss, Porter, Reagan,

Rosenthal, Rumford, Silliman, Smith, Thompson, and Weber—Relative to the adjournment sine die of the 1950 First Extraordinary Session of the Legislature of the State of California.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered :

By Mr. Kirkwood :

House Resolution No. 45

Relative to the retirement of Assemblyman John F. Thompson from the Assembly of the State of California

WHEREAS, John F. Thompson has announced that he is retiring from the Assembly at the conclusion of this term to campaign for election as State Senator, and

WHEREAS, John F. Thompson came into this Assembly with an intimate knowledge of the problems facing the State of California and the Twenty-ninth Assembly District, having resided in the Twenty-ninth Assembly District since birth; and

WHEREAS, John F. Thompson has acquired through long, personal experience an intimate knowledge of the agricultural and water problems of the State, and of his district, and has worked constantly for the alleviation of these problems through legislative action; and

WHEREAS, During his service as Assemblyman, John F. Thompson has devoted himself vigorously and conscientiously to the work of this Legislature, serving on important committees, and as Chairman of the Committee on Public Health; and

WHEREAS, John F. Thompson's ability, character, conscientiousness and faithful performance of his duties have proved to be valuable assets to the State, and have earned for him the admiration and respect of the Members of this Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend John F. Thompson for his decision to campaign for the position of State Senator, and express the hope that the capable and conscientious service which John F. Thompson has rendered to the people of his district and to the people of the State of California will not terminate with his present term, but will be continued in the Senate of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to present a suitably prepared copy of this resolution to John F. Thompson as an expression of the friendship and esteem of all of the Members of this Assembly, and as evidence that he takes with him their best wishes for success in his campaign for election as State Senator.

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

By Mr. Dunn :

House Resolution No. 46

Relative to augmenting the funds of the Assembly Interim Committee on Public Education

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Public Education (created by House Resolution No. 242, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

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

By Mr. Dickey :

House Resolution No. 47

Relative to an investigation of sanitation and water quality problems in the Tijuana River watershed

WHEREAS, Members of the Assembly Interim Committee on Water Pollution were most cordially received by Delegado Enrique Perez Rul, Mayor of the City of Tijuana, on behalf of Governor Alfonso Garcia Gonzalez, Governor of the North

District of Baja California, and conducted on an extensive tour of the watershed of the Tijuana River in Mexico, and

WHEREAS, The Mayor and other officials of the City of Tijuana met in San Diego with the Assembly Interim Committee on Water Pollution and representatives of the San Diego Regional Water Pollution Control Board and discussed common problems of sanitation and water quality in Tijuana River watershed; and

WHEREAS, The conferees agreed to secure, by joint action, all information relative to these complex problems and present that information to the United States and Mexican sections of the International Boundary and Water Commission—Mexico and United States, with recommendations for appropriate action to correct any undesirable conditions, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly of California expresses its sincere appreciation for the cordial reception and excellent cooperation extended to the representatives of the State of California by Mayor Enrique Perez Rul and his staff, Senor Alfonso Abarea Navarro, Senor Heriberto Morales Zazueta, Senor F. Kraus Morales, and Senora Rosa Maria Perez Rul de Luengo; and be it further

Resolved, That the State Department of Public Health and the State Division of Water Resources are requested to give priority to a study of conditions of water quality in the Tijuana River, and are further requested to present this information and their recommendations to the San Diego Regional Water Pollution Control Board so that a complete report can be made to the United States section of the International Boundary and Water Commission, and all other appropriate action taken by the Board; and be it further

Resolved, That in conducting these studies the State Department of Public Health and the State Division of Water Resources are directed to cooperate in every way with the officials of Mexico and to provide them with suitable reports of all information secured; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitable copies of this resolution to Mayor Enrique Perez Rul, Senor Alfonso Abarea Navarro, Senor Heriberto Morales Zazueta, Senor F. Kraus Morales, and Senora Rosa Maria Perez Rul de Luengo, of his staff, to the Chairman of the San Diego Regional Water Pollution Control Board, to the Director of Public Health, and to the State Engineer

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

By Mr. Dickey.

House Resolution No. 48

Relative to extending the best wishes of the Assembly to Judge T. W. Harris of the Alameda County Superior Court

WHEREAS, Since this year will be the last of the many years of outstanding service by Judge T. W. Harris on the bench of the Superior Court of the State of California and for the County of Alameda, it is fitting and proper that the Members of the Assembly should now pay tribute to this able and faithful public servant.

In January, 1899, T. W. Harris was appointed Deputy District Attorney of Alameda County. On October 30, 1905, he was appointed Superior Court Judge by then Governor George C. Pardee. This year the electors of Alameda County will not find his familiar name on the election ballots as a candidate for reelection since, having reached the age of 90 years, he has concluded not to be a candidate for reelection.

Judge Harris acted as Presiding Judge in Alameda County commencing in 1918. When the Judicial Council came into being in 1926, and formal provision was made for that office, he was chosen Presiding Judge by his fellow officers and has continued as such ever since.

In all the years of his service Judge Harris has performed his duties ably and with such a keen sense of justice and fairness as to earn the high regard and respect of all who are familiar with his work. His departure from the bench is a real loss, and the contributions he made toward the administration of justice in the State of California will long be remembered; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby express their appreciation to Judge T. W. Harris for his many years of fine service as Judge of the Superior Court, and their hope and best wishes that he may enjoy many well earned, happy years following his retirement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Judge T. W. Harris.

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

By Messrs. Connolly, McCarthy, Berry, Gaffney, Meyers, George D. Collins, Brady, and Dolwig:

House Resolution No. 49—Commending and congratulating Thomas A. Maloney upon completion of 25 years in the Legislature of California.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 49 As Co-Authors

Mr. Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 49, as co-authors.

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

House Resolution No. 49

Commending and congratulating Thomas A. Maloney upon completion of 25 years in the Legislature of California

WHEREAS, Thomas A. Maloney has served a total of 25 years as a Member of the California Legislature, eight years as a Member of the Senate and 17 years as a Member of the Assembly; and

WHEREAS, The ability and integrity of Thomas A. Maloney has been recognized by his fellow Members of the Assembly in his election to the office of Speaker pro Tempore, which position he has held for eight years; and

WHEREAS, Thomas A. Maloney has during his service in this Legislature authored and had enacted into law innumerable measures which have been to the immeasurable benefit of the people of California; and

WHEREAS, His record is such that his constituents in the Twentieth Assembly District have seen fit to assure his re-election this year by allowing him to be a candidate without opposition, now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby commend and congratulate Thomas A. Maloney on the completion of 25 years of service as a Member of the California Legislature and express to him their sincere and heartfelt appreciation for his kindness and his generosity through the years; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Speaker pro Tempore Thomas A. Maloney

Request for Unanimous Consent

Mr. Connolly asked for, and was granted, unanimous consent to take up House Resolution No. 49, at this time, without reference to committee or file

Resolution read, and adopted unanimously.

Hon. Randal F. Dickey Presiding

Hon. Randal F. Dickey, Member of the Assembly from the Fourteenth District, presiding.

RE-REFERENCE OF BILL

By order of the Speaker, the following bill was withdrawn from the file and re-referred as follows:

Assembly Bill No. 64 re-referred to the Committee on Governmental Efficiency and Economy.

ANNOUNCEMENT

Mr. Geddes announced that after consultation with various members it does not appear in the best interests of the Assembly for the Assembly Interim Committee on Finance and Insurance to hold a previously announced hearing in Stockton on April 10th; and that such meeting is postponed until further notice.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No. 40
Assembly Bill No. 47

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

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 4, 1950

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

Assembly Bill No. 52
Assembly Bill No. 53

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

Above bills ordered enrolled.

CONSIDERATION OF SPECIAL ORDER

The hour having arrived, Assembly Bill No. 65 was taken up.

Assembly Bill No. 65—An act to provide for the Public School System and for that purpose; to repeal Chapters 2, 12, 13, 14, 15, and 16 of Division 3 of the Education Code; to repeal Sections 4713, 8704, 8761, 9613, 9614, 9615, 9616, 9617, 9642, 9645, 9809, and 16486 of said code; to repeal Article 10 of Chapter 16 of Division 2 of said code; to repeal Sections 671 and 671.1 of the Welfare and Institutions Code; to add Chapters 2, 12, 13, 14, 15, and 16 to Division 3 of the Education Code; to amend Section 16256 of said code, and to add Sections 8704 and 8761 to said code, declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Request for Unanimous Consent That Amending Clerk Be Instructed to Make
Typographical Corrections in Amendments**

Mr. Dunn asked for, and was granted, unanimous consent that the Amending Clerk be instructed to make two typographical corrections in proposed committee amendments to Assembly Bill No. 65, as printed in the Assembly Journal of yesterday, Monday, April 3d, on pages 651 to 658, inclusive, as follows:

Correction No. 1

On page 653, Section 31051, line 11, third word, change "my" to "by".

Correction No. 2

On page 656, Section 30322, last word of last line, change "discharge" to "discharged".

Request for Unanimous Consent That All Proposed Amendments to Assembly Bill No. 65 Be Considered Before Bill Ordered Reprinted

Mr. Dunn asked for, and was granted, unanimous consent that all proposed amendments to Assembly Bill No. 65 be considered before the bill is ordered reprinted.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Ways and Means:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 29, 1950, after "System", insert "and the raising of revenue therefor,".

Amendment No. 2

In line 13 of the title of the said bill, strike out "declaring the", and insert "and to add Part 13, comprising Sections 30000 to 30473, inclusive, to Division 2 of the Revenue and Taxation Code, declaring the".

Amendment No. 3

On page 24, line 34, of said bill, strike out "twenty cents (\$0.20)", and insert "twenty-two cents (\$0.22)".

Amendment No. 4

On page 24, line 37, of said bill, strike out "twenty-five cents (\$0.25)", and insert "twenty-two cents (\$0.22)".

Amendment No. 5

On page 37, of said bill, strike out lines 12 to 16, inclusive, and insert "SEC. 14. Part 13, comprising Sections 30000 to 30473, inclusive, is added to Division 2 of the Revenue and Taxation Code, to read:

PART 13. TOBACCO TAX**CHAPTER 1. DEFINITIONS**

30000. The Legislature hereby declares that in enacting Part 13 of the Revenue and Taxation Code it finds that an amount equal to the estimated proceeds of the taxes levied by this part is needed for the support of public education as provided in Chapters 2, 12, 14, 15, and 16 of Division 3 of the Education Code to the extent that such cost is not required to be provided for by Section 6 of Article IX of the Constitution and for the payment of interest and principal of any bonds issued pursuant to Section 15 of Article XVI of the Constitution. This section shall not be construed to set aside in any manner the specific proceeds of the taxes levied by this part, but such proceeds shall be applied as provided in Section 30462.

30001. This part is known and may be cited as the "Tobacco Tax Law."

30002. Except where the context otherwise requires, the definitions given in this chapter govern the construction of this part.

30003. "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco.

30004. "Tobacco products" shall include perique, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, the refuse of fine-cut chewing, refuse scraps, clippings, cuttings, and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, and substitutes therefor, but shall not include cigarettes.

30005. "Untaxed cigarette" or "untaxed tobacco product" means any cigarette or tobacco product which has not yet been distributed in such manner as to result in a tax liability under this part.

30006. "Sale" includes any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatever.

30007. "Retail sales price" means the price for which each tobacco product is sold at retail.

30008. "Distribution" includes

(a) The first sale of cigarettes or tobacco products manufactured in this State,
(b) The use or consumption by the manufacturer of cigarettes or tobacco products manufactured in this State,

(c) The first sale of untaxed cigarettes or tobacco products after transportation to this State,

(d) The use or consumption by the first person in possession in this State of untaxed cigarettes transported to the State in quantities of 200 or more in a single shipment,

(e) The use or consumption by the first person in possession in this State of untaxed tobacco products transported to the State.

30009. "Use or consumption" includes the exercise of any right or power over cigarettes or tobacco products incident to the ownership thereof, other than the sale of the cigarettes or tobacco products or the keeping or retention thereof for the purpose of sale.

30010. "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, this State, any county, city and county, municipality, district, or other political subdivision of the State, or any other group or combination acting as a unit.

30011. "Distributor" includes

(a) Every person who, after 4 o'clock a.m. on July 1, 1950, and within the meaning of the term "distribution" as defined in this chapter, distributes cigarettes or tobacco products,

(b) Every person who sells or accepts orders for cigarettes which are to be transported from a point outside this State to a consumer within this State in quantities of 200 or more in a single shipment,

(c) Every person who sells or accepts orders for tobacco products which are to be transported from a point outside this State to a consumer within this State.

30012. "Dealer" includes every person, other than one holding a distributor's license, who engages in this State in the sale of cigarettes or tobacco products.

30013. "In this State" or "in the State" means within the exterior limits of the State of California and includes all territory within these limits owned by or ceded to the United States of America.

CHAPTER 2. IMPOSITION OF TAX**Article 1. Tax on Distributors**

30101. For the privilege of distributing cigarettes and tobacco products, a tax is hereby imposed upon every distributor at the following rates:

(a) At the rate of \$0.0015 for the distribution after 4 o'clock a.m. on July 1, 1950, of each cigarette weighing not more than three pounds per thousand.

(b) At the rate of \$0.002 for the distribution after 4 o'clock a.m. on July 1, 1950, of each cigarette weighing over three pounds per thousand.

(c) At the rate of fifteen percent (15%) of the retail sales price for the distribution of tobacco products.

30102. Every distributor maintaining a place of business in this State and selling or accepting orders for cigarettes or tobacco products with respect to the sale of which the tax imposed by Section 30101 is inapplicable, shall at the time of making the sale or accepting the order, or if the distribution of the cigarettes or tobacco products is not then taxable hereunder at the time the distribution becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the board.

30103. Unless the contrary is established, it shall be presumed that all cigarettes or tobacco products manufactured in this State, or transported to this State and no longer in the possession of the distributor, have been distributed.

Article 2. Only One Distribution Taxed

30104. Any cigarette or tobacco product with respect to which a tax has once been imposed under Article 1 or Article 3 of this chapter shall not be subject upon a subsequent distribution to the taxes imposed by this chapter.

Article 3. Floor Stocks Tax on Dealers

30121. For the privilege of distributing cigarettes or tobacco products, a floor stocks tax is hereby imposed upon every dealer at the following rates:

(a) At the rate of \$0.0015 for each cigarette weighing not more than three pounds per thousand in his possession or under his control at 4 o'clock a.m. on July 1, 1950.

(b) At the rate of \$0.002 for each cigarette weighing over three pounds per thousand in his possession or under his control at 4 o'clock a.m. on July 1, 1950.

(c) At the rate of fifteen percent (15%) of the retail sales price of each tobacco product in his possession or under his control at 4 o'clock a.m. on July 1, 1950.

30122. The tax imposed by this article is due and payable on or before July 15, 1950.

30123. Each dealer, on or before July 15, 1950, shall file a report with the board in such form as the board may prescribe. The report shall state the number of cigarettes on hand at 4 o'clock a.m. on July 1, 1950, and the amount of tax due thereon. Each report shall be accompanied by a remittance payable to the board for the amount of tax due.

CHAPTER 3. LICENSES, BONDS AND REGISTRATION

Article 1. Licenses and Bonds

30150. Every person desiring to engage in the sale of cigarettes or tobacco products as a distributor, except a person who desires merely to sell or accept orders for cigarettes or tobacco products which are to be transported from a point outside this State to a consumer within this State, shall file with the board an application, in such form as the board may prescribe, for a distributor's license. The application shall be accompanied by a license fee of one dollar (\$1) payable to the board.

30151. The board, whenever it deems it necessary to insure compliance with this part, may require any person subject thereto, to deposit with it such security as the board may determine. The amount of the security shall be fixed by the board but shall not be greater than three times the estimated average liability of persons required to file monthly reports, determined in such manner as the board deems proper, or ten thousand dollars (\$10,000), whichever amount is the lesser. The amount of the security may be increased or decreased by the board subject to the limitations herein provided. The board may sell the security at public auction if it becomes necessary so to do in order to recover any tax or any amount required to be collected, interest, or penalty due. Notice of the sale may be served upon the person who deposited the security personally or by mail; if by mail, service shall be made in the manner prescribed for service of a notice of a deficiency determination and shall be addressed to the person at his address as it appears in the records of the board. Security in the form of a bearer bond issued by the United States or the State of California which has a prevailing market price may, however, be sold by the board at private sale at a price not lower than the prevailing market price thereof. Upon any sale any surplus above the amounts due shall be returned to the person who deposited the security.

30152. On receipt of an application and license fee and after the deposit of such security as may be required pursuant to Section 30151, the board shall issue a distributor's license to the applicant. The license is not transferable and is valid until canceled or revoked.

30153. Whenever any distributor fails to comply with any provision of this part or any rule or regulation of the board prescribed and adopted under this part, the board upon hearing, after giving the distributor at least 10 days' notice in writing specifying the time and place of hearing and requiring him to show cause why his license should not be revoked, may revoke the license held by him. The notice may be served personally or by mail in the manner prescribed for service of notice of a deficiency determination. The board shall not issue a new license to a distributor whose license has been revoked unless it is satisfied that he will comply with the provisions of this part and the rules and regulations of the board.

30154. Any person required to obtain a license as a distributor under this chapter who engages in business as a distributor without a license or after a license has been canceled or revoked, and each officer of any corporation which so engages in business, is guilty of a misdemeanor.

Article 2. Registration

30161. Every distributor, except one to whom a license is issued under Article 1 of this chapter, required under Section 30102 to collect the tax imposed under this part from a purchaser shall register with the board and give the names and addresses of all agents operating in this State, the location of all distribution or sales houses or offices or other places of business in this State, and such other information as the board may require.

CHAPTER 4. DETERMINATIONS

Article 1. Reports and Payments

30181. The tax imposed by this part is due and payable monthly on or before the fifteenth day of the month following each calendar month in which a distribution of cigarettes or tobacco products occurs.

30182. On or before the fifteenth day of each month, every distributor shall file on forms prescribed by the board a report showing the number of cigarettes and tobacco products and the retail sales prices thereof, distributed during the preceding calendar month by the distributor in this State and such other information as the board may require to carry out the purposes of this part.

30183. The distributor shall accompany each report with a remittance payable to the board for the amount of tax due.

30184. The board for good cause may extend for not to exceed 15 days the time for making any report or paying any amount of tax required under this part. The extension may be granted at any time provided a request therefor is filed with the board within or prior to the period for which the extension may be granted.

Any distributor to whom an extension is granted shall pay, in addition to the amount of tax, interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the amount of tax would have been due without the extension to the date of payment.

Article 2 Deficiency Determinations

30201. If the board is dissatisfied with the report filed, it may compute and determine the amount to be paid upon the basis of any information available to it. One or more deficiency determinations may be made of the amount of tax due for one or for more than one month.

30202. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount of the tax, or any portion thereof, should have been reported until the date of payment.

30203. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against the interest and penalties on the underpayments.

30204. If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or the rules and regulations adopted under this part, a penalty of 10 percent of the amount of the determination shall be added thereto.

30205. If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or the rules and regulations adopted under this part, a penalty of 25 percent of the amount of the determination shall be added thereto.

30206. The board shall give the distributor written notice of its determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the distributor at his address as it appears in the records of the board, but the service shall be deemed complete at the time of deposit of the notice in the mail without extension of time on account of the distance between the place of deposit and the place of address.

30207. Except in the case of fraud, intent to evade the tax, or failure to make a report, every notice of a deficiency determination shall be given within three years after the date when the amount should have been reported.

Article 3. Determinations If No Report Made

30221. If any distributor fails to make a report, the board shall make an estimate of the number of cigarettes and amount of tobacco products and the retail sales price thereof, distributed by him. The estimate shall be made for the month or months in respect to which the distributor failed to make a report and shall be based upon any information available to the board. Upon the basis of this estimate the board shall compute and determine the amount required to be paid to the State, adding to the sum thus fixed a penalty equal to 10 percent thereof. One or more determinations may be made for one or for more than one month.

30222. In making a determination the board may offset overpayments for a month or months against underpayments for another month or months and against interest and penalties on the underpayments.

30223. The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half of 1 percent per month, or fraction thereof, from the fifteenth day after the close of the month for which the amount, or any portion thereof, should have been reported until the date of payment.

30224. If the failure of a distributor to file a report is due to fraud or an intent to evade the tax, a penalty of 25 percent of the amount required to be paid by the distributor, exclusive of penalties, shall be added thereto in addition to the 10 percent penalty provided in Section 30221.

30225. Promptly after making its determination the board shall give to the distributor written notice of its estimate and determination, and penalty, the notice to be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 4. Jeopardy Determinations

30241. If the board believes that the collection of any amount of tax imposed under this part will be jeopardized by delay, it shall thereupon make a determination of the amount of tax, noting that fact upon the determination. The amount determined is immediately due and payable.

30242. If the amount of the tax, interest, and penalty specified in the jeopardy determination is not paid within 10 days after service upon the distributor of notice of the determination, the determination becomes final, unless a petition for redetermination is filed within the 10 days, and the delinquency penalty and interest provided in Article 6 of this chapter shall attach to the amount specified.

30243. The distributor against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article 5 of this chapter. He shall, however, file the petition for redetermination with the board within 10 days after the

service upon him of notice of the determination. The distributor shall at the time of filing the petition for redetermination deposit with the board such security as it may deem necessary to insure compliance with this part. The security may be sold by the board in the manner prescribed by Section 30151.

Article 5. Redeterminations

30261. Any distributor against whom a determination is made under Article 2 or 3 of this chapter may petition for a redetermination within 15 days after service upon the distributor of notice thereof. If a petition for redetermination is not filed within the 15-day period, the determination becomes final at the expiration of the period.

30262. If a petition for redetermination is filed within the 15-day period, the board shall reconsider the determination and, if the distributor has so requested in his petition, shall grant him an oral hearing and shall give him at least 10 days' notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

30263. The order or decision of the board upon a petition for redetermination becomes final 15 days after mailing of notice thereof.

30264. All determinations made by the board under Article 2 or 3 of this chapter are due and payable at the time they become final. If they are not paid when due and payable, a penalty of 10 percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

30265. Any notice required by this article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

Article 6. Interest and Penalties

30281. Any distributor who fails to pay any tax, except taxes determined by the board under Article 2 or 3 of this chapter, within the time required shall pay a penalty of 10 percent of the amount of the tax, in addition to the tax, plus interest at the rate of one-half of 1 percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

CHAPTER 5. COLLECTION OF TAX

Article 1. Suit for Tax

30301. At any time within three years after any amount of tax becomes due and payable and at any time within three years after the last recording of a certificate under Section 30322, the board may transmit notice of the delinquency to the Attorney General who shall at once proceed by appropriate legal action to collect all sums due the State.

30302. In the action a writ of attachment may issue, and no bond or affidavit previous to the issuing of the attachment is required.

30303. In the action a certificate by the board showing the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency of the amount of tax, interest, and penalty set forth, and of compliance by the board with all provisions of this part in relation to the computation and levy of the tax.

Article 2. Priority and Lien of Tax

30321. The amounts required to be paid by any person under this part together with interest and penalties shall be satisfied first in any of the following cases:

- (a) Whenever the person is insolvent
- (b) Whenever the person makes a voluntary assignment of his assets.
- (c) Whenever the estate of the person in the hands of executors, administrators, or heirs is insufficient to pay all the debts due from the deceased
- (d) Whenever the estate and effects of an absconding, concealed, or absent person required to pay any amount under this part are levied upon by process of law.

This section does not give the State a preference over any recorded lien which attached prior to the date when the amounts required to be paid became a lien.

The preference given to the State by this section shall be subordinate to the preferences given to claims for personal services by Sections 1204 and 1206 of the Code of Civil Procedure.

30322. If any amount required to be paid to the State under this part is not paid when due, the board may within three years after the amount is due file for record in the office of any county recorder a certificate specifying the amount, interest, and penalty due, the name and address as it appears on the records of the board of the person liable for the same, and the fact that the board has complied with all provisions of this part in the determination of the amount required to be paid. From the time of the filing for record, the amount required to be paid together with interest and penalty constitutes a lien upon all real property in the county owned by the person or afterwards and before the lien expires acquired by him. The lien has the force, effect, and priority of a judgment lien and shall continue for five years from the time of the filing of the certificate unless sooner released or otherwise discharged. The lien may, within five years from the date of the filing of the certificate or within five years from the date of the last extension of the lien in the manner herein provided, be extended by filing for record a new certificate in the office of the county recorder of

any county and from the time of such filing the lien shall be extended to the real property and such county for five years unless sooner released or otherwise discharged.

30323. The board may at any time release all or any portion of the property subject to any lien provided for in this part from the lien or subordinate the lien to other liens and encumbrances if it determines that the amount, interest, and penalties are sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the collection of the amount, interest, and penalties.

30324. A certificate by the board to the effect that any property has been released from the lien or that the lien has been subordinated to other liens and encumbrances shall be conclusive evidence that the property has been released or that the lien has been subordinated as provided in the certificate.

Article 3 Warrant for Collection of Tax

30341. At any time within three years after any person is delinquent in the payment of any amount herein required to be paid, or within three years after the last recording of a certificate under Section 30322, the board or its authorized representative may issue a warrant for the enforcement of any liens and for the collection of any amount required to be paid to the State under this part. The warrant shall be directed to any sheriff, marshal or constable and shall have the same effect as a writ of execution. The warrant shall be levied and sale made pursuant to it in the same manner and with the same effect as a levy and a sale pursuant to a writ of execution.

30342. The board shall pay the sheriff, marshal or constable, upon the completion of his services pursuant to a warrant, the same fees, commissions, and expenses for his services as are provided by law for similar services pursuant to a writ of execution. The board, and not the court, shall approve the fees for publication in a newspaper.

30343. The fees, commissions, and expenses are the obligation of the person required to pay any amount under this part and may be collected from him by virtue of the warrant or in any other manner provided in this part for the collection of the tax.

Article 4 Miscellaneous Provisions

30351. The remedies of the State provided for in this chapter are cumulative, and no action taken by the board or Attorney General constitutes an election by the State to pursue any remedy to the exclusion of any other remedy for which provision is made in this part.

30352. In all proceedings under this chapter the board may act on behalf of the people of the State of California.

CHAPTER 6. OVERPAYMENTS AND REFUNDS

Article 1. Claim for Refund

30361. If the board determines that any amount not required to be paid under this part has been paid by any person, the board shall set forth in its records and certify to the State Board of Control the amount paid in excess of the amount legally due and the person by whom the excess was paid to the board. If the State Board of Control approves, the excess shall be credited on any amounts then due and payable from the person under this part, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

30362. No credit or refund shall be allowed after three years from the date of overpayment unless a claim therefor is filed with the board within three years from the date of overpayment.

30363. The claim shall be in writing and shall state the specific grounds upon which it is founded.

30364. In the case, however, of a determination by the board that an amount not exceeding twenty-five dollars (\$25) was not required to be paid under this part, the board without obtaining approval of the State Board of Control, may credit the amount on any amounts then due and payable under this part from the person by whom the amount was paid and may refund the balance to the person or his successors, administrators, or executors.

Article 2. Recovery of Erroneous Refunds

30381. The board may recover any refund or part thereof which is erroneously made and any credit or part thereof which is erroneously allowed in an action brought in a court of competent jurisdiction in the County of Sacramento in the name of the people of the State of California.

30382. The action shall be tried in the County of Sacramento unless the court with the consent of the Attorney General orders a change of place of trial.

30383. The Attorney General shall prosecute the action, and the provisions of the Code of Civil Procedure relating to service of summons, pleadings, proofs, trials, and appeals are applicable to the proceedings.

Article 3. Suit for Refund

30401. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action, or proceeding in any court against this State or against any

officer of the State to prevent or enjoin the collection under this part of any amount of tax or to prevent or enjoin the revocation of any license issued under this part or any other action whereby it is sought to enforce the payment of any amounts required to be paid.

30402 After payment of any amount, the person making the payment may bring an action against the board in a court of competent jurisdiction in the County of Sacramento for the recovery of the amount paid.

30403. No action may be instituted more than 90 days after the payment of the amount sought to be recovered. Failure to bring suit within 90 days constitutes a waiver of any demand against the State on account of alleged overpayments.

30404 If judgment is rendered for the plaintiff, the amount of the judgment shall first be credited on any amounts due from the plaintiff under this part, and the balance of the judgment shall be refunded to the plaintiff. In any judgment, interest shall be allowed at the rate of 6 percent per annum upon the amount found to have been illegally collected from the date of payment of the amount to the date of allowance of credit on account of the judgment or to a date preceding the date of the refund warrant by not more than 30 days, the date to be determined by the board.

30405. A judgment shall not be rendered in favor of the plaintiff in any action brought against the board to recover any amount paid when the action is brought by or in the name of an assignee of the person making the payment or by any person other than the person making the payment.

Article 4. Cancellations

30421. If any amount has been illegally determined, the board shall set forth in its records and certify to the State Board of Control the amount determined in excess of the amount legally due and the person against whom the determination was made. If the State Board of Control approves, it shall authorize the cancellation of the amount upon the records of the board.

CHAPTER 7. ADMINISTRATION

30451. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

30452. The board may employ accountants, auditors, investigators, assistants, and clerks necessary for the efficient administration of this part and may designate representatives to conduct hearings, prescribe regulations, or perform any other duties imposed by this part or other laws of this State upon the board.

30453. Every distributor and every person dealing in, transporting, or storing cigarettes or tobacco products in this State shall keep such records, receipts, invoices, and other pertinent papers with respect thereto in such form as the board may require.

30454 The board or its authorized representative may examine the books, papers, records, and equipment of any person dealing in, transporting, or storing cigarettes or tobacco products and may investigate the character of the disposition which the person makes of the cigarettes or tobacco products in order to ascertain whether all taxes due under this part are being properly reported and paid.

30455. It is unlawful for the board or any person having an administrative duty under this part to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Governor may, by general or special order, authorize examination of the reports by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person.

Any violation of this section is a misdemeanor and is punishable by a fine not exceeding one thousand dollars (\$1,000), by imprisonment not exceeding one year, or by both in the discretion of the court.

CHAPTER 8. DISPOSITION OF PROCEEDS

30461 All amounts required to be paid to the State under this part shall be paid to the board in the form of remittances payable to the State Board of Equalization of the State of California. The board shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of the Tobacco Tax Fund, which fund is hereby created.

30462 The moneys in the Tobacco Tax Fund shall be transferred, upon the order of the Controller, to the General Fund.

CHAPTER 9. VIOLATIONS

30471 Any person who fails or refuses to file any report required to be made, or who fails or refuses to furnish a supplemental report or other data required by the board, or who renders a false or fraudulent report is guilty of a misdemeanor and subject to a fine of not exceeding five hundred dollars (\$500) for each offense.

30472. Any person required to make, render, sign, or verify any report who makes any false or fraudulent report with intent to defeat or evade the determination required by law to be made is guilty of a misdemeanor. He shall for each offense be fined not less than three hundred dollars (\$300) and not more than five thousand dollars (\$5,000), or be imprisoned for not exceeding one year in the county jail, or be subject to both fine and imprisonment in the discretion of the court.

30473. Any violation of the provisions of this part, except as otherwise provided, is a misdemeanor and is punishable as such.

Sec. 15 Sections 1 to 13, inclusive, of this act are hereby".

Amendment No. 6

On page 50, line 13, of said bill, strike out "Sec 15 This act is hereby".

Amendment No. 7

On page 50 of said bill, between lines 26 and 27, insert

"SEC 16 Section 14 of this act, inasmuch as it provides for a tax levy shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately; provided, however, that the provisions thereof shall become operative on July 1, 1950."

Amendments read, as corrected.

Speaker Presiding

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

Speaker Pro Tempore Presiding

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Demand for Previous Question

Messrs. Kirkwood, McCarthy, Hinckley, Caldecott, and Luckel demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments offered by the Committee on Ways and Means to Assembly Bill No. 65.

Speaker Presiding

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

Roll Call Demanded

Messrs. Dunn, Geddes, and Evans demanded a roll call.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Dunn moved a call of the Assembly.

Roll Call Demanded

Messrs. Luckel, Rosenthal, and Dunn demanded a roll call.

The roll was called, and the motion carried by the following vote:

AYES—Anderson, Babbage, Berry, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hansen, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, Meyers, Moss, Porter, Reagan, Rumford, Sherwin, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Weber—56

NOES—Burkhalter, Elliott, Evans, Hahn, Hollibaugh, Huyck, Lewis, Luckel, McMillan, Morris, Rosenthal, Sillman, Smith, and Waters—14

Time, 5.15 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent member:

Mr. Bennett—1.

**REQUEST FOR TEMPORARY SUSPENSION OF
ASSEMBLY RULE NO. 85**

Mr. Geddes asked for 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. Hollibaugh withheld unanimous consent.

**REQUEST FOR UNANIMOUS CONSENT THAT OPINION OF
LEGISLATIVE COUNSEL BE PRINTED**

Mr. Cooke 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:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 3, 1950

Hon. John B. Cooke
Assembly Chamber

STATE PARK AND BEACH PROPERTY—No. 1650

DEAR MR. COOKE:

Question

You have asked us if there is any way in which permission can be given to a veterans' organization to build, at its own expense, a hall or clubhouse on land which is deeded to a county for park and recreation purposes and then deeded by the county to the State for the same purposes. You have asked the same question as to state beach property.

Opinion

In our opinion the answer to your question, both as to state park and beach property, is in the affirmative if the building is constructed as a memorial and certain steps and safeguards are taken by the State Park Commission, as more fully developed in the following analysis.

Analysis

Section 5001 of the Public Resources Code* provides that the Department of Natural Resources, through the State Park Commission, has control of the State Park System. Section 5002 provides that all parks, public camp grounds, monument sites, landmark sites, and sites of historical interest established or acquired by the State, or which are under its control (with two exceptions not relevant to our discussion), constitute the State Park System.

That beaches are part of the State Park System is made clear by Section 5014.2 which provides:

"The State Park Commission is hereby authorized to designate the areas within the State Park System which shall constitute state beaches within the meaning of Section 5014 and the areas within the State Park System which shall constitute state parks and state monuments within the meaning of Section 5014.1." (Section 5014

* NOTE: All code section references hereinafter are to the Public Resources Code.

creates a State Beach Fund and Section 5014.1 creates a State Park Fund.)

Section 5151 authorizes any county or city to donate, convey, and grant to the State any real property owned by it, or which it may acquire, for a park, playground, recreational center, or beach used for recreational purposes.

Section 5003 provides in part:

"The State Park Commission shall administer, protect, and develop the State Park System *for the use and enjoyment of the public*. It may establish rules and regulations not inconsistent with law for the government and administration of the State Park System . . .

"It may enter into contracts with persons, firms or corporations to maintain and operate concessions within the state park areas *for the safety and convenience of the general public in the use and enjoyment of the State Park System*." (Emphasis added.)

From the foregoing sections, it is clear that land deeded to the State by a county for park and recreation purposes or for beach purposes becomes part of the State Park System and is under the jurisdiction and control of the State Park Commission. The commission, however, is limited by Section 5003 in its administration of the park system. The land acquired by it may only be used *for the use and enjoyment of the public*, and concessions may be granted only *for the safety and convenience of the general public in the use and enjoyment of the park system*.

A further limitation on the power of the State Park Commission to govern the use of the land in question may arise from the fact that the land was originally deeded to the county by a private individual. It may well be that the deed limits the use of the land to park and recreation purposes. If so, it is well settled that the property cannot be diverted from the use for which it was dedicated. (*Harter vs. San Jose*, 141 Cal. 659)

It remains to be determined, then, whether the use of a portion of state park land by a veterans' organization for a hall or clubhouse is inconsistent with the use of the State Park System by the general public.

No cases have been found on the power of the State Park Commission to permit such use of state park lands. However, in *Slavich vs. Hamilton*, 201 Cal. 299, the court held that the use of a portion of land dedicated to the City of Oakland for park purposes as a veterans' memorial building was not only a public use but was consistent with the park purposes to which the land had been dedicated. In that case the building was to be constructed by the county for the use of various veterans' organizations for meeting places and as a memorial hall. Under the particular facts of the case, the building was to occupy only a minor portion of the park, was to be "of a beautiful and ornamental and architectural design," and was to stand as a "conspicuous and magnificent monument to the cause of patriotism and sacrifices of those who have fought and died in the wars of the United States." The plans were to be approved by the city council and the city park commission, the board of park directors was to have the right of entry at all times, and the building was to be used for park pleasure purposes only. In view of all these circumstances the court

held that the erection and use of such building would not interfere with the enjoyment by the community in general of the park and would not be such a diversion of the property from its use for park purposes as to amount to an invasion of the settled principle of law that land so dedicated cannot be used for other purposes.

In *Vale vs. San Bernardino*, 109 Cal. App. 102, the court, relying on the reasoning of the *Slavich* case, held that the use of a portion of a city park by several pioneer organizations for a log cabin as a memorial to the early pioneers was proper. In this case the organization concerned had complete control over the premises, but it appeared that the log cabin was used not only for meetings of those organizations, which were public, but also as a museum; and that it was open to the public as much as to members of the organizations.

While these cases are not controlling as to the power of the State Park Commission since they involve city parks, they would appear to indicate that the commission may have the power to permit a veterans' organization, or group of such organizations, to erect a veterans' memorial building on state park or beach property under certain circumstances. To comply with the tests established by these cases the commission should make a finding that such a building will not interfere materially with the use and enjoyment of the park or beach by the general public. It should require that the building constructed be of such design and construction as to enhance the beauty of the park or beach and to proudly stand as a memorial to the veterans of the wars of the United States. It should retain sufficient control and right of inspection of the building so as to insure its proper use and require that reasonable access to the building be given to the public and other veterans' organizations.

We are of the opinion that if such steps are taken and such safeguards are established the courts would find the erection of a veterans' memorial building to be a public use and not inconsistent with general park purposes, and that the State Park Commission has the power to permit such use on state park or beach land.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By RAY H. WHITAKER, Deputy

MOTION TO TEMPORARILY SUSPEND THE RULES

Mr. Babbage moved that the Rules be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file, at this time.

The roll was called, and the Rules temporarily suspended by the following vote:

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—66.

NOES—None.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
REQUEST FOR UNANIMOUS CONSENT THAT COMMITTEE REPORTS
BE DEEMED READ**

Mr. Dickey asked for, and was granted, unanimous consent that the following committee reports be deemed read, and that recommended committee action be deemed taken:

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Senate Bill No. 12

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.*

STEWART, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 137

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

STEWART, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 129

Assembly Bill No. 136

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

STEWART, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 3, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Senate Bill No. 34

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

STEWART, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

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 amendments with the recommendation: *Amend, and re-refer to the committee.*

DICKEY, Chairman

Above reported resolution ordered on file

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

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.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:
House Resolution No. 43

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, April 4, 1950

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, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:
Senate 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 on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:
House Resolution No. 32

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, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 26

House Resolution No. 35

House Resolution No. 30

House Resolution No. 37

House Resolution No. 31

House Resolution No. 38

House Resolution No. 34

House Resolution No. 40

Has had the same under consideration, and reports the same back with the recommendation: Amend, and be adopted, as amended.

DICKEY, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

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 amendments with the recommendation: Amend, and be adopted, as amended.

DICKEY, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 41

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, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No. 15

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, April 4, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 16

Assembly Concurrent 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 resolutions ordered on file.

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Public Utilities and Corporations, to which were referred:

Senate Bill No. 35

Senate Bill No. 36

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

EVANS, Chairman

Above reported bills ordered to second reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, April 4, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Senate Bill No. 32

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

STANLEY, Chairman

Above reported bill ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL
MEETING OF COMMITTEE**

Mr. Stanley asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Municipal and County Government at his desk, at this time.

RESOLUTIONS

The following resolution was offered :

By Mr. Waters :

House Resolution No. 50

Relative to the adoption of the permanent Standing Rules of the Assembly for the 1950 First Extra Session

Resolved by the Assembly of the State of California. That the following be, and same are, hereby adopted as the Permanent Standing Rules of the Assembly for the 1950 First Extra Session.

**PERMANENT STANDING RULES OF THE ASSEMBLY
FOR THE 1950 FIRST EXTRA SESSION****SECTION 1****LEGISLATIVE ORGANIZATION****Assignment of Desks to Members**

1. Members shall be assigned to desks by the Chief of the Bureau of Buildings and Grounds, subject to change by the Committee on Rules, and, as far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

Hours of Meeting

2. The session of Assembly shall be daily, beginning at 10 o'clock a.m. (Sundays excepted), unless otherwise ordered by a majority vote of the members present.

RULES**Adoption of Standing Rules**

3. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules

Suspension of Rules

4. Any standing rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present ; provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

5. No standing rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly, and one day's notice must be given on the motion thereof.

Temporary Rules

6. The Committee on Rules may at any time report a temporary rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being.

Parliamentary Rules

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

STANDING COMMITTEES**Standing Committees**

8. For their convenient functioning and in furtherance of the thorough consideration of all bills on a given subject, the several standing committees of the Assembly are respectively grouped into the following categories:

A. LEGISLATURE:

Two committees to consider legislative organization, functions and procedure:

Committee on Rules

There is a Committee on Rules, No. 1, which shall act as an executive committee of the House having the following powers:

To recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

The Committee on Rules shall for the purpose of Joint Rule No. 2 be deemed to be the Rules Committee of the Assembly.

Committee on Legislative Procedure

There is a Committee on Legislative Procedure, No. 2, which shall have and exercise the following powers:

To be the Committee on Engrossment and Enrollment within the meaning of the Joint Rules. It shall be the duty of the Committee on Legislative Procedure to compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Legislative Procedure shall be in order at any time.

To assist the Speaker, upon his request, in recommending the reference of bills to the appropriate standing committees.

Twenty-five standing committees of the Assembly are hereby created, upon the several subjects, and numbered respectively, as follows:

1. Rules.
2. Legislative Procedure.
3. Conservation, Planning, and Public Works.
4. Fish and Game.
5. Governmental Efficiency and Economy.
6. Revenue and Taxation.
7. Ways and Means.
8. Education.
9. Crime and Correction.
10. Public Morals.

11. Public Health.
12. Social Welfare.
13. Civil Service and State Personnel.
14. Military Affairs.
15. Municipal and County Government.
16. Elections and Reapportionment.
17. Judiciary.
18. Constitutional Amendments.
19. Agriculture.
20. Livestock and Dairies.
21. Public Utilities and Corporations.
22. Manufacturing, Oil, and Mining Industry.
23. Industrial Relations.
24. Finance and Insurance.
25. Transportation and Commerce.

Prior to the assignment of members to serve on the several standing committees, the Speaker shall consider the preferences of the members with regard to committee assignments, while keeping in view the practical necessity of making assignments so that members will not serve on more than one committee which meets at the same time, and the Speaker thereafter shall determine the number and members to serve on each standing committee. Upon publication in the Journal of the number of members on each standing committee, no further change in the number of members of the committee shall be made otherwise than by a majority vote of the elected membership of the Assembly.

No Member of the Assembly shall be a member of more than three standing committees except that upon appointment by the Speaker or the approval of the House a member may serve on four committees.

There shall be published weekly in the Assembly Weekly History during each session of the Legislature a chart showing the Rational Organization of the Standing Committees of the Assembly and showing Chairman and Vice Chairman, Number of Members, Time of Meeting, Room Number, Total Number of Measures, "referred" and "action pending," and a meeting schedule for each day of the week.

Motions to Change Membership or Numbers of Standing Committees

9. A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules

SECTION 2

HOUSE FUNCTIONS

Duties of Assembly Officers

Duties of the Speaker

10. The Speaker shall possess the powers and perform the duties prescribed:

- (a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees, and their respective chairmen and vice chairmen

(f) To propose a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers, and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole

(i) To order the lobby and gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(l) The Speaker shall be ex officio member of all Assembly, joint, and interim committees with all of the rights and privileges of such membership, except the right to vote. In counting a quorum of any such committees, the Speaker shall not be counted as a member.

Duties of the Speaker pro Tempore

11. The Speaker pro Tempore shall have the powers and perform the duties of the Speaker during his absence.

Duties of the Chief Clerk

12. The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications, and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matters as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches, and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache, or employee for incompetency or dereliction of duty, pending action by the Committee on Rules.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

(h) To certify to the Controller, pay rolls of members and attaches.

(i) To certify all requisitions upon the Controller for the payment of bills incurred by the Assembly.

(j) To order and sign for all documents and printing, subject to approval by the Speaker or the Chairman of the Committee on Rules.

Duties of the Sergeant-at-Arms

13. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Rules.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

Duties of the Chief Assistant Sergeant-at-Arms

13.5. The Chief Assistant Sergeant-at-Arms shall have the powers and perform the duties of the Sergeant-at-Arms during his absence.

Printing

Authority for Printing

14. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed

15. Unless otherwise restricted by law or by Assembly rule, the style and form of all printing, the quality of paper to be used, the number of copies to be printed of each order, and the number of copies to be delivered to each member shall be decided by the Chief Clerk and approved by the Speaker or the Chairman of the Committee on Rules. All requests by members for additional copies of bills, documents, or other printed matter shall be referred to the Committee on Rules.

Printing Assembly History

16. The Chief Clerk shall cause to be printed and placed on each member's desk prior to convening on Monday of each week, a complete

History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measures since the issuance of the preceding Weekly History.

Printing of Maps

17. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Miscellaneous

Admission to Assembly Chamber

18. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Use of Assembly Chamber

19. The Assembly Chamber shall not be used for any public or private business other than legislative matters during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

Persons Admitted to Floor of the Assembly

20. No person other than members, officers, attaches, employees of the Legislature, former Members of the Legislature, and accredited members of the press shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted upon presentation of a guest card of said member countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated in the chairs in back of the rail in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members, nor stand in the rear of the Chamber while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards.

Lobbying in the Assembly Chamber

21. All persons appearing or being, or desiring to appear or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption or defeat of any bill, measure, or resolution introduced in, pending before, or being considered by the Assembly or by any committee thereof, or for the purpose of soliciting the vote of any Member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation, or interest; and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall

be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses and the persons, corporations, or interest represented by them, shall be kept and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This rule shall not apply to members of either house of the Legislature, to elected state officers, or to individuals of the State of California appearing in their own interest or behalf who are not representing any group, organization, or corporation.

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

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session except those enumerated above; and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule. This rule cannot be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

Smoking in Assembly Chamber

22. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

Fees for Witnesses

23. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of ten dollars (\$10) for each day such witness shall be required to appear, and the sum of five and one-half cents (\$0.05½) for each mile he shall travel in coming to and going from the place of examination.

Press Privileges

24. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks to accredited newspaper representatives authenticated by the standing committee of the Capitol Correspondents' Association; also the necessary rooms for the exclusive use of such accredited press representatives.

SECTION 3

LEGISLATIVE PROCEDURE

Speaker to Call Assembly to Order

25. The Speaker, or in his absence the Speaker pro Tempore, shall, at the hour appointed for meeting, call the Assembly to order. In the absence of both the Speaker and the Speaker pro Tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

* The functions of the temporary chairman shall terminate upon return of the Speaker or Speaker pro Tempore.

Roll Call and Quorum

26 Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered in the Journal. A majority of all the members elected to the Assembly shall constitute a quorum.

Order of Business

27. The order of business of the Assembly shall be as follows.

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Introduction and Reference of Bills
6. Reports of Committees
7. Second Reading of Bills
8. Messages from the Governor
9. Messages from the Senate
10. Motions and Resolutions
11. Business on the Daily File
12. Announcements
13. Adjournment

Pledging Allegiance to the Flag

28. On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attaches, and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America.

Reading, Correcting and Approving Journals

29. a. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

b. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

c. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

Presentation of Petitions

30. Whenever petitions, memorials, or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Messages From the Governor

31. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by a recorded vote of two-thirds of the elected membership.

Messages From the Senate

32. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered in the Journal. Assembly bills which have been passed without amendment by the Senate shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills**Bills Defined**

33. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided.

Introduction and Reference of Bills

34. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced. If any bill is introduced which does not contain the signature of such author or co-author, the same, on motion of the member whose name appears thereon without such signature, shall be stricken from the file by a recorded vote of a majority of the elected membership. In each legislative session, on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back from Z to A, and as each member's name is called, he may introduce one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk.

When received at the Clerk's desk it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

Reference of Bills to Committee

35. Immediately following its first reading, the Speaker shall refer each bill to a committee, unless upon a motion the Assembly, by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

Examining of Bills by Legislative Counsel Bureau

36. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly rule.

If, in the opinion of the Legislative Counsel, any correction made by him under the authority of this rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this rule for any period longer than two legislative days.

Standing Committee Functions**Standing Committee Rules**

37. The Rules of the Assembly shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

A majority of the committee members present may order a call of the committee.

Meetings of Standing Committees

38. All standing committees shall meet at the hour and the place provided by schedule, unless otherwise ordered by the Assembly. No committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee, by a majority vote of its entire membership, shall order an executive session.

Committee Quorum

39. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business, including the adoption of any amendments to any bill. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

Bills Reported Back to Assembly

40. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule.

Reports of Committees

41. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

Signing Bills Out of Committee

42. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

Committee of the Whole

43. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. While sitting as such committee, persons other than members may address the committee. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered in the Journal except upon motion and a majority vote of the members present.

Committee on Ways and Means

44. The Committee on Ways and Means shall consider all bills to appropriate money, other than the contingent expenses of the Assembly.

Committee Expenditures

45. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly.

Effect of Adoption of These Rules

46. The adoption of the Standing Rules of the 1950 Regular Session shall not be construed as modifying or rescinding the Permanent Standing Rules of the Assembly for the 1949 Regular Session, nor as affecting in any way the status or powers of the interim committees created by those Rules.

Passage of Bills**Daily File**

47. There shall be printed an Assembly Daily File for each legislative day. The Committee on Rules shall have charge of the Daily File of the Assembly. The following listing shall constitute the order of the Daily File:

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

Record of Bills

48. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be endorsed upon such bill.

Second Reading of Bills

49. All bills shall be read the second time in the order of their appearance upon the second reading file. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

Committee Amendments

50. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

Amendments From the Floor

51. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present.

Before debate an extra copy of the proposed amendment must be delivered to the Clerk's desk and made available to the author of the bill. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon second or third reading shall be reprinted and re-engrossed. The Chief Clerk shall order printed not to exceed 1,000 copies of all amended bills.

Inactive File

52. Whenever a bill has been passed twice on third reading file, it shall forthwith be placed upon a special file to be known as the inactive file. When a bill has been placed on the inactive file, it may be returned to the third reading file by a request of the author; but the bill shall then be placed at the foot of the third reading file.

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

53. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

Bills Transmitted to the Senate

54. Upon the final passage of any bill if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Period Prior to Final Adjournment

55. See Joint Rule 23 for provisions governing bills considered during this period.

Concurrence in Senate Amendments

56. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the

Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction of elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

57. If the Assembly refuse to concur in Senate amendments to an Assembly bill, and when notified that the Senate has refused to concur in Assembly amendments to a Senate bill, the Speaker shall appoint a Committee of Three (3) on Conference, and the Chief Clerk shall immediately notify the Senate of the action taken by the Assembly and request the appointment of a like committee.

Committee on Conference

58. The Speaker, in appointing a Committee on Conference, shall select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

59. The Chairman of the Senate Committee on Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill. The presentation and consideration of any report of a Committee on Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such conference report by the Assembly shall be deemed the vote upon final passage of such bill.

Engrossing and Enrolling Bills

60. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 9503 of the Government Code, and in the order of time in which the same shall be acted upon by the Assembly.

Enrollment

61. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Sections 9508 and 9509 of the Government Code. The Committee on Legislative Procedure shall report both the day and the hour each enrolled bill is presented to the Governor, which report shall be entered in the Journal.

SECTION 4**PARLIAMENTARY PROCEDURE****Motions and Questions****Precedence of Motions During Debate**

62. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First*—To adjourn;
- Second*—To recess to a time certain;
- Third*—To lay on the table;
- Fourth*—For the previous question;
- Fifth*—To set as a special order;
- Sixth*—To postpone indefinitely;
- Seventh*—To refer or re-refer;
- Eighth*—To amend.

Questions of Order Decided Without Debate

63. All incidental questions of order, arising after a motion is made for any of the questions named in Rule 62 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

64. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and the member taking the appeal may give his reasons for making his appeal, and the Speaker shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal cannot be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal cannot be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

Speaker Explains Order of Business

65. The Speaker may, on his own motion or upon the motion of any Member of the Assembly, explain the order of business when the motion

pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

To Adjourn

66. A motion to adjourn is not debatable and cannot be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken shall be entered in the Journal. A motion to adjourn must be adopted by a majority vote of the members present.

When a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. A statement shall not occupy more than two minutes and shall not be debatable.

To Recess to a Time Certain

67. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

68. A motion to lay on the table is not debatable and cannot be amended.

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint, or House resolution.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present.

The Previous Question

69. The previous question shall be put only when demanded by five members, and in this form "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

Motion to Set Special Order

70. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

71. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

Motion to Postpone Indefinitely

72. When a motion is made to postpone indefinitely any bill, motion, or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire elected membership, the main question shall not be acted upon again during the session.

Motion to Amend

73. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule, a motion to amend is in order during the second or third reading of any bill.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 68.

Amendment to Be Germane

74. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

Substitute Motion

75. A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

76. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

Constitution of Motions

77. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

Division of Questions

78. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly.

Withdrawal of Motions

79. After a motion is stated by the Speaker, or a bill, resolution, or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

Motion to Be Germane

80. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

Motion to Withdraw and Recall Bills

81. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference, and shall require a recorded vote of a majority of the elected members.

No bill or resolution shall be withdrawn from committee and placed upon the file except upon two days' notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken From File

82. A motion to strike from the file any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

Motion to Rescind Action and Expunge Record

83. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

Whenever any action of the Assembly is rescinded and its record ordered expunged, the record of the action expunged shall not appear in any form whatsoever, but the record of the proceedings on the motion to rescind and expunge shall appear in the Assembly Journal as and when printed.

Reconsideration of Vote

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so considered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the unfinished business file, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly.

Any member voting on any motion, amendment, concurrence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected membership, except that it shall require a two-thirds vote of the entire elected membership to reconsider the vote on any matter originally requiring a two-thirds vote for its passage or adoption.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

Call of Assembly

85 After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly, and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call, which list of absentees shall be furnished to the Sergeant-at-Arms and printed in the Journal. Thereupon no member shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches, or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent, and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call, the Assembly may consider and transact any matter of business by unanimous consent. No call of the Assembly shall be ordered on any matter while the Assembly is already under call. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered shall become the immediate order of business before the Assembly.

Resolutions

86 The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

Motions and Resolutions

87. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly rule, any motion or resolution may be adopted by a majority vote of the members present.

Adjournment

88. Adjournment *sine die* shall be ordered by concurrent resolution.

Members' Decorum and Privileges**Order in Speaking to Questions**

89. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration. When two or more members rise at the same time, the Speaker shall designate the member who is entitled to the floor.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and five minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than five minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

Leave of Absence

90. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

Personal Privilege

91. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

Objection to Reading of Any Paper

92. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

Members Called to Order for Transgressing Rules

93. a. If any member transgresses the Rules of the Assembly, the Speaker shall, or any member may, call the offending member to order. The member so called to order shall immediately take his seat, until the Speaker without debate, shall have determined whether he is in order or not. Such decision by the Speaker shall be subject to an appeal to the Assembly.

b. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

Members Voting

94. Every member in the Assembly Chamber when a roll call is required shall record his vote openly and without debate, unless the Assembly shall, by a majority vote of the members present, excuse him.

The name of any member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed in the Journal, provided no such explanation shall exceed 50 words in length.

In addition of the entry of his name in the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker. Censure of a member as provided by this rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed in the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Ayes and Noes

95. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

Voting Not to Be Interrupted

96. When once begun, voting shall not be interrupted, except that before the vote is announced any member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote the Speaker shall inquire if all members have voted. Any member may move a call of the Assembly after the completion of the roll and prior to the final recording, but no member shall be allowed to change his vote, or have his vote recorded after the vote is announced.

Members at Clerk's Desk

97. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

Tie Vote

98. In case of an equal division, or tie vote, the question shall be lost.

"Two-thirds of the Entire Elected Membership" Defined

99. Wherever the words or figures, "two-thirds of the entire elected membership" appear in any rule, it shall mean 54 votes.

100. Pursuant to the powers vested in the Assembly Committee on Rules or the Assembly Legislative Process Committee, and during such times as the Assembly is not in session, the committee is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including repair, alteration, improvement and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol.

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

NOTE—Above Rules corrected by unanimous consent on April 13, 1950. See *Assembly Journal*, page 1076.

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

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

Assembly Bill No. 143: By Mr. Smith—An act to amend Section 11d of the Municipal Court Act of 1925, relating to credit for prior public service and annual salary increments based on such service, for officers and attaches of municipal courts in cities and cities and counties of the fifth class.

Referred to Committee on Judiciary.

Assembly Concurrent Resolution No. 20: By Mr. Elliott—Relative to requesting the Board of Supervisors of the County of Los Angeles to discontinue the practice of operating forced labor camps for destitute unemployed recipients for public assistance.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 21: By Mr. Waters—Relative to making funds available to the Joint Legislative Investigating Committee on Interstate Cooperation.

Referred to Committee on Rules.

**FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON AMENDMENTS TO ASSEMBLY BILL NO. 65**

At 5.45 p.m., on motion of Mr. Dunn, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the amendments offered to Assembly Bill No. 65 by the Committee on Ways and Means adopted by the following vote:

AYES—Babbage, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Collier, Conrad, Cooke, Crichton, Dickey, Dolwig, Dunn, Erwin, Fleury, Geddes, Grant, Grunsky, Hagen, Hansen, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, McCollister, McMillan, Moss, Niehouse, Porter, Reagan, Sherwin, Stanley, Stewart, Thompson, Tomlinson, and Waters—42.

NOES—Anderson, Beck, Berry, Brady, Coats, George D. Collins, Condon, Connolly, Crowley, Davis, Dills, Doyle, Elliott, Evans, Fletcher, Gaffney, Hahn, Hawkins, Hollibaugh, Lewis, Lowrey, Luckel, Maloney, McCarthy, Meyers, Morris, Rosenthal, Rumford, Silliman, Smith, Thomas, Weber, Yorty, and Mr. Speaker—34.

Explanation of Vote on Committee Amendments to Assembly Bill No. 65

To me, almost any excise tax is, as a general principle, bad. Excise taxes are a means of transferring the cost of government from property owners to non-property owners and tend to impoverishment of persons in the lower income brackets. However, "children cannot wait to grow up". Schools must be financed and other money sources are not now within the reach of the Legislature. Hence my 'Aye' vote on these amendments.

VERNON KILPATRICK

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 65**Consideration of Further Amendments****Motion to Amend**

Mr. Sherwin moved the adoption of the following amendment:

Amendment No. 1

On page 50 of the printed bill, as amended in the Assembly on March 29, 1950, after line 29, insert

"SEC. 17 This act shall remain in effect to and including June 30, 1951."

Amendment read.

Roll Call Demanded

Messrs. Sherwin, Anderson, and Caldecott demanded a roll call.

The roll was called, and the amendment offered by Mr. Sherwin to Assembly Bill No. 65 refused adoption by the following vote:

AYES—Babbage, Burke, Butters, Caldecott, Clarke, Cloyd, Collier, Connolly, Conrad, Dolwig, Fleury, Grant, Hansen, Hinckley, Huyck, Kirkwood, Levering, Maloney, McCarthy, McMillan, Moss, Reagan, Sherwin, Silliman, Stanley, Stewart, Waters, and Mr. Speaker—28.

NOES—Anderson, Beck, Berry, Brady, Brown, Burkhalter, Coats, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lindsay, Lipscomb, Lowrey, Luckel, McCollister, Meyers, Morris, Nicholas, Porter, Rosenthal, Rumford, Smith, Thomas, Thompson, Tomlinson, and Weber—46.

Consideration of Further Amendments**Motion to Amend**

Mr. Coats moved the adoption of the following amendments:

Amendment No. 1

On page 20 of the printed bill, as amended in the Assembly on March 29, 1950, strike out lines 14 through 50

Amendment No. 2

On page 21 of said bill, strike out lines 1 and 2

Amendments read

Demand for Previous Question

Messrs. Silliman, McCollister, Lindsay, Dills, and Geddes demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments offered by Mr. Coats to Assembly Bill No. 65.

Roll Call Demanded

Messrs. Lowrey, Silliman, and Davis demanded a roll call.

The roll was called, and the amendments offered by Mr. Coats to Assembly Bill No. 65 refused adoption by the following vote:

AYES—Anderson, Coats, Davis, Elliott, Hagen, Lowrey, Rosenthal, Silliman, and Thomas—9.

NOES—Babbage, Beck, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton,

Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, Luckel, Maloney, McCollister, Meyers, Morris, Moss, Porter, Reagan, Rumford, Sherwin, Smith, Stanley, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—55.

Consideration of Further Amendments

Motion to Amend

Mr. Lowrey moved the adoption of the following amendment :

Amendment No. 1

After Chapter 2, Article 3, of the printed bill, insert

“Article 4. Exemptions

30140. The taxes imposed by this part do not apply to the distribution of cigarettes or tobacco products by blind persons.”

Amendment read.

Roll Call Demanded

Messrs. Lowrey, Luckel, and Elliott demanded a roll call.

The roll was called, and the amendment offered by Mr. Lowrey to Assembly Bill No. 65 refused adoption by the following vote :

AYES—Crowley, Davis, Dills, Elliott, Lowrey, and Thomas—6.

NOES—Babbage, Beck, Bery, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Kilpatrick, Kirkwood, Levering, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Porter, Reagan, Rosenthal, Sherwin, Smith, Stanley, Thompson, Tomlinson, Waters, and Weber—54.

Consideration of Further Amendments

Motion to Amend

Mr. Dunn moved the adoption of the following amendment :

Amendment No. 1

On page 50 of the printed bill, as amended in the Assembly on March 29, 1950, strike out lines 13 to 26, inclusive.

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 135
FROM COMMITTEE**

Mr. George D. Collins gave notice that on the second legislative day he would move to withdraw Assembly Bill No. 135 from the Committee on Governmental Efficiency and Economy, and have it placed upon the file.

ADJOURNMENT

At 6.23 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 9 a.m., Wednesday, April 5, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY
THIRTY-FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, April 5, 1950

The Assembly met at 9 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, 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, Hansen, Hawkins, Hinckley, Hoffman, 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, and Mr. Speaker—77.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal Love: May we recall that upon this Wednesday long ago, Mary broke the alabaster box over the feet of Christ.

A beautiful gift as a last expression of devotion, whose perfume filled the room, and whose fragrance still lingers

May this story of gratitude remind us that young and old should express their appreciation to the members of their family and to their friends, while they are alive to hear them.

Let us not wait to lay a wreath upon their stiff cold bodies.

May we remember that "they would rather have a tribute while they are alive to hear than have the costliest flowers laid on their silent bier."

May we offer our flowers to the living—AMEN.

Speaker Pro Tempore Presiding

At 9.04 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Geddes, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Levering.

Mr. Yorty, on motion of Mr. Condon.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

To the Members of the Assembly: These few words are to express to each and every Member of the Assembly my heartfelt gratitude for the wonderful tribute you paid me on Tuesday April 4, 1950

I have enjoyed my service of 25 years with all past and present legislators, and from a grateful heart I say "Thank you"

THOMAS A. MALONEY, Twentieth District

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

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

Assembly Bill No. 65

And reports the same correctly re-engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 127—An act to add Sections 2506.1, 2506.2, and 2506.3 to the Welfare and Institutions Code, relating to county aid to indigent persons.

Bill read second time, and ordered engrossed.

Assembly Bill No. 134—An act to add Section 14.5 to the Relief Act of 1945, relating to relief of hardship and destitution through purchase and distribution of surplus food products grown in California.

Bill read second time, and ordered engrossed.

Assembly Bill No. 137—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing.

Bill read second time, and ordered engrossed.

Assembly Bill No. 129—An act to amend Section 2 of, and to add Sections 3 1, 3.2, and 3.3 to, the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District and authorizing the establishment of zones therein to reclaim, acquire and import water, and to spread the same and cause it to percolate into the soil, and to levy special taxes therefor

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

In line 1 of the title of the printed bill, strike out "amend Section 2 of, and to".

Amendment No. 2

On page 1 of the printed bill, strike out lines 1 to 20, inclusive; strike out all of pages 2, 3, and 4; and on page 5, strike out lines 1 to 30, inclusive, and insert

"SECTION 1. Section 31 is hereby added to the Los Angeles County Flood Control Act, to read:".

Amendment No. 3

On page 5, line 39, of the printed bill, immediately following the period, insert
"No territory included within the corporate boundaries of any city or municipal water district shall be included within any zone established under this section unless there shall be filed with the board of supervisors a certified copy of a resolution adopted by majority vote of the governing body of such city or municipal water district consenting to the inclusion of such territory within such zone."

Amendment No. 4

On page 5, line 40, of the printed bill, after "Sec.", strike out the "3", and insert "2".

Amendment No. 5

On page 6 of the printed bill, following line 22, insert

"Expenditures for the purposes set out in Section 3.1, of this act, may be made from funds derived from the special tax or taxes levied pursuant to this section, upon the taxable real property within such zone established under said Section 3.1, but not from any other funds."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 136—An act relating to licenses to conduct horse racing meetings at which wagering on the results of horse races is permitted, to provide for the licensing of such meetings and for fees for such licenses in the event that the provisions of law applicable thereto should be finally determined to be unconstitutional and in such event to validate licenses issued prior to such final determination and for the foregoing purposes to amend Section 19480 and to amend and renumber Sections 19480.5, 19481, 19482, 19483, 19484, 19485, 19485 1, 19486, 19487, 19488, 19489, and 19490 of the Business and Professions Code, relating to horse racing meetings, 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 Governmental Efficiency and Economy :

Amendment No. 1

On page 1, line 7, of the printed bill, after the period, insert "The provisions of this act shall remain in effect until July 1, 1951, and thereafter shall have no force nor effect."

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Rush Order on Printing of Assembly Bill No. 136 By Unanimous Consent

By unanimous consent, a rush order was placed upon the printing of Assembly Bill No. 136.

Assembly Concurrent Resolution No. 16—Relative to augmenting the funds of the Joint Legislative Committee on Soil Conservation.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, lines 3 and 4, of the printed measure, strike out "twenty thousand dollars (\$20,000)", and insert "ten thousand dollars (\$10,000)".

Amendment read, and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Concurrent Resolution No. 17—Relative to the creation of the Joint Legislative Committee on Child Care Centers.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 2, line 38, of the printed measure, strike out "ten thousand dollars (\$10,000)", and insert "six thousand dollars (\$6,000)".

Amendment read, and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Joint Resolution No. 10—Relative to memorializing Congress to grant former owners of Camp Beale lands first right to purchase such lands if and when the lands are sold.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed measure, strike out lines 18 to 21, inclusive.

Amendment No. 2

On page 1, line 24, of said measure, after "the", insert "first".

Amendment No. 3

On page 1, line 25, of said measure, after "sale", strike out the remaining language in the line.

Amendment No. 4

On page 2 of said measure, strike out lines 1 to 4, inclusive.

Amendment No. 5

On page 2, line 5, of said measure, strike out the language in the line through and including "lower".

Amendment No. 6

On page 2, line 10, of said measure, after "Camp Beale the", insert "first".

Amendments read, and adopted.

Resolution ordered reprinted, and engrossed.

Assembly Bill No. 17—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, and making an appropriation therefor.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section 2004.5", and insert "Sections 2004.5, 2163.8, and 2166".

Amendment No. 2

In line 2 of the title of said bill, after "2163," insert "2163.2, 2164, 2165, 2165a, 2165d,".

Amendment No. 3

In line 4 of the title of said bill, strike out " , and making an appropriation therefor".

Amendment No. 4

On page 3 of said bill, strike out lines 34 to 38, inclusive; and in line 39, strike out "\$1,000)."

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. 5

On page 3 of said bill, between lines 45 and 46, insert

"SEC. 5. Section 2163.2 of said code is amended to read:

2163.2. For the purposes of this chapter the term personal property shall not include personal effects of the applicant or recipient. Personal effects include clothing, furniture, household equipment, foodstuffs, and fuel, but do not include jewelry and items of similar character [of a net value in excess of two hundred dollars (\$200)].

SEC. 6. Section 2163.8 is added to said code, to read:

2163.8. For the purposes of this chapter the value of a motor vehicle of moderate value used for essential transportation of an applicant or recipient shall be excluded in determining the amount of personal property as provided in Section 2163.

SEC. 7. Section 2164 of said code is amended to read:

2164. No aid under this chapter shall be granted or paid to any person who owns real property the assessed value of which as assessed by the county assessor, less all encumbrances thereon of record, exceeds three thousand five hundred dollars (\$3,500) [at the time such person makes application for aid]. *Real property owned but not occupied as a home by an applicant or recipient shall be utilized to provide for the needs of the applicant or recipient.*

SEC. 8. Section 2165 of said code is amended to read:

2165. No aid under this chapter shall be granted or paid to any married person, if the assessed value of the combined real property of the husband and wife, as assessed by the county assessor, less all encumbrances thereon of record, exceeds three thousand five hundred dollars (\$3,500) [at the time such person makes application for aid].

SEC. 9. Section 2165a of said code is amended to read:

2165a. In computing value of property under Section 2165, ownership of separate property [located in another State] by a spouse [not having a legal residence in California,] with whom the applicant [has not been] or recipient is not living [for at least five (5) years preceding the application for aid] shall not preclude the applicant or recipient from receiving the aid provided in this chapter[.]. [unless it appears that the applicant has a present legal interest in such property.]

SEC. 10. Section 2165d of said code is amended to read:

2165d. [Money received by a recipient of old age-assistance from the condemnation sale of his home shall not be deemed personal property within the provisions of this chapter, until the expiration of one year from the date of the receipt of said money.] *Any proceeds from the conversion of real property into personal property received by an applicant or recipient of aid under this chapter shall be considered real property for a period of six months from the time of their receipt, if such proceeds are retained for the purpose of providing a home.*

SEC. 11. Section 2166 is added to said code, to read:

2166. Whenever the Social Welfare Board finds that the continued operation of any provision of Sections 2163, 2163.2, 2163.6, 2163.8, or 2165d would render this State ineligible to receive, or to continue to receive, federal old-age assistance, such provisions shall cease to be operative. The Social Welfare Board shall then make

such rules relative to the subject matter of the inoperative provisions as are necessary to insure the continued receipt by this State of such federal assistance. Such rules shall not be valid beyond the adjournment of the following session of the Legislature at which the Legislature is authorized to legislate upon that subject."

Amendment No. 6

On page 3, line 46, of said bill, strike out "Sec. 5.", and insert "Sec. 12."

Amendment No. 7

On page 5, line 29, of said bill, strike out "Sec. 6.", and insert "Sec. 13."

Amendment No. 8

On page 5 of said bill, strike out lines 31 to 35, inclusive.

Amendment No. 9

On page 5, line 36, of said bill, strike out "Sec. 8.", and insert "Sec. 14."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Social Welfare.

Assembly Concurrent Resolution No. 7—Relative to forms for registering and reporting under the statute regulating legislative representation and adding Rule No. 40 to the Joint Rules of the Senate and Assembly for the First Extraordinary Session of the California Legislature for the year 1950.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 2, line 27, of the printed measure, after "9905", insert "of the Government Code".

Amendment read, and adopted.

Resolution ordered reprinted, and engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

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

Assembly Concurrent Resolution No. 15

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF DAILY FILE (RESUMED)

SECOND READING OF SENATE BILLS

Senate Bill No. 26—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies as herein defined.

Bill read second time, and ordered to third reading.

Senate Bill No. 27—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds

of public bodies as herein defined, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 25—An act to amend the Water Conservation Act of 1931 by adding thereto new sections designated 3.1, 30.1, 36.1, 61.1, 67.1, and 77.1, relating to the authorization, issuance and payment of bonds of water conservation districts and improvement districts created under said act, and the levy of special assessment taxes for the payment thereof.

Bill read second time, and ordered to third reading.

Senate Bill No. 31—An act to amend Sections 2160.7 and 3044.1 of the Welfare and Institutions Code, relating to state reimbursement to counties for the cost of institutional care of aged and blind persons, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 34—An act to repeal Section 135 of the Welfare and Institutions Code, relating to the compensation of the members of the board or committee appointed by the Director of the State Department of Social Welfare pursuant to Article XXV of the State Constitution.

Bill read second time, and ordered to third reading.

Senate Bill No. 35—An act to create the Donner Summit Public Utility District, declaring the urgency of this act to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Lindsay moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 14, of the printed bill, as amended in the Senate on March 31, 1950, strike out "propects", and insert "to proceedings".

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

Senate Bill No. 36—An act to add Section 30.3 to the Public Utility District Act, relating to limitations on indebtedness and declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 32—An act to amend Sections 14, 25, 26, 28, 29, 35.2, 35.3, 45, 45.5, and 45.7 of, and to add Section 39.2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

Bill read second time.

Motion to Amend

Mr. Stanley moved the adoption of the following amendments:

Amendment No. 1

On page 3, line 25, of the printed bill, as amended in the Senate on March 31, 1950, after the period, insert "In order that there may be no unnecessary duplication

of effort or expense, the agency shall have access for the purposes of the agency to the services and facilities of the planning commission, the city engineer and such other departments and offices of the community as may be appropriate therefor."

Amendment No. 2

On page 7, line 26, of said bill, strike out "12", and insert "10".

Amendment No. 3

On page 7 of said bill, strike out lines 44 to 48, inclusive, and insert "acquired in whole or in part from the Redevelopment Revolving Fund is to be sold or leased by the Redevelopment Agency, the sale or lease must first be approved by the legislative body. Such approval by the legislative body shall be by resolution adopted after public hearing. Notice of the time and place of such hearing shall be published once in the official newspaper of the community at least one week prior to such time. Such resolution shall be adopted by a majority vote unless the legislative body shall have provided by ordinance for a two-thirds vote for such purpose."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Senate Bill No. 4—An act to amend Sections 2163 and 2163.2 of the Welfare and Institutions Code, and to repeal Section 2163.6 thereof, relating to personal property qualifications for aid to the aged.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on March 27, 1950, after "Code," insert "to add Section 2163.8 thereto,".

Amendment No. 2

On page 1, lines 4, 5, and 6, of said bill, strike out "cash or negotiable securities, or both, in an amount or of a value in excess of six hundred dollars (\$600), nor to any person who owns".

Amendment No. 3

On page 1, lines 6 and 7, of said bill, strike out "including any such cash or negotiable securities,".

Amendment No. 4

On page 1, line 9, of said bill, strike out "For the purposes of this section the".

Amendment No. 5

On page 1 of said bill, strike out lines 10 and 11, and insert "For the purpose of this section no life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient."

Amendment No. 6

On page 1, line 16, of said bill, before "fuel", strike out "and".

Amendment No. 7

On page 1, lines 16 and 17, of said bill, strike out "but do not include jewelry and items of similar character", and insert "and personal jewelry".

Amendment No. 8

On page 1 of said bill, after line 18, insert

"Sec. 4 Section 2163.8 is added to said code, to read:

2163.8. For the purposes of this chapter the value of a motor vehicle of moderate value for essential transportation of an applicant or recipient shall be excluded in determining the amount of personal property as provided in Section 2163."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 26—An act to add Section 3079.5 to and to amend Section 3082 of the Welfare and Institutions Code, relating to the administration of aid to the needy blind and aid to partially self-supporting blind residents.

Bill read third time.

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

AYES—Anderson, Beck, Berry, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Doyle, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hollibaugh, Kilpatrick, Kirkwood, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Reagan, Rosenthal, Silliman, Smith, Thomas, and Thompson—48.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 37—An act to amend Sections 1512, 1526, 1550, and 1554 of the Welfare and Institutions Code, relating to the granting of aid to needy children.

Bill read third time, and ordered temporarily passed on file.

MEMBER EXCUSED

At 9 25 a.m., Mr. Lowrey asked for, and was granted, unanimous consent that he be excused, for the purpose of attending a meeting of the Public Works Board, at this time.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 25

By Messrs. Thompson, Dolwig, McCollister, and Dickey:

House Resolution No. 25

Relative to commending the Department of California Highway Patrol

WHEREAS, The fine performances of the Federal Bureau of Investigation and other federal, state, and local law enforcement agencies are continually praised and brought to the attention of the public through newspaper items, magazine articles, radio reports and dramatizations, and motion pictures; and

WHEREAS, These agencies are justly deserving of such praise and publicity; and

WHEREAS, There exists in California the Department of California Highway Patrol, whose members daily render efficient service to the citizens of this State in patrolling the highways and enforcing the laws of the State; and

WHEREAS, The service rendered by the Department of California Highway Patrol often involves great personal risks and many of the members of the patrol have been injured or killed in the line of duty; and

WHEREAS, The Department of California Highway Patrol is equally deserving of public recognition and praise but seldom is accorded such public acclamation; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby commend the Department of California Highway Patrol on the faithful and efficient service it has rendered to the people of the State of California; and be it further

Resolved, That the people of the State of California be requested to take notice of the praiseworthy achievements of the Department of California Highway Patrol and to take pride in this exemplary law enforcement agency of the State; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Department of California Highway Patrol

Resolution read, and adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 128—An act to amend the California Water District Act, relating to delinquent taxes and the redemption of property sold therefor.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dunn, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Lindsay, Lipsecomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Sherwin, Sillman, Smith, Stanley, Thomas, Thompson, Tomlinson, and Waters—60.

NOES—None

Motion to Amend Title

Mr. Clarke moved the adoption of the following amendment to the title:

Amendment No. 1

In line 1 of the title of the printed bill, after "amend", insert "Sections 10 and 11 of".

Bill ordered transmitted to the Senate

Assembly Bill No. 98—An act to establish a Sex Crime Research Commission, providing for scientific research into the problems of sex crimes, and making an appropriation therefor.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Doyle, Dunn, Elliott, Erwin, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huyck, Kilpatrick, Kirkwood, Leveing, Lincoln, Lindsay, Lipsecomb, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, and Weber—56.

NOES—Babbage, Brady, Hinckley, Hoffman, Hollibaugh, Luckel, McCollister, Sherwin, and Waters—9.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE GOVERNOR**EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA****Proclamation**

WHEREAS, The Legislature of the State of California convened on March 6, 1950, in extraordinary session pursuant to my Proclamation dated March 1, 1950, and is now in session; and

WHEREAS, On account of extraordinary occasions which have arisen and now exist, it is deemed desirable and necessary to submit additional subjects to the Legislature for consideration; now, therefore,

I, EARL WARREN, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated March 1, 1950, by adding the following additional purposes thereto, and thereby permitting the Legislature to legislate upon the following subjects in addition to the subjects specified in the original Proclamation, to wit:

20 To consider and act upon legislation relating to credit for prior public service, and annual salary increments based on such service, for officers and attaches of municipal courts in cities and cities and counties of the fifth class.

21. To consider and act upon legislation authorizing the sale and conveyance of property purchased for a new site for Fresno State College and the application of the proceeds thereof.

22. To consider and act upon legislation to provide for the conveyance to Butte County of the right, title and interest of the State in certain real property in Butte County known as General Bidwell State Park, for use for public park purposes.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this fifth day of April, 1950.

[SAL.]

EARL WARREN, Governor of California

ATTEST:

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

RESOLUTIONS

The following resolution was offered:

By Messrs. Gaffney, Hahn, Burke, and Maloney:

House Resolution No. 51

Relative to recess on Good Friday, April 7, 1950

WHEREAS, It is the custom among Christians throughout the world to devote three hours on the afternoon of Good Friday to commemorative services and meditation upon the passion and death of our Saviour; and

WHEREAS, All Members of this Assembly desiring to participate in these religious observances should be free to do so; now, therefore, be it

Resolved by the Assembly of the State of California, That a recess be taken from 12 noon until 3 30 p m on Friday, April 7, 1950, in respect to observance of Holy Week.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 51, at this time, without reference to committee or file.

Resolution read, and adopted.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 20

Mr. Moss asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 20, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 20

Assembly Bill No. 20—An act to add Article 1a to Chapter 1, Division 1, of the Agricultural Code, to provide for the acquisition of land and the construction and equipment of buildings, offices, and facilities for use of the Department of Agriculture and other state and official agricultural agencies.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Diekey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkle, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lipscomb, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Rosenthal, Rumford, Sherwin, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—65.

NOES—None

Bill ordered transmitted to the Senate.

Hon. Richard H. McCollister Presiding

At 10.15 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. 84—An act to provide additional facilities for the protection and care of mentally ill persons, mentally deficient persons, and others specially in need of care, protection, or treatment in a mental institution, by providing for the acquisition by the Director of Mental Hygiene, with the approval of the Director of Finance, of real property, for use as a mental institution.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Thomas, Thompson, Waters, and Weber—59.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 3—An act making an appropriation for the support of child care centers.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Silliman, Thomas, Thompson, Waters, and Weber—59.

NOES—None.

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent That Name Be Placed Upon Roll Call
on Assembly Bill No. 3**

Mr. McCarthy asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 3, and that he be recorded as voting, "Aye."

Explanation of Vote

I was absent attending the Board of Public Works meeting when Assembly Bill No. 3 was passed. Had I been present I would have voted for the bill

A. I. STEWART

Speaker Pro Tempore Presiding

At 10.20 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Assembly Joint Resolution No. 11—Relative to memorializing Congress to appropriate sufficient sums of money to continue the activities of the Bureau of Indian Affairs in California.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott,

Erwin, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lapscomb, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Silliman, Smith, Thomas, Thompson, Waters, and Weber—63.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 27

Mr. Dolwig asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 27, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 27

By Messrs. Dolwig, Thompson, Brady, George D. Collins, Meyers, Berry, Maloney, Gaffney, and McCarthy:

House Resolution No. 27

Relative to congratulating Edward J. Carrigan on his nomination for the position of United States Marshal for the Northern District of California

WHEREAS, Mr. Edward J. Carrigan has been nominated by the President of the United States for the position of United States Marshal for the Northern California District; and

WHEREAS, Mr. Carrigan has been active for many years in civic and political affairs of San Mateo County, having served as President of the San Mateo Central Labor Council, Chairman of the San Mateo County Democratic Central Committee, and as Postmaster of the City of San Mateo; and

WHEREAS, His experience as a civic, political and labor leader makes him well qualified for the position for which he has been nominated; and

WHEREAS, This nomination for the position of United States Marshal for the Northern District of California confers upon Mr. Carrigan an honor which is merited by his fine record of public service; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly extend congratulations to Mr. Edward J. Carrigan on his nomination for this position of United States Marshal for the Northern District of California, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to send a copy of this resolution to Mr. Edward J. Carrigan.

Resolution read, and adopted.

CONSIDERATION OF DAILY FILE (RESUMED) THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 60—An act to amend Sections 3088 and 3473 of the Welfare and Institutions Code, relating to contributions by responsible relatives of recipients of aid to the needy blind or aid to partially self-supporting blind residents.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dills, Dolwig, Doyle, Dunn, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, and Weber—59.

NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 32

By Messrs. Thompson, Dolwig, and Dickey:

House Resolution No. 32

Relative to the creation of the Assembly Interim Committee on State-wide Riding and Hiking Trails Development

WHEREAS, It is the public policy of the State to promote the conservation, development, and use of the natural resources of this State for the purposes of health, recreation, and protection against fire and other hazards; to increase the accessibility and encourage the use of such natural resources by the residents of this State and by non-residents; to provide opportunity for the development of public and private facilities for the service of persons visiting and utilizing the natural resources of the State; to encourage increase in horseback riding and hiking as an influence for the health of the people; and to make more readily accessible the scenic wonders of the State by providing for the establishment, development, maintenance, and use of a state-wide system of riders' and hikers' trails; now, therefore, be it

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

1. The Assembly Interim Committee on State-wide Riding and Hiking Trails Development is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the establishment, development, maintenance, and use of a state-wide system of riders' trails, either separately from or in conjunction with a system of hikers' trails, 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of three Members of the Assembly appointed by the Speaker thereof. The chairman shall be appointed by the Speaker. 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 commencement of the 1951 Regular Session, with authority to file its final report not later than the twentieth legislative day of that 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 of 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.

5. The committee has the following additional powers and duties:

(a) To select 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 subpoenas, 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.

Resolution read.

Point of Order

Mr. Thompson arose to the following point of order: That Mr. Hinckley is not speaking to the question.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

Point of Order

Mr. Hinckley arose to the following point of order: That Mr. Burkhalter is not speaking to the question.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order not well taken.

The question being on the adoption of House Resolution No. 32.

Demand for Previous Question

Messrs. Caldecott, Silliman, Dolwig, Burke, and Waters demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of House Resolution No. 32.

Resolution adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 15—Relative to commending the Pacific Southwest Area Council of Y. M. C. A.'s for sponsoring the Model Legislature.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate

CONSIDERATION OF HOUSE RESOLUTION NO. 43

By Messrs. Morris and Evans:

House Resolution No. 43

Relative to commending the Division of Narcotic Enforcement of the Department of Justice Walter R. Creighton, Chief of the Division

WHEREAS, The Division of Narcotic Enforcement was created in 1929 when it became apparent that the narcotic problem was reaching such proportions that something should be done by the individual states, independently of federal participation, to prevent the increase in the abuse of narcotic drugs; and

WHEREAS, The Federal Narcotic Bureau has neither authority nor facilities to take over narcotic enforcement problems involving the ordinary narcotic trafficker and addict, that bureau being concerned primarily with tax regulations, interstate transactions, and smuggling; and

WHEREAS, The Division of Narcotic Enforcement cooperates with the Federal Bureau of Investigation, the United States Customs Service, and the Federal Narcotic Bureau, and also all branches of law enforcement agencies throughout the State, and often participates in activities involving great personal risk to its members; and

WHEREAS, In addition to enforcement work relative to illicit narcotics the division controls the use of medicinal narcotics prescribed and administered by the medical profession and maintains a program of preventive educational work; and

WHEREAS, The efficient job done by the division is seldom accorded publicity such as is given to the work done by other federal and state law enforcement agencies and is therefore virtually unknown to the people of the State of California; and

WHEREAS, The Division of Narcotic Enforcement, and its chief, Walter R. Creighton, are highly deserving of praise and publicity for the service being rendered to the people of the State of California; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby commend the Division of Narcotic Enforcement of the Department of Justice, and its chief, Walter R. Creighton, for the faithful and efficient service rendered to the people of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Division of Narcotic Enforcement of the Department of Justice.

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 26

By Messrs. Hahn, Morris, and Evans:

House Resolution No. 26

Relating to the location of the Harbor Freeway in Los Angeles County

WHEREAS, It is now proposed to locate portions of the Harbor Freeway between Main Street and Figueroa Avenue, running south from Olympic Boulevard in Los Angeles; and

WHEREAS, This area is residential and densely populated; and

WHEREAS, The construction of the highway in this location would be against the public health and welfare of the people of Los Angeles, and particularly of the southwest section thereof; and

WHEREAS, There are available routes for a Harbor Freeway along the right of way of the Pacific Electric Railway Company and along the route of the proposed Alameda Freeway, both of which can be constructed without the destruction of thousands of homes; and

WHEREAS, The integration of rapid urban and interurban transportation in the Los Angeles metropolitan area must be planned before freeway routes for that area are finally adopted if a coordinated transportation system for the Los Angeles metropolitan area is to result; and

WHEREAS, The Pacific Electric Railway Company is seeking to and probably will abandon this right of way in the near future as that company is abandoning many of its rights of way; and

WHEREAS, The destruction of homes required for the immediate construction of the Harbor Freeway would further aggravate the existing serious housing shortage in Los Angeles without any purposeful result being accomplished in view of the further planning necessary for an integrated transportation system for the Los Angeles metropolitan area; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Fact-Finding Committee on Highways, Streets, and Bridges is respectfully requested to investigate the advisability and feasibility of constructing the proposed highway, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the Assembly Fact-Finding Committee on Highways, Streets, and Bridges.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for March 29, 1950, at page 557, in the first "Resolved" clause, lines 1 and 2 after "That the", strike out "Assembly Fact Finding Committee on Highways, Streets and Bridges", and insert "California State Highway Commission".

Amendment No. 2

In the measure as printed, in the second "Resolved" clause, after "the", in the second line, strike out "Assembly Fact Finding Committee on Highways, Streets, and Bridges", and insert "California State Highway Commission".

Amendments read, and adopted.

Consideration of House Resolution No. 26, As Amended

By Messrs. Hahn, Morris, and Evans:

House Resolution No. 26

Relating to the location of the Harbor Freeway in Los Angeles County

WHEREAS, It is now proposed to locate portions of the Harbor Freeway between Main Street and Figueroa Avenue, running south from Olympic Boulevard in Los Angeles; and

WHEREAS, This area is residential and densely populated; and

WHEREAS, The construction of the highway in this location would be against the public health and welfare of the people of Los Angeles, and particularly of the southwest section thereof; and

WHEREAS, There are available routes for a Harbor Freeway along the right of way of the Pacific Electric Railway Company and along the route of the proposed

Alameda Freeway, both of which can be constructed without the destruction of thousands of homes; and

WHEREAS, The integration of rapid urban and interurban transportation in the Los Angeles metropolitan area must be planned before freeway routes for that area are finally adopted if a coordinated transportation system for the Los Angeles metropolitan area is to result; and

WHEREAS, The Pacific Electric Railway Company is seeking to and probably will abandon this right of way in the near future as that company is abandoning many of its rights of way; and

WHEREAS, The destruction of homes required for the immediate construction of the Harbor Freeway would further aggravate the existing serious housing shortage in Los Angeles without any purposeful result being accomplished in view of the further planning necessary for an integrated transportation system for the Los Angeles metropolitan area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California State Highway Commission is respectfully requested to investigate the advisability and feasibility of constructing the proposed highway; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission.

Resolution read, as amended, and ordered temporarily passed on file.

RESOLUTIONS

The following resolution was offered :

By Mr. Dickey :

House Resolution No. 52

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution :

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their respective names, payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons in the said amounts and the Treasurer is hereby directed to pay the same :

<i>Commencing Wednesday, April 5, 1950</i>	<i>Per day</i>
Chief Clerk, Arthur A. Ohnibus.....	\$25 00
Minute Clerk, Geraldine B. Hadsell.....	15 00
Assistant Minute Clerk, Lillian B. Slater.....	12 00
Sergeant-at-Arms, Wilkie Ogg.....	15 00
Chaplain, Dr. Torrance Phelps.....	5 00
Assistant Chief Clerk, Harold F. Lewtigh.....	15 00
Engrossing-Enrolling Clerk, Charles W. Robbins.....	14 00
History Clerk, Ethel E. Brockelbank.....	13 00
Assistant History Clerk, Helen Hartong.....	12 00
File Clerk, Ruth Riley.....	12 00
Assistant Clerk, John R. Wendt.....	12 00
Assistant Clerk, Paul F. Crum.....	12 00
Assistant Clerk, Robert J. Finnie.....	12 00
Journal Clerk, Walter W. Feeley.....	12 00
Assistant at Desk, William J. Greene.....	11 00
Sound Technician, James T. Doyle.....	12 00
Chief Assistant Sergeant-at-Arms, Andrew J. Cecchetti.....	13 00

Resolved, That the compensation of the above named attaches shall be on a seven-day week basis.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 52, 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, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Fleury, Geddes, Grant, Grunsky,

Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Silliman, Smith, Thomas, Thompson, Waters, and Weber—57.

NOES—None.

MOTION

Mr. Kirkwood moved that, prior to action on Interim Committee requests, the Committee on Rules furnish members with, or print in the Journal, the following information :

1. List of Interim Committees both existing and proposed.
2. Amount of funds heretofore granted.
3. Amount of funds used to date.
4. Amount of proposed augmentation.

Mr. Collier seconded the motion.

Roll Call Demanded

Messrs. Crowley, Kirkwood, and Kilpatrick demanded a roll call.

The roll was called, and the motion carried by the following vote :

AYES—Babbage, Beck, Brown, Burke, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Conrad, Cooke, Crichton, Dunn, Elliott, Erwin, Fleury, Grant, Grunsky, Hagen, Hahn, Hansen, Hineckley, Hoffman, Huyck, Kirkwood, Levering, Lindsay, Luckel, Maloney, McCarthy, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, and Waters—38.

NOES—Bennett, Berry, Brady, Burkhalter, Crowley, Doyle, Geddes, Hollibaugh, Kilpatrick, McCollister, and Thomas—11.

Hon. Laughlin E. Waters Presiding

At 11.07 a.m., Hon. Laughlin E. Waters, Member of the Assembly from the Fifty-eighth District, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 65—An act to provide for the Public School System and for that purpose; to repeal Chapters 2, 12, 13, 14, 15, and 16 of Division 3 of the Education Code; to repeal Sections 4713, 8704, 8761, 9613, 9614, 9615, 9616, 9617, 9642, 9645, 9809, and 16486 of said code; to repeal Article 10 of Chapter 16 of Division 2 of said code; to repeal Sections 671 and 671.1 of the Welfare and Institutions Code; to add Chapters 2, 12, 13, 14, 15, and 16 to Division 3 of the Education Code; to amend Section 16256 of said code, and to add Sections 8704 and 8761 to said code, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Gaffney moved the adoption of the following amendments :

Amendment No. 1

On page 37, line 48, of the printed bill, as amended in the Assembly on April 4, 1950, after "is", insert "generally".

Amendment No. 2

On page 37, line 48, of said bill, strike out the period, and insert "throughout the State. The board shall determine such price and may issue schedules of such prices from time to time."

Amendments read.

Amendments Withdrawn

Mr. Gaffney withdrew his amendments

The question being on the passage of Assembly Bill No. 65.

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

AYES—Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Condon, Conrad, Cooke, Crichton, Crowley, Davis, Dolwig, Dunn, Eiwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hansen, Hineckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Sillman, Stanley, Stewart, Thompson, Tomlinson, Waters, and Weber—58

NOES—Anderson, Brady, George D. Collins, Connolly, Elliott, Evans, Hahn, Hawkins, Hollibaugh, Luckel, McCarthy, Morris, Smith, and Thomas—14

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent That Name Be Placed Upon Roll Call
on Assembly Bill No. 65**

Mr. Dolwig asked for, and was granted, unanimous consent that his name be placed upon the roll call on Assembly Bill No. 65, and that he be recorded as voting "Aye."

**REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE
PRINTED IN THE JOURNAL**

Mr. Dunn 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:

OPINION OF LEGISLATIVE COUNSEL

(COPY)

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 3, 1950

*Hon Jonathan J Hollibaugh
Assembly Chamber*

Vote Necessary for Passage of Assembly Bill No. 65 Re Support of
Public School System and the Raising of Revenue Therefor—No.
1730

DEAR MR. HOLLIBAUGH:

Question

You have asked our opinion as to the vote necessary to pass Assembly Bill No. 65, assuming that when the bill is placed on final passage it contains provisions similar to those in the bill as introduced. In that form the bill provided for apportionment of money for support of the Public School System and for the levy of a tobacco tax to provide revenue for that purpose. The provisions relating to apportionment would be made to take effect immediately as an urgency measure. The provisions providing for the tax would take effect immediately as a tax levy.

Opinion

It is our opinion that a two-thirds vote of each house of the Legislature is necessary for the passage of Assembly Bill No. 65 because of the provision therein making the school apportionment provisions take effect

immediately as an urgency measure. The inclusion of the provision making the tax provision take effect immediately as a tax levy does not require such a vote.

Analysis

The constitutional provisions regarding effective dates of legislation are contained in Section 1 of Article IV of the Constitution. That section provides in part that certain types of acts may be placed in immediate effect instead of upon the ninety-first day after final adjournment of the session at which they are passed. Such acts are acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house.

In *Roth Drug, Inc. vs. Johnson*, 13 Cal. App. 2d 720, the court held that the two-thirds vote requirement applied only to urgency measures and that an act providing that it should take effect immediately as a tax levy could be passed by a majority vote.

In view of the fact that Assembly Bill No. 65 has an urgency section to give immediate effect to the provisions relating to school apportionments, a two-thirds vote is necessary for passage of the bill. However, if the bill was amended to delete this section, it could be passed by a majority vote of the members elected to each house. In that case, however, the provisions regarding apportionments would not take effect until 90 days after final adjournment of the session.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By LAWRENCE G. ALLYN, Deputy

Copies to authors, pursuant to Joint Rule 34.

STATEMENT BY MR. DUNN

With reference to the foregoing opinion by the Legislative Counsel it will be noted that the urgency clause in Assembly Bill No. 65 was stricken out of the bill, by amendment, in the Assembly, on Tuesday, April 4th.

REQUEST FOR UNANIMOUS CONSENT THAT REASON FOR ABSENCES BE NOTED

At 11.15 a.m., Speaker Sam L. Collins asked for, and was granted, unanimous consent that it be noted in the Journal that he and Mr. Stewart have been absent from the Assembly Chamber this morning for the purpose of attending a meeting of the Public Works Board.

ANNOUNCEMENT

Speaker Sam L. Collins announced that, as is customary, members will continue to request unanimous consent that the names of all members present be placed upon various commendatory house resolutions, as offered; and that any member wishing his name deleted, as a co-author, should come to the desk and record his request with the Minute Clerk.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 37

Assembly Bill No. 37—An act to amend Sections 1512, 1526, 1550, and 1554 of the Welfare and Institutions Code, relating to the granting of aid to needy children.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Stanley, Stewart, Thompson, Tomlinson, Waters, and Weber—63.

NOES—None.

Bill ordered transmitted to the Senate.

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

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

Assembly Bill No. 144: By Messrs. Hansen, Crichton, and Clarke—An act authorizing the sale of property in the County of Fresno and providing for the disposition and use of the proceeds from said sale.

Referred to Committee on Municipal and County Government.

Assembly Constitutional Amendment No. 2: By Mr. Hawkins—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding to Article IX thereof a new section to be numbered 6½, relating to the ratification of an act to provide for the Public School System.

Referred to Committee on Constitutional Amendments.

**FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 26,
AS AMENDED**

By Messrs. Hahn, Morris, and Evans:

House Resolution No. 26

Relating to the location of the Harbor Freeway in Los Angeles County

WHEREAS, It is now proposed to locate portions of the Harbor Freeway between Main Street and Figueroa Avenue, running south from Olympic Boulevard in Los Angeles; and

WHEREAS, This area is residential and densely populated; and

WHEREAS, The construction of the highway in this location would be against the public health and welfare of the people of Los Angeles, and particularly of the southwest section thereof; and

WHEREAS, There are available routes for a Harbor Freeway along the right of way of the Pacific Electric Railway Company and along the route of the proposed Alameda Freeway, both of which can be constructed without the destruction of thousands of homes; and

WHEREAS, The integration of rapid urban and interurban transportation in the Los Angeles metropolitan area must be planned before freeway routes for that area are finally adopted if a coordinated transportation system for the Los Angeles metropolitan area is to result; and

WHEREAS, The Pacific Electric Railway Company is seeking to and probably will abandon this right of way in the near future as that company is abandoning many of its rights of way; and

WHEREAS, The destruction of homes required for the immediate construction of the Harbor Freeway would further aggravate the existing serious housing shortage in Los Angeles without any purposeful result being accomplished in view of the further planning necessary for an integrated transportation system for the Los Angeles metropolitan area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California State Highway Commission is respectfully requested to investigate the advisability and feasibility of constructing the proposed highway; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission.

Resolution read, as amended, and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 137

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 127
Assembly Bill No. 134

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:
Senate Bill No. 12

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, April 5, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:
House Resolution No. 46
House Resolution No. 48

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

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 5, 1950

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

Assembly Bill No. 41

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

Above bill ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 53

WHEREAS, The Members of the Assembly will desire to have shipped to their various places of residence their bill files, books, 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 two thousand dollars (\$2,000), 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. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 53, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Elliott, Evans, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, and Weber—65.

NOES—None.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 5, 1950

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

The following resolution was read:

Senate Concurrent Resolution No. 9—Relative to commemorating Pan-American Day in the San Francisco Bay Area

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr. Collier 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:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, April 3, 1950

Hon John L. E. Collier
Assembly Chamber

REGISTRATION OF LEGISLATIVE REPRESENTATIVES—No. 1636

DEAR MR. COLLIER:

Question

You have requested our opinion on the application of Section 9906 of the Government Code (as added by Chapter 4 of the Statutes of the 1949 Extraordinary Session), relating to registration of legislative

representatives, to certain individuals in the following hypothetical situations:

Suppose there exists a state-wide nonprofit farm organization formed for the purpose of rendering aid to farmers on agricultural matters and to represent the interests of farmers as a group in relation to agricultural matters, including legislation affecting farm interests.

The organization retains experts in various fields whose various duties do not involve attendance at legislative sessions but who may be called upon by the organization from time to time to testify as experts on matters within their respective fields before legislative committees. Are such experts required to register under Section 9906 of the Government Code?

What additional circumstances, if any, would require the above experts to register under Section 9906? For example, would a discussion in a corridor of the Capitol with a legislator concerning legislation require such registration?

Suppose the state-wide organization is composed of separate county organizations, each of which has a secretary. It is no part of the ordinary duties of secretaries to communicate with the Legislature, its committees or members.

If on a particular occasion such a secretary should, as a part of his duties, write to a legislator concerning a pending bill, would he be required to register under Section 9906? Would the number of letters sent or the number of subjects considered affect the situation?

Opinion

It is our opinion that an appearance before a legislative committee would not subject any employee of the organization in question to the registration requirements of Section 9906 of the Government Code.

Under the theoretical facts given, we believe that the additional activities of the individuals described above would not subject them to the registration requirements of Section 9906, though we cannot so conclude without recognizing strong grounds for the courts concluding otherwise.

Analysis

The pertinent portions of Section 9906 of the Government Code read as follows:

"9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate * * *. The provisions of this section shall not apply to any person who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation * * *."

No person is required to register under the above section unless he shall engage himself for pay or for any consideration for the purpose of attempting to influence legislation. Further, even though a person is

one who so engages himself within the meaning of the section, he is expressly not required to register if his activities are confined to appearances before committees of the Legislature.

Therefore, it appears clear at the outset that the various experts or employees retained by the organization in question would not be required to register merely because of appearances before legislative committees.

To determine whether the experts or the secretaries described above would be subjected to the registration provisions of Section 9906 by their activities in addition to appearances before legislative committees, it is necessary to construe the meaning of the word "engaged" as it is used in the section. Neither Section 9906 nor the federal statute upon which it is based (60 U. S. Stats. 840) has, to our knowledge, been construed by the courts.

"To engage" is defined by Webster's New International Dictionary (Second Edition) as

"1. To promise or pledge oneself; to enter into an obligation; to become bound; to warrant.

"2. To embark in a business; to take part; to employ or involve oneself; as to *engage* in controversy."

Under the above definitions of the word "engage," especially if "to take part" or "to involve oneself," is used, it appears to us that the single act of speaking to a legislator in a paid representative capacity and seeking thereby to influence his views on particular legislation, or writing to a legislator for the same purpose might well be sufficient to subject the employees in question to the registration requirements of Section 9906.

On the other hand, "engage" has frequently been defined by the courts as connoting more than a single act or transaction and as involving some continuity of action, practice, or effort. (*People vs. Bright*, 96 N. E. 362, 364; *Nashville, C. & St. L. Ry. vs. City of Attalla*, 24 So. 450, 451; *Guiltinan vs. Metropolitan Life Ins. Co.* 38 A. 315, 316.) If this latter interpretation of the word be adopted, it can be said that the section was intended to require registration only of the professional legislative representative who frequently or continually undertakes for pay to influence legislation.

This latter construction of the statute appears to us to be consonant with the well established principle of law that penal statutes are to be strictly construed, and that in case of ambiguity in a criminal statute the construction more favorable to the alleged offender ordinarily will be adopted (*People vs. Ralph*, 24 Cal. 2d 575, 581).

Accordingly, we are inclined to believe the courts are more likely to adopt the more strict construction last referred to. This construction of Section 9906 in turn leads to the conclusion that under the facts given us, the activities of the experts and secretaries referred to herein in communicating only occasionally with legislators concerning legislation and not as a part of their regular duties would not subject such employees to the registration requirements of Section 9906. In so concluding we recognize that it is entirely possible for the courts to conclude otherwise and hold that "engage" as used in Section 9906 means "to take part"

or "to involve oneself" and that, therefore, single or occasional acts calculated to influence legislation would subject the actor to the registration requirements of the section.

We have not considered herein the possible application of Section 9905 of the Government Code as a limitation of Section 9906. Section 9905 provides in effect that the provisions of the chapter of the Government Code containing Section 9906 shall apply to any person whose principal purpose is to aid in influencing legislation. In our "Analysis of Chapter 4 of the Statutes of the First Extraordinary Session of 1949 (Assembly Bill No. 5)," published in the Assembly Journal (Budget Session) of March 8, 1950, commencing at page 40, we indicated it to be our opinion that Section 9905 is not a limitation on Section 9906 and that Section 9906 is self-contained. However, it should be added here that even if Section 9905 be interpreted as a limitation upon Section 9906, the effect would be to strengthen our conclusion, since it is quite clear that none of the individuals considered herein would be individuals whose principal purpose is to aid in influencing legislation.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By ROBERT G. HINSHAW, Deputy

RESOLUTIONS

The following resolutions were offered :

By Messrs. Collier, Lipscomb, and Smith :

House Resolution No. 54

Relating to the construction of grade separations on Fletcher Drive
in Los Angeles County

WHEREAS, Pursuant to House Resolution No. 24, adopted at the 1949 First Extraordinary Session of the Legislature, informal conferences were held in the Office of the Public Utilities Commission to study the desirability and feasibility of grade separations in Los Angeles County at the places where Glendale Boulevard, Los Feliz Boulevard, and Fletcher Drive cross the Southern Pacific Railroad tracks; and

WHEREAS, The participants in these conferences were representatives from the Cities of Los Angeles and Glendale, the County of Los Angeles, the State Department of Public Works, Division of Highways, the Los Angeles County Grade Crossing Committee, and the Public Utilities Commission; and

WHEREAS, Various subcommittees were formed to study the various phases of the problem, such as the relationship of such grade separations to the proposed parkway system in Southern California, the estimate of cost of the projects, the method of financing the projects, and their economic justification; and

WHEREAS, At such conferences it was demonstrated that a grade separation on Fletcher Drive should be constructed at the earliest possible time, both to eliminate accident hazard and to remove the cause of serious interference to the free flow of traffic on this much-traveled traffic artery; and

WHEREAS, The representative of the Southern Pacific Company has expressed the company's willingness to pay a portion of the cost of the project predicated on net benefits to it; and

WHEREAS, While neither the representatives of the City of Los Angeles nor of the County of Los Angeles were authorized to commit their respective political subdivisions, it would appear reasonable to assume that the City of Los Angeles and County of Los Angeles would be willing to assume reasonable proportionate shares of the cost of such project; and

WHEREAS, It is essential that preliminary plans for the construction of the grade separation on Fletcher Drive be jointly worked out by the parties concerned and hearings held thereon, and that the cost of the project be apportioned among the parties concerned and the construction thereof ordered; now, therefore, be it

Resolved by the Assembly of the State of California, That the Public Utilities Commission be directed to hold further hearings at the earliest possible time for the purpose of submission and approval of preliminary plans of the construction of a

grade separation between Fletcher Drive and the Southern Pacific right of way in Los Angeles County, to make such assessment of the cost of such project as it may find to be reasonable, and to order such construction as it may find to be necessary and feasible; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to transmit a copy of this resolution to the Public Utilities Commission, 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.

By Messrs. Burkhalter, Beck, Hoffman, McCollister, Hansen, Hagen, and Erwin:

House Resolution No. 55

Relative to requesting the Joint Legislative Committee on Agriculture and Livestock Problems to study and analyze facts relating to regulation of the shipment of eggs into California from other states

WHEREAS, Due to various factors, including lower labor and feed costs, poultrymen and egg producers in certain states can ship eggs into California to sell at lower prices than California-produced eggs; and

WHEREAS, California poultrymen and egg producers are therefore suffering economic losses and unemployment is resulting therefrom; and

WHEREAS, Many shipments of eggs into California are arriving in a spoiled condition, and tremendous waste is resulting; and

WHEREAS, The poultrymen and egg producers of California are urging proper legislation to regulate the shipment of eggs into this State from other states; now, therefore, be it

Resolved by the Assembly of the State of California, That the Joint Legislative Committee on Agriculture and Livestock Problems (created by Senate Concurrent Resolution No. 54, Resolutions Chapter 193, Statutes of the 1949 General Session) is hereby requested to ascertain, study, and analyze all facts relating to, bearing upon or affecting the regulation of the shipment of eggs into California from other states, with special attention to the feasibility of legislation requiring (1) inspection of eggs shipped from other states, by the Department of Public Health; (2) placing of labels on cartons which contain eggs from other states, showing the state from which they come; (3) assumption of the cost of candling, grading, and packing of eggs from other states by the producers in the state from which such eggs are shipped; (4) a commission to be appointed by the Governor, serving without compensation, to aid in administration of the regulations; 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 thereto, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Joint Legislative Committee on Agriculture and Livestock Problems and to the Director of the Department of Public Health.

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

By Mr. Kilpatrick:

House Resolution No. 56—Relative to Assemblyman Elwyn S. Bennett.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 56 As Co-Authors

Mr. Kilpatrick asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 56 as co-authors.

By Messrs. Kilpatrick, Anderson, Babbage, Beck, Berry, 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, Hansen, Hawkins, Hoffman, Hollibaugh, Huyek, Kirkwood, Lewis, Lincoln, Linday, Lipscomb, Lowrey, Luckel, Maloney,

McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, and Weber :

House Resolution No. 56

Relative to Assemblyman Elwyn S. Bennett

WHEREAS, Assemblyman Elwyn S. Bennett of the Fifty-first Assembly District has announced that he has filed as a candidate for Justice of the Peace in Los Angeles and that he will not be campaigning for reelection as a Member of the Assembly this year; and

WHEREAS, Assemblyman Elwyn S. Bennett has served continuously and faithfully as a Member of this Assembly since 1942; and

WHEREAS, Assemblyman Elwyn S. Bennett has always been a courteous, thorough and conscientious legislator, analyzing all legislation carefully, making his own decisions, and yielding only to logic and the welfare of the people of the State of California; and

WHEREAS, During his legislative career he has been a valuable member of many important committees of the Legislature and has been exceedingly conscientious and diligent in guarding the welfare of his district and his constituents; and

WHEREAS, Assemblyman Elwyn S. Bennett has worked actively and successfully to procure the State School for the Deaf in Southern California, for the improvement and retention of state highways in his district, for more stringent rules and regulation for the protection of participants in boxing matches, for an act enabling the County of Los Angeles to own and operate ambulances, for the retaining of school crossing guards, for jail reform and curbing of juvenile delinquency, including the outlawing of kangaroo courts, and for much other legislation especially beneficial to his district; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly hereby highly commends Assemblyman Elwyn S. Bennett for the faithful and conscientious manner in which he has fulfilled his duties to the people of his district and to the people of the State of California, and expresses its wishes for success in his new venture; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably prepared copies of this resolution to Assemblyman Elwyn S. Bennett.

Request for Unanimous Consent

Mr. Kilpatrick asked for, and was granted, unanimous consent to take up House Resolution No. 56, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 35

By Messrs. Smith and Lipscomb:

House Resolution No. 35

Relating to the construction of grade separations on Glendale Boulevard and Los Feliz Boulevard in Los Angeles County

WHEREAS, Pursuant to House Resolution No. 24, adopted at the 1949 First Extraordinary Session of the Legislature, informal conferences were held in the Office of the Public Utilities Commission to study the desirability and feasibility of grade separations in Los Angeles County at the places where Glendale Boulevard, Los Feliz Boulevard, and Fletcher Drive cross the Southern Pacific Railroad tracks; and

WHEREAS, The participants in these conferences were representatives from the Cities of Los Angeles and Glendale, the County of Los Angeles, the State Department of Public Works, Division of Highways, the Los Angeles County Grade Crossing Committee, and the Public Utilities Commission; and

WHEREAS, Various subcommittees were formed to study the various phases of the problem, such as the relationship of such grade separations to the proposed parkway system in Southern California, the estimate of cost of the projects, the method of financing the projects, and their economic justification; and

WHEREAS, It is agreed by all parties concerned that grade separations on Glendale Boulevard and Los Feliz Boulevard should be constructed at the earliest possible time, both to eliminate accident hazard and to remove the cause of serious interference to the free flow of traffic on these much-traveled traffic arteries; and

WHEREAS, The City of Glendale has, by resolution of its council, stated it will proceed in good faith to assume its reasonable proportionate share of the cost of one of the underpasses, and both of them if possible; and the representative of the Southern Pacific Company has expressed the company's willingness to pay a portion of the cost of the projects predicated on net benefits to it; and

WHEREAS, While neither the representatives of the City of Los Angeles nor of the County of Los Angeles were authorized to commit their respective political subdivisions, it would appear reasonable to assume that the City of Los Angeles and County of Los Angeles would be willing to assume reasonable proportionate shares of the cost of such projects; and

WHEREAS, It is essential that preliminary plans for the construction of the grade separations on Glendale Boulevard and Los Feliz Boulevard be jointly worked out by the parties concerned and hearings held thereon, and that the cost of these projects be apportioned among the parties concerned and the construction thereof ordered; now, therefore, be it

Resolved by the Assembly of the State of California, That the Public Utilities Commission be directed to hold further hearings at the earliest possible time for the purpose of submission and approval of preliminary plans of the construction of grade crossings on Glendale Boulevard and Los Feliz Boulevard in Los Angeles County, to make such assessment of the cost of such projects as it may find to be reasonable, and to order such construction as it may find to be necessary and feasible; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit 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.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure, as printed in the Assembly Journal for March 31, 1950, at page 623, in the first "Resolved" clause, second line, after "he", strike out "directed", and insert "requested".

Amendment read, and adopted.

Consideration of House Resolution No. 35, As Amended

By Messrs. Smith and Lipscomb:

House Resolution No. 35

Relating to the construction of grade separations on Glendale Boulevard and Los Feliz Boulevard in Los Angeles County

WHEREAS, Pursuant to House Resolution No. 24, adopted at the 1949 First Extraordinary Session of the Legislature, informal conferences were held in the Office of the Public Utilities Commission to study the desirability and feasibility of grade separations in Los Angeles County at the places where Glendale Boulevard, Los Feliz Boulevard, and Fletcher Drive cross the Southern Pacific railroad tracks; and

WHEREAS, The participants in these conferences were representatives from the Cities of Los Angeles and Glendale, the County of Los Angeles, the State Department of Public Works, Division of Highways, the Los Angeles County Grade Crossing Committee, and the Public Utilities Commission; and

WHEREAS, Various subcommittees were formed to study the various phases of the problem, such as the relationship of such grade separations to the proposed parkway system in Southern California, the estimate of cost of the projects, the method of financing the projects, and their economic justification; and

WHEREAS, It is agreed by all parties concerned that grade separations on Glendale Boulevard and Los Feliz Boulevard should be constructed at the earliest possible time, both to eliminate accident hazard and to remove the cause of serious interference to the free flow of traffic on these much-traveled traffic arteries; and

WHEREAS, The City of Glendale has, by resolution of its council, stated it will proceed in good faith to assume its reasonable proportionate share of the cost of one of the underpasses, and both of them if possible; and the representative of the Southern Pacific Company has expressed the company's willingness to pay a portion of the cost of the projects predicated on net benefits to it; and

WHEREAS, While neither the representatives of the City of Los Angeles nor of the County of Los Angeles were authorized to commit their respective political subdivisions, it would appear reasonable to assume that the City of Los Angeles and County of Los Angeles would be willing to assume reasonable proportionate shares of the cost of such projects; and

WHEREAS, It is essential that preliminary plans for the construction of the grade separations on Glendale Boulevard and Los Feliz Boulevard be jointly worked out by the parties concerned and hearings held thereon, and that the cost of these projects be apportioned among the parties concerned and the construction thereof ordered; now, therefore, be it

Resolved by the Assembly of the State of California, That the Public Utilities Commission be requested to hold further hearings at the earliest possible time for the purpose of submission and approval of preliminary plans of the construction of grade crossings on Glendale Boulevard and Los Feliz Boulevard in Los Angeles County, to make such assessment of the cost of such projects as it may find to be reasonable, and to order such construction as it may find to be necessary and feasible; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit 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, as amended, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 41

By Messrs. McMillan and Fletcher:

House Resolution No. 41

Relative to purchasing copies of "Population and Politics" for Members
of the Assembly

WHEREAS, In 1951 the membership of the California Legislature and of the United States House of Representatives will be reapportioned on the basis of the population findings of the 1950 Federal Census; and

WHEREAS, Reapportionment will determine how and where congressional and state legislative district boundaries will be newly established; and

WHEREAS, The Members of the California Legislature who are elected in 1950 will establish the new boundaries of congressional and state legislative districts within California; and

WHEREAS, Reapportionment affects the right of representation in the California Legislature and in Congress of every citizen in this State and should therefore receive widespread public interest before it takes place; and

WHEREAS, There exists an analytical study of the expected effects of the 1951 reapportionment on California and the United States, titled "Population and Politics," prepared and issued by San Jule and Stoffe and Hal Dunleavy and Associates of San Francisco; and

WHEREAS, Copies of this excellent study and survey should be made available to the Members of the Assembly for distribution to interested groups and individuals so that accurate information on this vital subject may be circulated to all persons; now, therefore, be it

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 4,000 copies of "Population and Politics," a study of expected effects of the 1951 reapportionment on the United States and California, prepared and issued by San Jule and Stoffe and Hal Dunleavy and Associates, 604 Montgomery Street, San Francisco, California, at ----- plus sales tax per copy; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver 50 copies of "Population and Politics" to each Member of the Assembly; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in a sum not to exceed ----- dollars in payment thereof.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for April 3, 1950, at pages 650-651, on page 651, in the first "Resolved" clause, line 2, strike out "4,000", and insert "500".

Amendment No. 2

In the measure as printed on page 651, in the first "Resolved" clause, line 6, insert "\$2.00".

Amendment No. 3

In the measure as printed on page 651, in the second "Resolved" clause, line 2, strike out "50", and insert "five".

Amendment No. 4

In the measure as printed on page 651, in the second "Resolved" clause, line 2, after "Assembly;" insert "and that the Chief Clerk of the Assembly is further directed to refer all requests for more than five copies to the Assembly Committee on Rules or the Assembly Committee on Legislative Process,"

Amendment No. 5

In the measure as printed on page 651, in the third "Resolved" clause, insert "\$1,200".

Amendments read, and adopted.

Consideration of House Resolution No. 41, As Amended

By Messrs. McMillan and Fletcher:

House Resolution No. 41

Relative to purchasing copies of "Population and Politics" for Members of the Assembly

WHEREAS, In 1951 the membership of the California Legislature and of the United States House of Representatives will be reapportioned on the basis of the population findings of the 1950 Federal Census; and

WHEREAS, Reapportionment will determine how and where congressional and state legislative district boundaries will be newly established; and

WHEREAS, The Members of the California Legislature who are elected in 1950 will establish the new boundaries of congressional and state legislative districts within California; and

WHEREAS, Reapportionment affects the right of representation in the California Legislature and in Congress of every citizen in this State and should therefore receive widespread public interest before it takes place; and

WHEREAS, There exists an analytical study of the expected effects of the 1951 reapportionment on California and the United States, titled "Population and Politics", prepared and issued by San Jule and Stoffe and Hal Dunleavy and Associates of San Francisco; and

WHEREAS, Copies of this excellent study and survey should be made available to the Members of the Assembly for distribution to interested groups and individuals so that accurate information on this vital subject may be circulated to all persons; now, therefore, be it

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 500 copies of "Population and Politics", a study of expected effects of the 1951 reapportionment on the United States and California, prepared and issued by San Jule and Stoffe and Hal Dunleavy and Associates, 604 Montgomery Street, San Francisco, California, at \$2.00 plus sales tax per copy; and be it further

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to deliver five copies of "Population and Politics" to each Member of the Assembly; and that the Chief Clerk of the Assembly is further directed to refer all requests for more than five copies to the Assembly Committee on Rules or the Assembly Committee on Legislative Process; and be it further

Resolved, That the Controller be and he is hereby authorized and directed to draw his warrant in a sum not to exceed \$1,200 in payment thereof.

Resolution read, as amended.

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

AYES—Beck, Berry, Brown, Burke, Burkhalter, Butters, Cloyd, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Erwin, Evans, Fletcher, Gaffney, Geddes, Hahn, Hansen, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Maloney, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rosenthal, Rumford, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Weber—46.

NOES—Connolly, Conrad, Elliott, Grunsky, Kirkwood, Luckel, and McCarthy—7.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Hawkins and Maloney:

House Resolution No. 57

Relative to commending Glenn M. Anderson

WHEREAS, Glenn M. Anderson entered public life in 1938 upon his election to the Democratic Central Committee, and since that date has served the public in many capacities, including service as Mayor, and as Police and Fire Commissioner, of Hawthorne, and service as a Sergeant in the Infantry in World War II; and

WHEREAS, He has brought the experience gained by such service to the State Assembly, where he has served the State and the people of his district in an outstanding manner since 1943; and

WHEREAS, During his service in the Assembly he has consistently exhibited an unusual knowledge and appreciation of the problems of the State and its people, and has devoted his time, intelligence and boundless energy unstintingly to the welfare of the people and the solution of those problems; and

WHEREAS, Glenn M. Anderson is now seeking office as a State Senator—an office which his talents and the experience gained while in the Assembly have peculiarly fitted him to fill; and

WHEREAS, The esteem and affection which his conduct and ability have earned for him cause the Assembly to regret the fact that his ready wit and intelligence will be lost to this body in future sessions; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly extend their heartiest congratulations and commendations to Glenn M. Anderson for his outstanding services to this Assembly, to the State and to the people of his district, together with their best wishes for success in his new venture.

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

By Mr. Clarke:

House Resolution No. 58—Relative to commending the Honorable James G. Crichton on his fine legislative record.

Resolution read.

**Request for Unanimous Consent That All Members Present Be Named
Co-Authors on House Resolution No. 58**

Mr. Clarke asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 58, as co-authors.

By Messrs. Clarke, Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, 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, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Sillman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, and Weber:

House Resolution No. 58

Relative to commending the Honorable James G. Crichton
on his fine legislative record

WHEREAS, James G. Crichton has announced his intention of becoming a candidate for Judge of the Superior Court; and

WHEREAS, During the eight years he has served as a Member of the Assembly he has won the affection and respect of all his colleagues because of his kindly personality, his ability to comprehend readily the complex problems of the State, and his untiring and intelligent efforts on behalf of the State as a whole and the people residing in his district; and

WHEREAS, The Members of this Assembly feel sure that the character and ability which Mr. Crichton brought to bear upon the work of the Legislature will serve him and the people equally well when applied to the duties of a Judge of the Superior Court; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby express their affection and esteem for their colleague James G. Crichton, their regret for his possible departure from their ranks, and their best wishes for success in his journey toward becoming Superior Court Judge

Request for Unanimous Consent

Mr. Clarke asked for, and was granted, unanimous consent to take up House Resolution No. 58, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

**REQUEST FOR UNANIMOUS CONSENT THAT HOUSE RESOLUTION
NO. 57 BE WITHDRAWN FROM THE COMMITTEE ON RULES**

Mr. Hawkins asked for, and was granted, unanimous consent that House Resolution No. 57 be withdrawn from the Committee on Rules for purpose of consideration, at this time.

**CONSIDERATION OF HOUSE RESOLUTION NO. 57
(BY UNANIMOUS CONSENT)**

By Messrs. Hawkins and Maloney:

House Resolution No. 57—Relative to commending Glenn M. Anderson.

Resolution read.

**Request for Unanimous Consent That All Members Present Be Named
Co-Authors on House Resolution No. 57**

Mr. Maloney asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 57, as co-authors.

By Messrs. Hawkins, Maloney, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Sam L. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipsecomb, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, and Weber:

House Resolution No. 57

Relative to commending Glenn M. Anderson

WHEREAS, Glenn M. Anderson entered public life in 1938 upon his election to the Democratic Central Committee, and since that date has served the public in many capacities, including service as Mayor, and as Police and Fire Commissioner, of Hawthorne, and service as a Sergeant in the Infantry in World War II; and

WHEREAS, He has brought the experience gained by such service to the State Assembly, where he has served the State and the people of his district in an outstanding manner since 1943; and

WHEREAS, During his service in the Assembly he has consistently exhibited an unusual knowledge and appreciation of the problems of the State and its people, and has devoted his time, intelligence and boundless energy unstintingly to the welfare of the people and the solution of those problems; and

WHEREAS, Glenn M. Anderson is now seeking office as a State Senator—an office which his talents and the experience gained while in the Assembly have peculiarly fitted him to fill; and

WHEREAS, The esteem and affection which his conduct and ability have earned for him cause the Assembly to regret the fact that his ready wit and intelligence will be lost to this body in future sessions; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly extend their heartiest congratulations and commendations to Glenn M. Anderson for his outstanding services to this Assembly, to the State and to the people of his district, together with their best wishes for success in his new venture.

Request for Unanimous Consent

Mr. Hawkins asked for, and was granted, unanimous consent to take up House Resolution No. 57, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

RECESS

At 11.56 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.

RESOLUTIONS

The following resolution was offered:

By Mr. Smith:

House Resolution No. 59—Relative to commending Willard M. Huyck for his service on behalf of the people of the State of California as a Member of the Assembly.

Resolution read.

Request for Unanimous Consent That All Members Present Be Named Co-Authors on House Resolution No. 59

Mr. Smith asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 59, as co-authors.

By Messrs. Smith, Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, 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, Hansen, Hawkins, Hinekey, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber:

House Resolution No. 59

Relative to commending Willard M. Huyck for his service on behalf of the people of the State of California as a Member of the Assembly

WHEREAS, Willard M. Huyck has announced his retirement from the Assembly at the conclusion of his present term; and

WHEREAS, Willard M. Huyck, representing the Fifty-ninth Assembly District, has been a Member of this Assembly since 1947; and

WHEREAS, Willard M. Huyck has been a resident of the State of California since birth and has, by residing for 30 years in Los Angeles County, acquired a personal knowledge of the needs and problems of the people of his district, and of the State of California; and

WHEREAS, Willard M. Huyck, being one of the youngest Members of the Assembly, and having served overseas during World War II, came into this Assembly with a keen interest in veterans' affairs, and has been able to project into the deliberations of this Assembly the views of a large group of young veterans of World War II; and

WHEREAS, Willard M. Huyck has at all times represented the people of the Fifty-ninth Assembly District honestly, diligently, and capably; and

WHEREAS, During his term in the Assembly Willard M. Huyck has devoted himself vigorously and conscientiously to the work of this Legislature, serving on important committees, and as Chairman of the Legislative Procedure Committee; and

WHEREAS, Willard M. Huyck's ability, character, conscientiousness and faithful performance of his duties have proved to be valuable assets to the State; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby express their keen regret that the capable and conscientious public service which Willard M. Huyck has rendered to this Assembly, to the people of the Fifty-ninth Assembly District and to the people of the State of California will end with his present term; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to present a suitably prepared copy of this resolution to Willard M. Huyck as an expression of the friendship and esteem of all of this Assembly, and as evidence that he takes with him their best wishes for success and achievement in his aspirations for the future.

Request for Unanimous Consent

Mr. Smith asked for, and was granted, unanimous consent to take up House Resolution No. 59, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on Industrial Relations

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Industrial Relations, to which was referred: Assembly Bill No. 142

Has had the same under consideration, and respectfully reports the same back without recommendation.

FLETCHER, Chairman

Above reported bill ordered to second reading.

RESOLUTIONS

The following resolution was offered:

By Mr. Beck:

House Resolution No. 60

Relative to the powers and duties of the Assembly Investigating Committee on Traffic Control

Resolved by the Assembly of the State of California, That in addition to the powers and duties heretofore given and imposed upon the Assembly Investigating Committee on Traffic Control (created by Assembly Resolution No. 233, 1949 General Session), the said committee is hereby authorized and directed to ascertain, study and analyze all facts relating to, bearing upon or affecting parking lots, with particular attention to the advisability of regulating parking lots as public utilities, 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 thereto, and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

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

Speaker Pro Tempore Presiding

At 2.02 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Judiciary**

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred

Assembly Bill No. 143

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.

Speaker Presiding

At 2.05 p.m. Hon Sam L. Collins, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Brown:

House Resolution No. 61—Relative to commending Charles M. Weber for his long service on behalf of the people of the State of California as a Member of the Legislature.

Resolution read.

**Request for Unanimous Consent That All Members Present Be Named
Co-Authors on House Resolution No. 61**

Mr. Brown asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 61, as co-authors.

By Messrs. Brown, Anderson, Babbage, Beck, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Sam L. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Diekey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Holli-baugh, Huyek, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, and Waters:

House Resolution No. 61

Relative to commending Charles M. Weber for his long service on behalf of the people of the State of California as a Member of the Legislature

WHEREAS, Charles M. Weber, our esteemed colleague representing the Eleventh Assembly District, has announced that he will not return next year as a Member of the Assembly of the State of California after 15 years of service in that body; and

WHEREAS, Charles M. Weber's ability, character, conscientiousness, and faithful performance of his duties have proved to be valuable assets to the State; and

WHEREAS, Charles M. Weber is a member of the illustrious pioneer family which founded the City of Stockton; and

WHEREAS, Charles M. Weber was educated in the Stockton schools and at St. Joseph's Academy and attended St. Mary's College, where he won his Bachelor's Degree in Civil Engineering, and Cornell University, where the Master's Degree in Civil Engineering was bestowed upon him in 1915; and

WHEREAS, Charles M. Weber served with great courage and distinction in World War I as a Naval Aviator and thereafter embarked on a successful career in various fields of private and public endeavor; he was engaged as a Construction Engineer for the Don Pedro Dam and the Carquinez Bridge and, in 1923, he devoted his time to the observation of planning and port development in Europe, and, in 1932, was actively engaged in the port planning for Stockton; since 1932 he has devoted his private interest to the development of farm lands; and

WHEREAS, Always conscious of his responsibilities as a citizen, Charles M. Weber was elected to the Assembly of the California Legislature in 1935 and has been re-elected for seven consecutive terms; and

WHEREAS, Charles M. Weber has given to the fullest of his time and energy and ability on behalf of both the residents in his Assembly District and of all of the people of the State of California, and is now Chairman of the Assembly Committee on Conservation, Planning, and Public Works; and

WHEREAS, While serving in the Assembly of the State of California, Charles M. Weber was the author of the State Planning Act, 1937, and the Conservation and Planning Act, 1947, and Reports on Procedure of Research, Fact-Finding, and Planning in State, Local and Legislative Branches of Government, and Rational Organization of Standing Committees of the Assembly; and

WHEREAS, During his long service in the Assembly, Charles M. Weber has demonstrated great Parliamentary ability, has proved his sincere interest in the welfare of the State, and is admired and respected by his colleagues for his ability, courage, integrity, and fairness; now, therefore, be it

Resolved by the Assembly of the State of California, That Charles M. Weber is commended most heartily for his fine service to the people of the State of California and for his record as a Member of the Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to present to Charles M. Weber a suitably prepared copy of this resolution as a token of the esteem and regard of his colleagues of the Assembly of the State of California, and as an expression of their good wishes which will go with him upon his retirement from this Assembly

Request for Unanimous Consent

Mr. Brown asked for, and was granted, unanimous consent to take up House Resolution No. 61, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

By Mr. Brown:

House Resolution No. 62—Relative to commending Verne W. Hoffman for his service on behalf of the people of the State of California as a Member of the Assembly.

Resolution read.

Request for Unanimous Consent That All Members Present Be Named Co-Authors on House Resolution No. 62

Mr. Brown asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 62, as co-authors.

By Messrs. Brown, Anderson, Babbage, Beck, Bennett, Berry, Brady, 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, Hansen, Hawkins, Hinckley, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers,

Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber :

House Resolution No. 62

Relative to commending Verne W. Hoffman for his service on behalf of the people of the State of California as a Member of the Assembly

WHEREAS, Verne W. Hoffman, our esteemed colleague representing the Twelfth Assembly District, has announced that he will not return next year as a Member of the Assembly of the State of California; and

WHEREAS, Verne W. Hoffman's ability, character, conscientiousness, and faithful performance of his duties have proved to be valuable assets to the State; and

WHEREAS, Verne W. Hoffman attended the University of California and the School of Military Aeronautics, and during World War I rendered military services with courage and distinction, and thereafter embarked upon a successful career in various fields of private and public endeavor; he was first employed by the Agricultural Extension Service as a farm advisor; in 1921 he settled in Lodi and devoted his private interests to ranching, and in 1922 he commenced his long career as a teacher and, after 22 years, he retired from teaching in 1944; and

WHEREAS, In 1949 Verne W. Hoffman was elected to the Assembly of the California Legislature and has given to the fullest of his time and energy and ability on behalf of both the residents in his Assembly District and of all the people of the State of California, and is now Vice Chairman of the Assembly Committee on Military Affairs and a Member of the Assembly Committees on Agriculture, Livestock, and Dairies, and Civil Service and State Personnel; and

WHEREAS, Verne W. Hoffman has demonstrated great parliamentary ability, has proved his sincere interest in the welfare of the State, and is admired and respected by his colleagues for his courage, ability, integrity and fairness; and

WHEREAS, The career of Verne W. Hoffman has established a pattern that may well be followed by his children, Verne Hoffman, Jr., Robert Hoffman, and Marolyn Hoffman, and his grandson, Gary Bruce Hoffman; now, therefore, be it

Resolved by the Assembly of the State of California, That Verne W. Hoffman is commended most heartily for his fine service to the people of the State of California and for the record he has made as a Member of the Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to present to Verne W. Hoffman a suitably prepared copy of this resolution as a token of the esteem and regard of his colleagues in the Assembly of the State of California, and as an expression of their good wishes which will go with him upon his retirement from this Assembly.

Request for Unanimous Consent

Mr. Brown asked for, and was granted, unanimous consent to take up House Resolution No. 62, at this time, without reference to committee or file

Resolution read, and adopted unanimously.

By Mr. Dickey :

House Resolution No. 63

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution :

Resolved, That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their respective names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons in the said amounts and the Treasurer is hereby directed to pay the same

Commencing April 3, 1950

	<i>Per day</i>
Paul Eigbrett, Page.....	\$3 00
Sally Fleury, Page.....	3 00
Suzie Fleury, Page.....	3 00
Kelly Hogan, Page.....	3 00
Willard M. Huyek, Jr., Page.....	3 00
Ted Labowitch, Page.....	3 00
Lance MacArthur, Page.....	3 00
Orrin Olsen, Page.....	3 00
Jerome Rothschild, Page.....	3 00
Larry Smith, Page.....	3 00
Rod Tomlinson, Page.....	3 00

*Commencing April 5, 1950**Per Day*

Jerry Lincoln, Page-----	3 00
Bruce Peterson, Page-----	3 00

Resolved further, That the above named persons be and they are hereby stricken from the roll upon completion of work on April 8, 1950.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 63, 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, Berry, Brady, Brown, Burke, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—69.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 45

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. 45
(BY UNANIMOUS CONSENT)

By Mr. Kirkwood:

House Resolution No. 45—Relative to the retirement of Assemblyman John F. Thompson from the Assembly of the State of California.

Resolution read.

Request for Unanimous Consent That All Members Present Be Named
Co-Authors on House Resolution No. 45

Mr. Kirkwood asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 45, as co-authors.

By Messrs. Kirkwood, Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, 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, Hansen, Hawkins, Hinckley, Hoffman, Holli-baugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers,

Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, and Weber :

House Resolution No. 45

Relative to the retirement of Assemblyman John F. Thompson from the Assembly of the State of California

WHEREAS, John F. Thompson has announced that he is retiring from the Assembly at the conclusion of this term to campaign for election as State Senator; and

WHEREAS, John F. Thompson came into this Assembly with an intimate knowledge of the problems facing the State of California and the Twenty-ninth Assembly District, having resided in the Twenty-ninth Assembly District since birth; and

WHEREAS, John F. Thompson has acquired through long, personal experience an intimate knowledge of the agricultural and water problems of the State, and of his district, and has worked constantly for the alleviation of these problems through legislative action; and

WHEREAS, During his service as Assemblyman, John F. Thompson has devoted himself vigorously and conscientiously to the work of this Legislature, serving on important committees, and as Chairman of the Committee on Public Health; and

WHEREAS, John F. Thompson's ability, character, conscientiousness and faithful performance of his duties have proved to be valuable assets to the State, and have earned for him the admiration and respect of the Members of this Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly commend John F. Thompson for his decision to campaign for the position of State Senator, and express the hope that the capable and conscientious service which John F. Thompson has rendered to the people of his district and to the people of the State of California will not terminate with his present term, but will be continued in the Senate of the State of California; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to present a suitably prepared copy of this resolution to John F. Thompson as an expression of the friendship and esteem of all of the Members of this Assembly, and as evidence that he takes with him their best wishes for success in his campaign for election as State Senator.

Resolution read, and adopted unanimously.

Speaker Pro Tempore Presiding

At 2.40 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 137**

Mr. Sam L. Collins asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 137, out of order, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 137

Resolution to Suspend Constitutional Provision

The following resolution was offered :

By Mr. Sam L. Collins :

Resolved, That Assembly Bill No. 137 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

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

AYES—Anderson, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Cooke, Crowley, Dickey, Dolwig, Doyle, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber—59.

NOES—None.

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

Assembly Bill No. 137—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing.

Bill read third time.

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

AYES—Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hunkley, Hoffman, Hollibaugh, Huvck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, and Mr. Speaker—62.

NOES—None

Bill ordered transmitted to the Senate.

Speaker Presiding

At 2.45 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dolwig:

House Resolution No. 64

Relative to launching Operation Cooke

WHEREAS, The populace of this State has been aroused, if not placed in a dither, by sensational reports in the Press concerning suspicious submarines sailing sneakily shoreward off the Pacific Coast of this State; and

WHEREAS, The Military has been unable to squelch such subs suitably or to silence such stories swiftly, to the great annoyance of the population, the Capitol Press, the Speaker, Speaker pro Tempore and Members of the Assembly, the Chief Clerk, Sergeant-at-Arms and officers and employees of the Assembly (whose lot has been made harder because of the annoyances heretofore mentioned); and

WHEREAS, This Assembly is fortunate in having, among its members, a person admirably equipped to dispose of said submarine with dispatch, though perhaps not neatly; and

WHEREAS, That person, salty sea dog though he be, is subject to the commands of this Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That Commander Cooke be, and he hereby is, directed to lay aside his cigar, to embark upon his private snorkel or upon some other suitable, snorkable, sinkable craft and forthwith find and bring in the mysterious subs that are prowling the Pacific near Commander Cooke's ranch at Ventura; and be it further

Resolved, That he be directed not to return again until said sub's goose is Cooke'd.

Request for Unanimous Consent

Mr. Dolwig asked for, and was granted, unanimous consent to take up House Resolution No. 64, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

By Mr. Hagen:

House Resolution No. 65—Relative to Assemblyman Yorty.

Resolution read.

Request for Unanimous Consent That All Members Present Be Named Co-Authors on House Resolution No. 65

Mr. Hagen asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 65, as co-authors.

By Messrs. Hagen, Anderson, Babbage, Beck, Bennett, Berry, 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, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Reagan, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber:

House Resolution No. 65

Relative to Assemblyman Yorty

WHEREAS, Assemblyman Samuel W. Yorty has announced his candidacy for Representative to the Congress of the United States from the Fourteenth District in Los Angeles; and

WHEREAS, Assemblyman Samuel W. Yorty has previously served two terms as a member of this Assembly from 1936 to 1940, during which time he served as a capable and enterprising legislator; and

WHEREAS, Assemblyman Samuel W. Yorty is presently a Member of this Assembly from the Sixty-fourth District having been elected at a special election held April 5, 1949, after serving honorably overseas with the armed forces and is very ably filling his seat as a Member of this Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly does hereby wish Assemblyman Samuel W. Yorty the best success as a Representative to the Congress of the United States; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Assemblyman Samuel W. Yorty.

Request for Unanimous Consent

Mr. Hagen asked for, and was granted, unanimous consent to take up House Resolution No. 65, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

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

The following resolution was offered:

Assembly Joint Resolution No. 12: By Messrs. Burkhalter, Beck, Fletcher, and Grant—Relative to the proposed closing of the Birmingham Veterans Hospital at Van Nuys, California, and the Long Beach Naval Hospital at Long Beach, California.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Gaffney:

House Resolution No. 66

Relative to Flying Saucers and Mayors

WHEREAS, Said flying saucers are now seen flying through the air in large numbers proceeding on some mysterious errand from nowhere to who knows where; and

WHEREAS, Such saucers have aroused alarm to such an extent that the Mayor of San Francisco has frantically flown to Washington seeking succor for civilians in his city; and

WHEREAS, This Assembly cannot stand idly by while saucers soar, people worry and mayors make trips; and

WHEREAS, This Assembly is fortunate in numbering among its members three fearless flyers sufficiently light headed to track the elusive flying saucer to its lair, thereby relieving the fears of the populace and allowing said Mayor to meditate upon other things; and

WHEREAS, This Assembly also numbers among its members the Past Air Raid Warden and Civilian Defense General of the San Francisco Area, a person admirably equipped and trained to clear bombs, planes and even saucers from the Golden Gate; now, therefore, be it

Resolved by the Assembly of the State of California, That Assemblymen Brown, Hinckley and Weber be, and they hereby are, directed to proceed to their planes and scour the skies from San Diego to Siskiyou, and to return when they have seized a saucer for the edification of the people, the Assembly and the Mayor of San Francisco; and be it further

Resolved, That Assemblyman Maloney be, and he hereby is, directed to resurrect the plans he prepared while acting as Air Raid Warden and Civilian Defense General and to present them, together with his plan for transporting the Southern California Smog to San Francisco to aid in the blackout if such a measure is necessary, to the Mayor of San Francisco; and be it further

Resolved, That the Chief Clerk of the Assembly be, and he hereby is, directed to transmit a copy of this resolution to the Mayor of San Francisco.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 66, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

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

Assembly Bill No. 52—An act to amend Section 647a of the Penal Code, relating to vagrancy;

Assembly Bill No. 53—An act to amend Section 644 of the Penal Code, relating to habitual criminals;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of April, 1950, at 3 p.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

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

Assembly Bill No. 1—An act to add Sections 330.1 to 330.6, inclusive, to the Penal Code, relating to slot machines, prohibiting the possession thereof and certain acts and transactions pertaining thereto, prescribing the penalty for violations of this act, and providing for the confiscation of such machines;

Assembly Bill No. 34—An act to add Section 330b to the Penal Code, relating to slot machines;

Assembly Bill No. 40—An act to add Section 18010 to, and to amend Section 7401 of, the Education Code, relating to sewers and drains for schools, and declaring its urgency;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifth day of April, 1950, at 3 p.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

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

Assembly Bill No. 136

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP

ASSEMBLY BILL NO. 136

Mr. Maloney asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 136, out of order, at this time.

CONSIDERATION OF ASSEMBLY BILL NO. 136**Resolution To Suspend Constitutional Provision**

The following resolution was offered :

By Mr. Maloney :

Resolved, That Assembly Bill No. 136 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, and placed upon its passage.

Resolution read.

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

AYES—Anderson, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stewart, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—65.

NOES—None.

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

Assembly Bill No. 136—An act relating to licenses to conduct horse racing meetings at which wagering on the results of horse races is permitted, to provide for the licensing of such meetings and for fees for such licenses in the event that the provisions of law applicable thereto should be finally determined to be unconstitutional and in such event to validate licenses issued prior to such final determination and for the foregoing purposes to amend Section 19480 and to amend and renumber Sections 19480.5, 19481, 19482, 19483, 19484, 19485, 19485.1, 19486, 19487, 19488, 19489, and 19490 of the Business and Professions Code, relating to horse racing meetings, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mr. Condon moved the adoption of the following amendment :

Amendment No. 1

On page 5 of the printed bill, after line 31, insert

"SEC. 19. Effective June 30, 1951, Sections 19480 to and including 19492 of the Business and Professions Code, in their present form as well as in the form herein adopted, shall be repealed and shall be of no further force or effect."

Amendment read.

Roll Call Demanded

Messrs. McCarthy, Condon, and Gaffney demanded a roll call.

The roll was called, and the amendment offered by Mr. Condon to Assembly Bill No. 136 was refused adoption by the following vote :

AYES—Anderson, Babbage, Brady, Collier, George D. Collins, Condon, Elliott, Hagen, McCarthy, and McMillan—10.

NOES—Berry, Burke, Burkhalter, Clarke, Cloyed, Coats, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Erwin, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Levering, Lindsay, Lipscomb, Luckel, Maloney, Meyers, Morris, Niehouse, Rumford, Smith, Stanley, Stewart, Thompson, Tomlinson, Weber, and Yorty—43.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McMillan, Meyers, Morris, Moss, Niehouse, Rumford, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—56.

NOES—Babbage, Beck, George D. Collins, Condon, Elliott, Hagen, Hahn, Kilpatrick, Lowrey, and Rosenthal—10.

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

AYES—Anderson, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Huyck, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McMillan, Meyers, Morris, Moss, Niehouse, Rumford, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—56.

NOES—Babbage, Beck, George D. Collins, Condon, Elliott, Hagen, Hahn, Kilpatrick, Lowrey, and Rosenthal—10.

Bill ordered transmitted to the Senate.

Explanation of Vote by Mr. Babbage on Assembly Bill No. 136

I voted "No" on Assembly Bill No. 136 because I do not believe that it is appropriate for the Legislature to act on this matter at this time.

JOHN D. BABPAGE

REPORTS OF STANDING COMMITTEES**Committee on Public Utilities and Corporations**

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Public Utilities and Corporations, to which was referred:

Senate 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.

EVANS, Chairman

Above reported bill ordered to second reading.

ANNOUNCEMENT

Mr. Beck announced a Democratic Caucus at the Hotel Sacramento at 5 p.m., tonight.

REQUEST FOR UNANIMOUS CONSENT THAT INFORMATION RELATIVE TO ASSEMBLY INTERIM AND JOINT COMMITTEES BE PRINTED IN JOURNAL

Mr. Dickey asked for, and was granted, unanimous consent that the following information, relative to Assembly interim and joint committees be ordered printed in the Journal, in 10-point type, pursuant to the provisions of a motion, by Mr. Kirkwood, previously carried, as set forward in today's Journal.

ASSEMBLY INTERIM AND JOINT COMMITTEES

7/2/49 to 4/5/50

<i>House com- mittees:</i>	<i>Name of committee</i>	<i>Original appropriation (\$)</i>	<i>Balance (\$) April 5, 1950</i>
HR 44	Tidelands -----	80,000 00	41,320 21
HR 121	Public Lands -----	3,000 00	2,958 66
HR 133	State-Local Taxation ----	45,000 00	36,107 75
HR 195	Petroleum-Oil -----	15,000 00	12,735 60
HR 197	Elections-Reapportionment	10,000 00	9,409 12
HR 212	Conservation-Planning ---	10,000 00	9,624 58
HR 216	Interstate Cooperation ---	20,000 00	16,833 16
HR 217	Military and Veterans Affairs -----	10,000 00	7,168 12
HR 222	Government Reorgan- ization -----	50,000 00	48,897 01
HR 232	Judicial System -----	35,000 00	18,813 38
HR 233	Traffic Control -----	5,000 00	1,767 46
HR 237	Public Health -----	20,000 00	12,342 62
HR 239	Finance-Insurance -----	30,000 00	19,205 58
HR 240	Public Morals -----	10,000 00	5,990 15
HR 28	Ways and Means -----	20,000 00	20,000 00
HR 242	Public Education -----	12,000 00	8,005 53
HR 243	Crime and Corrections ---	15,000 00	102 65
HR 250	Water Pollution -----	100,000 00	78,843 06
HR 251	Fish and Game -----	10,000 00	8,054 64
HR 253	Governmental Efficiency and Economy -----	40,000 00	29,285 34
HR 254	Fire Hazards -----	5,000 00	4,797 16
HR 255	Equalization of Salaries --	10,000 00	4,404 45
HR 258	Cemeteries -----	10,000 00	3,295 44
HR 264	Public Utilities -----	10,000 00	3,008 96
HR 269	Industrial Safety -----	3,000 00	2,912 74
HR 281	Highways, Streets, and Bridges -----	5,000 00	3,920 89
HR 285	Fairs and Expositions ----	5,000 00	2,587 26
HR 287	Constitutional Amend- ments -----	10,000 00	10,000 00
HR 291	Aviation -----	10,000 00	6,546 76
<i>Joint com- mittees:</i>	<i>Name of committee</i>	<i>Total original appropriation (\$)</i>	<i>Balance (\$) April 5, 1950</i>
SCR 4	Legislative Accounting ---	12,000 00	5,117 79
SCR 28	Adult Blind -----	10,000 00	9,040 88
SCR 54	Agriculture-Livestock ---	20,000 00	15,938 62
SCR 65	Soil Conservation -----	20,000 00	9,355 97
SCR 66	Water Problems -----	50,000 00	39,227 96
SCR 75	Legislative Budget -----	97,935 38	145,472 35
SCR 79	Housing Problems -----	10,000 00	4,703 88

{ HR 27 }
{ 4,415 87 }

{ SCR 5 }
{ 153,000 }

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 1.40 p.m.—

Conservation, Planning, and Public Works in Assembly Chamber.

At 7.30 p.m.—

Subcommittee on Education. Subject: Assembly Bill No. 118.

At 8 p.m.—

Education.

Today upon recess—

Judiciary. Subject: Assembly Bill No. 143.

Industrial Relations, at Mr. Fletcher's desk. Subject: Assembly Bill No. 142.

Today upon adjournment—

Rules.

Interim Committee on Trans-Bay Crossings, in Room 426.

Social Welfare.

Governmental Efficiency and Economy.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Speaker Sam L. Collins and Mr. Waters, the usual courtesies of the Assembly for this day were unanimously extended to Blanche Simmons and Ruth Snyder of Los Angeles.

On request of Mr. Lewis, the usual courtesies of the Assembly for this day were unanimously extended to Leo D. Rapp of Bakersfield.

On request of Mr. Evans and the Los Angeles Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Fred Frank of Los Angeles.

On request of Mr. Rumford, the usual courtesies of the Assembly for this day were unanimously extended to Jay Maurice of Oakland.

On request of Mr. Cooke and the Los Angeles Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Ellis Patterson, former Lieutenant Governor, Congressman, and legislator, of Los Angeles.

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to Travis Stinson, teacher of the Ransom School; Mrs. Emery Iversen and Mrs. James Blackmon, mothers, Ben Harmsen, bus driver, and the following pupils: Joe Barcelos, Benny Blackmon, Albert Coito, John Crawmer, Billy Crocker, Sammy Davies, Richard Fisher, Weston Harvey, Gordon Nicholson, Anthony Nunes, Larry Thurman, Yvonne Baptiste, Jessie Brown, Beryle Carraway, Bellemdia Henriques, Gail Horton, Judy Hubbard, Beverly Iversen, Charlene Long, Noreen Powers, and Dorothy Wolf.

On request of Mr. Cooke, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. Paul Barnard and son Michael, of Ventura, and Mr. and Mrs. William Ramelli of Ojai.

On request of Mr. Lowrey, the usual courtesies of the Assembly for this day were unanimously extended to J. P. Burton of Corning.

On request of Mr. Thompson, the usual courtesies of the Assembly for this day were unanimously extended to Cliff Kallam of San Jose.

On request of Mr. Meyers, the usual courtesies of the Assembly for this day were unanimously extended to Fred Nerney and Dick Valerga of San Francisco.

On request of Mr. Dolwig, the usual courtesies of the Assembly for this day were unanimously extended to Curtis Beacock of Half Moon Bay.

ADJOURNMENT

At 3.30 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 9 a.m., Thursday, April 6, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY
THIRTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, April 6, 1950

The Assembly met at 9 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rosenthal, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—73.

Quorum present.

PRAYER

The following prayer was offered by the Acting Chaplain, Rev. Bernard L. Rice, Assistant Minister of the Congregational Church:

God of Hope: We pray today that the American people may see the menace of the multitude of fears that flourish on every side.

Fears which excitable organizations, ranting demagogues and self-seeking politicians stir up for selfish ends.

Fears upon which the Yellow Press plays, and undermines the confidence of the world in our government and its future.

Fears of imaginary crises, of impossible bombs, of flying missiles in the sky that worry a gullible public.

Deadly fears, that can precipitate rash action in domestic or world areas.

Let us pray for common sense and cool judgment, for confidence in the soundness of America and for faith that the Creator endowed humanity with sense enough not to commit suicide.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Geddes, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Babbage, on motion of Mr. Stanley.

Mr. Price, on motion of Mr. Stanley.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Condon, on motion of Mr. Meyers.

Mr. Yorty, on motion of Mr. Fleury.

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

Mr. Reagan, on motion of Mr. Levering.

COMMUNICATIONS

By the Chief Clerk:

A communication from Mrs. Irene McNiece of Oakland, expressing appreciation to the Members of the Assembly for receipt of House Resolution No. 13, relative to the memory of Mr. George Hans, was received, and ordered noted in the Journal.

By Speaker Sam L. Collins:

A communication from William G. Bonelli, member, State Board of Equalization, relative to political activities by members of his force, was received, and ordered noted in the Journal, all Members of the Assembly having received individual copies.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS**

Assembly Bill No. 143—An act to amend Section 11d of the Municipal Court Act of 1925, relating to credit for prior public service and annual salary increments based on such service, for officers and attaches of municipal courts in cities and cities and counties of the fifth class.

Bill read second time, and ordered engrossed.

Assembly Bill No. 142—An act making an appropriation for an investigation of the cost of proper living for women and minors and the consideration of the findings thereof.

Bill read second time, and ordered engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 12—An act to add Article 1.5 to Chapter 1 of Division 1 of the Agricultural Code, relating to the Department of Agriculture Building, providing for the acquisition thereof, authorizing the investment in such building of any surplus in any special fund under the jurisdiction of the Department of Agriculture, and providing for safeguards of such special fund investment.

Bill read second time, and ordered to third reading.

Senate Bill No. 38—An act to amend Section 974 of the Municipal Utility District Act, relating to municipal utility districts, 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 Rules :

Amendment No. 1

On page 1, line 15, of the printed bill, strike out "Sec. 2", and insert "SEC. 2 Section 974.1 is added to the Municipal Utility District Act, to read : 974.1. Whenever the cost of construction of any office building or warehouse of the district constructed under Section 974 exceeds the sum of two thousand dollars (\$2,000), the district must adopt plans and specifications and working details, as may be proper, and must advertise for bids for such work in accordance with the plans and specifications so adopted. All bidders shall be afforded an opportunity to examine such plans and specifications and said district shall award the contract to the lowest responsible bidder; and the person or corporation to whom the contract is awarded shall be required to execute a bond, not to exceed 25% of the contract price, for the faithful performance of the contract; the form of the bond to be approved by the board of directors; provided that in cases of great emergency and when necessary to protect life and property, the board of directors, by unanimous vote of all members present, may without advertising for bids therefor, have said work done by day labor.

Sec. 3."

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 5, 1950

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

Senate Bill No. 45

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. 45—An act making an appropriation for the contingent expenses of the Senate, including committee expenses to take effect immediately.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 5, 1950

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

Senate Bill No. 49

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. 49—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending a Session of the Legislature, to take effect immediately.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Joint Resolution No. 5—Relative to the establishment of an Air Force academy in Kern County.

Resolution read.

Motion to Amend

Mr. Coats moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed measure, as amended in the Assembly on March 29, 1950, strike out the period, and insert "or the Sacramento Valley".

Amendment No. 2

On page 1 of said measure, between lines 22 and 23, insert "WHEREAS, The Sacramento Valley, which is one of the most fertile and naturally well-favored areas on earth, with many centers of population but much open territory, also contains sites which fulfill all the requirements for the establishment of an Air Force academy; and".

Amendment No. 3

On page 2, line 8, of said measure, after "airfields", insert ", and the Sacramento Valley."

Amendments read.

Point of Order

Mr. Waters 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.

The question being on the adoption of the amendments offered by Mr. Coats.

Amendments adopted.

Motion to Re-refer Assembly Joint Resolution No. 5 to Committee

Mr. Kirkwood moved that Assembly Joint Resolution No. 5 be withdrawn from the file, and be re-referred to the Committee on Rules.

Mr. Grunsky seconded the motion.

Motion carried.

Assembly Joint Resolution No. 5 ordered reprinted, re-engrossed, and re-referred to the Committee on Rules.

ANNOUNCEMENTS

Speaker Sam L. Collins announced that, pursuant to the motion by Mr. Kirkwood, made yesterday and noted in the Assembly Journal for Wednesday, April 5th, at page 824, the Committee on Rules has not completely complied with the provisions of the Kirkwood motion (see pages 851 and 852 of same Journal); and that the Committee on Rules should take note, and supply said required information.

Speaker Sam L. Collins announced that, pursuant to legal requirements, information pertaining to legislative business representatives has appeared in the Assembly Journal for Wednesday, April 5th, immediately following page 854.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL
NO. 135 ON UNFINISHED BUSINESS FILE**

Mr. George D. Collins asked for unanimous consent that he be permitted to take up Assembly Bill No. 135, on the unfinished business file, previously passed on file, out of order, at this time.

Mr. Waters withheld unanimous consent.

**REQUEST FOR UNANIMOUS CONSENT THAT REPORT BE PRINTED
AS SEPARATE DOCUMENT AND THAT 5,000 COPIES BE PRINTED**

Mr. Erwin asked for unanimous consent that the Report of the Fish and Wildlife Commission by Seth Gordon be ordered printed as a separate document, and that 5,000 copies be printed.

Request ordered referred to the Committee on Rules.

CONSIDERATION OF HOUSE RESOLUTION NO. 48

By Messrs. Dickey, Dunn, Rumford, Lincoln, Sherwin, and Caldecott:

House Resolution No. 48—Relative to extending the best wishes of the Assembly to Judge T. W. Harris of the Alameda County Superior Court.

Resolution read.

**Request for Unanimous Consent That Names of All Members Present Be
Placed Upon House Resolution No. 48 As Co-Authors**

Mr. Caldecott asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 48, as co-authors.

By Messrs. Dickey, Dunn, Rumford, Lincoln, Sherwin, Caldecott, Anderson, Beek, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, George D. Collins, Sam L. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hineckley, Hoffman, Hollibaugh, Huyek, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Rosenthal, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber:

House Resolution No. 48

Relative to extending the best wishes of the Assembly to Judge T. W. Harris of the Alameda County Superior Court

WHEREAS, Since this year will be the last of the many years of outstanding service by Judge T. W. Harris on the bench of the Superior Court of the State of California in and for the County of Alameda, it is fitting and proper that the Members of the Assembly should now pay tribute to this able and faithful public servant.

In January, 1899, T. W. Harris was appointed Deputy District Attorney of Alameda County. On October 30, 1905, he was appointed Superior Court Judge by then Governor George C. Pardee. This year the electors of Alameda County will not find his familiar name on the election ballots as a candidate for reelection since, having reached the age of 90 years, he has concluded not to be a candidate for reelection.

Judge Harris acted as Presiding Judge in Alameda County commencing in 1918. When the Judicial Council came into being in 1926, and formal provision was made for that office, he was chosen Presiding Judge by his fellow officers and has continued as such ever since.

In all the years of his service Judge Harris has performed his duties ably and with such a keen sense of justice and fairness as to earn the high regard and respect of all who are familiar with his work. His departure from the bench is a real loss, and the contributions he made toward the administration of justice in the State of California will long be remembered; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby express their appreciation to Judge T. W. Harris for his many years of fine service as Judge of the Superior Court, and their hope and best wishes that he may enjoy many well earned, happy years following his retirement; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to Judge T. W. Harris.

Resolution read, and adopted.

REQUEST BY MR. HAWKINS

Mr. Hawkins requested that, in the future, standing House procedure be complied with, and the placing of names of members on House resolutions as co-authors, be done only by roll call, pursuant to procedure of previous sessions.

Statement by Speaker

Speaker Sam L. Collins stated that in the future, such suggested procedure will be the order.

RE-REFERENCE OF BILL

By order of the Speaker, the following bill was withdrawn from the file, and re-referred as follows:

Assembly Bill No. 142 re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES**Committee on Education**

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:

Senate Bill No. 13

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

DUNN, Chairman

Above reported bill ordered to second reading.

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Senate Bill No. 3

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

NIEHOUSE, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Senate Bill No. 29

Senate Bill No. 37

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

NIEHOUSE, Chairman

Above reported bills ordered to second reading.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Porter, McMillan, Beck, and Fletcher:

House Resolution No. 67

Relating to the powers and duties of the Assembly Investigating Committee on Traffic Control

WHEREAS, It has come to the attention of this Assembly through newspaper articles from the Los Angeles area, and otherwise, that parking facilities are being dealt with in such a manner that monopolistic control of the available downtown Los Angeles parking space and excessive prices in parking lots have resulted; and

WHEREAS, Establishment of an excessive number of "no parking" streets in the downtown area of Los Angeles is forcing all parking into the parking lots without relief from the high prices extracted from the shoppers, workers, and other motorists; and

WHEREAS, It has also been publicly claimed that hundreds of thousands of dollars worth of parking meters are contracted for by authorities in various metropolitan areas of the State without first conducting competitive tests or seeking bids from the ten or more recognized manufacturers of parking meters; and

WHEREAS, In Los Angeles County there are some forty unincorporated areas or communities that would fall under a general plan for the use of parking meters; and

WHEREAS, The installation of the more than forty thousand meters estimated to be necessary in this area could involve the disbursement of several million dollars and the collection of large sums per month for many years to come; and

WHEREAS, Due to the pressing need for traffic control, on-street parking turnover, and development of off-street parking facilities, it appears that there is a need for a study and investigation of all matters relating to parking meter installations in the State, with especial attention to the Los Angeles area, and the development of off-street parking facilities from meter revenues; now, therefore, be it

Resolved by the Assembly of the State of California, That in addition to the powers and duties heretofore given and imposed upon the Assembly Investigating Committee on Traffic Control (created by House Resolution No. 233, 1949 General Session), the said committee is hereby authorized and directed to ascertain, study, and analyze all facts relating to, bearing upon or affecting the operation, licensing, control or supervision of parking lots, and the need for regulation and control of the methods by which such meters are purchased, controlled, and maintained; the proper and efficient use of parking meter revenue when used for the development of off-street parking facilities, 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 thereto, and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

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

By Messrs. Burkhalter, Porter, Thompson, Weber, Evans, Grant, Anderson, and Thomas:

House Resolution No. 68

Relating to printing and distribution of scrolls containing the Great Seal and other emblems of the State of California

WHEREAS, For many years the Secretary of State has distributed, especially to school children, a printed scroll, bearing the State Colors and other official emblems of the State of California, attractively designed and beautifully displayed; and

WHEREAS, These printed scrolls have been received with the greatest pleasure and pridefully treasured by the children who have received them; and

WHEREAS, The greatest distribution of these scrolls has been among the many hundreds of school children visiting sessions of the California Legislature, to whom these scrolls mean a treasured souvenir of their visit, as well as imparting to them a sense of the dignity and prestige of their State; now, therefore, be it

Resolved by the Assembly of the State of California, That the Secretary of State is requested to cause to be printed as a public document, for distribution without charge as the Secretary of State shall direct, not to exceed 15,000 copies of a scroll containing the Great Seal and other emblems of the State of California as prepared under the direction of the Secretary of State; and be it further

Resolved, That the sum of two thousand two hundred dollars (\$2,200) is hereby made available from the Contingent Fund of the Assembly, for payment of the cost of printing and distribution of said scrolls.

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

By Mr. Evans:

House Resolution No. 69

Relative to augmenting funds of the Assembly Interim Committee on Public Utilities and Corporations

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of ten thousand dollars (\$10,000), 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 Public Utilities and Corporations (created by House Resolution No. 264, 1949 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from 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.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS**

Senate Bill No. 10—An act to amend Section 2117.5 of the Streets and Highways Code, relating to the Highway Users Tax Fund.

Bill read third time.

Motion to Amend

Mr. Lindsay moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, between lines 11 and 12, insert

"All payments of principal or interest on such bonds, issued by such acquisition and improvement districts, made, prior to authorization of such payments by this section, by counties from moneys distributed to them from the Highway Users Tax Fund are hereby validated, ratified, and confirmed."

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

Senate Bill No. 23—An act to amend Section 6010 of, to add Section 6011.5 to, the Insurance Code, relating to insurance and to the standard form of fire insurance policy for county mutual fire insurers.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hansen, Hawkins, Hincley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber—63.

NOES—None.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hansen, Hawkins, Hincley, Hoffman, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rosenthal, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, and Weber—63.

NOES—None.

Bill ordered transmitted to the Senate.

**Request for Unanimous Consent That Name Be Placed on Roll Call on
Senate Bill No. 23**

Mr. Erwin asked for, and was granted, unanimous consent that his name be placed upon the roll call on Senate Bill No. 23, and that he be recorded as voting "Aye."

RESOLUTIONS

The following resolution was offered:

By Messrs. Dolwig, Crowley, and Geddes:

House Resolution No. 70

Relating to an investigation and report relative to the desirability and feasibility of a separation of grade between certain thoroughfares in San Mateo County,

between Suisun and Fairfield in Solano County, and in Pomona in Los Angeles County, and the tracks of certain railroad companies

WHEREAS, San Bruno Avenue in the City of San Bruno, Broadway Avenue in the City of Burlingame, and several streets in Redwood City in the vicinity of the Southern Pacific Depot, cross the tracks of the Southern Pacific Company at grade; and

WHEREAS, Several streets running between Suisun and Fairfield in Solano County cross the tracks of the Southern Pacific Company at grade; and

WHEREAS, Garey Avenue, White Avenue, and Towne Avenue, in Pomona, Los Angeles County, cross the tracks of the Southern Pacific Company and the Union 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 cities of San Bruno, Burlingame, Redwood City, Suisun, Fairfield, and Pomona, and the appropriate officials of the Counties of San Mateo, Solano, and Los Angeles, the Southern Pacific Company, the Union Pacific Company, and the Public Utilities Commission be requested to initiate proceedings for separation of grades at, respectively, San Bruno Avenue in San Bruno, Broadway Avenue in Burlingame, one of the several streets in the vicinity of the Southern Pacific Depot in Redwood City, one of the streets running between Suisun and Fairfield, and at Garey Avenue, White Avenue or Towne Avenue in Pomona, and to report to the Assembly not later than January 15, 1951; 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 Cities of San Bruno, Burlingame, Redwood City, Suisun, Fairfield, and Pomona, the Counties of San Mateo, Solano, and Los Angeles, the Southern Pacific Company, and the Union Pacific Company.

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

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution No. 6—Relative to proposed federal regulation of size and weight of motor vehicles.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloved, Coats, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rosenthal, Rutherford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Mr. Speaker—64.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

MR. SPEAKER Your Committee on Education, to which was referred

Assembly Bill No. 118

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

DUNN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 44

House Resolution No. 55

House Resolution No. 60

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

DICKLEY, Chairman

Above reported resolutions ordered on file for adoption.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

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

Assembly Concurrent Resolution No. 7

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

RESOLUTIONS

The following resolution was offered:

By Mrs. Niehouse, Messrs. Crowley, and Cooke:

House Resolution No. 71

Relative to the creation of the Assembly Interim Committee on Social Welfare

WHEREAS, The increasing volume and cost of social legislation designed to aid and assist the aged, blind, and other needy or handicapped citizens requires a careful study to be made of all facts relating thereto; and

WHEREAS, It is necessary that the Assembly be fully informed as to all facts relating to or bearing upon the above, in order that it may intelligently consider any needed expansion, modification, or other change in the law relating to the above which may be necessary to the welfare of the people of this State; now, therefore, be it

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

1. The Assembly Interim Committee on Social Welfare is hereby created and authorized and directed to ascertain, study and analyze all facts relating to social welfare, including but not limited to aid to orphans and other needy children, child care centers, and aid to aged, indigent or blind persons, and 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof. The chairman shall be appointed by the Speaker. 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 commencement of the 1951 Regular Session, with authority to file its final report not later than the twentieth legislative day of that 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 of 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.

5. The committee has the following additional powers and duties:

(a) To select 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 subpoenas, 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.

6. 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 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.

MEMBER EXCUSED

At 9.50 a.m., Mr. Luckel asked for, and was granted, unanimous consent that Mr. Collier be excused, for the balance of the legislative day, because of legislative business elsewhere.

REPORTS OF STANDING COMMITTEES

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 132

Assembly Bill No. 141

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

STEWART, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 92

Assembly Bill No. 126

Has had the same under consideration, and reports the same back with the recommendation: Subject matter be re-referred to Interim Committee on Governmental Efficiency and Economy.

STEWART, Chairman

Above reported bills ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

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

Assembly Bill No. 41—An act to amend Section 9905 of the Government Code, relating to influencing legislation;

Assembly Bill No. 47—An act to amend Sections 5501, 5502, and 5503 of the Welfare and Institutions Code, relating to sexual psychopaths;

And reports that the same have been correctly enrolled, and presented to the Governor on the sixth day of April, 1950, at 10 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

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

Assembly Bill No. 17

Assembly Bill No. 142

Assembly Bill No. 129

Assembly Bill No. 143

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

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.

HUYCK, Chairman

Above reported resolutions ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

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

Assembly Joint Resolution No. 10

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred

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 resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 9

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

DICKEY, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 6, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 33

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, April 6, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

The Report of the Fish and Wildlife Commission by Seth Gordon:

Has had the same under consideration, and reports the same back with the recommendation: That the report be printed as a separate document and that 5,000 copies be printed

DICKEY, Chairman

Request for Unanimous Consent that Above Report Be Adopted

Mr. Dickey asked for, and was granted, unanimous consent that the above report of the Committee on Rules, relating to the printing of 5 000 copies of the Report of the Fish and Wildlife Commission by Seth Gordon, be adopted.

RE-REFERENCE OF BILLS

By order of the Speaker, the following bills were withdrawn from the file, and re-referred as follows:

Assembly Bill No. 17 re-referred to the Committee on Social Welfare.

Assembly Concurrent Resolution No. 7 re-referred to the Committee on Rules.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 135 FROM
COMMITTEE CONTINUED BY UNANIMOUS CONSENT**

Mr. George D. Collins asked for, and was granted, unanimous consent that his notice of motion to withdraw Assembly Bill No. 135 from the Committee on Governmental Efficiency and Economy be continued until the next legislative day.

MESSAGES FROM THE SENATE

SENATE CHAMBLR, SACRAMENTO, April 6, 1950

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

Assembly Bill No. 11
Assembly Bill No. 50
Assembly Bill No. 84
Assembly Bill No. 100

Assembly Bill No. 107
Assembly Bill No. 109
Assembly Bill No. 137

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

Above bills ordered enrolled

SENATE CHAMBER, SACRAMENTO, April 6, 1950

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.

ANNOUNCEMENT OF COMMITTEE MEETING

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

Today upon adjournment—

Rules

**LETTER OF TRANSMITTAL AND REPORT ORDERED PRINTED IN
JOURNAL BY UNANIMOUS CONSENT**

By unanimous consent, the following letter of transmittal and Report on Administration of Hospital Survey and Construction Program by the State Department of Public Health was ordered printed in the Journal, by Speaker Sam L. Collins, in 10 point type:

LETTER OF TRANSMITTAL

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

SAN FRANCISCO 2, CALIFORNIA, April 3, 1950

Honorable Earl Warren, Governor of California
Honorable Goodwin J. Knight, President of the Senate
Honorable Sam L. Collins, Speaker of the Assembly
Sacramento, California

GENTLEMEN: I respectfully submit this Report on the Administration by the State Department of Public Health of the Hospital Survey and Construction Program.

This report presents summarized information on development and accomplishments during the past three years in allocating federal and

state funds to local communities to assist in the construction of hospitals and health facilities in areas of most critical need. It is anticipated at the close of this fiscal year a more detailed report will be prepared for distribution to the public; however, this summarized report is presented at this time because amendments to the Federal Hospital Survey and Construction Act have increased the allotment of federal funds to California with a corresponding increase in the State's responsibility for administration of this program.

I wish to express appreciation to the Executive and Legislative Branches of State Government for the support the department has received in administering this program which has been a pioneering activity for the department. I wish also to acknowledge the invaluable assistance provided by the Advisory Hospital Council which has worked conscientiously with the department in developing solutions for some of the involved problems which have arisen.

Respectfully submitted,

WILTON L. HALVERSON, M.D.
Director of Public Health

REPORT ON ADMINISTRATION OF HOSPITAL SURVEY AND CONSTRUCTION PROGRAM

Basic Policy Considerations

Federal and state legislation which authorized the allocation of federal and state funds to assist local communities in constructing hospitals and health facilities was adopted on the recommendation of the Commission on Hospital Care sponsored by the American Hospital Association.

At the close of the war the Commission on Hospital Care made a detailed study of the Nation's requirements for adequate hospital coverage. Construction of civilian hospitals virtually had ceased during the war and very little construction had occurred between 1929 and the inception of the war. Recognizing that a serious shortage of hospital and health facilities constituted an emergency situation which in the normal course of events could not be rectified by private building, except over a very extended period of years, the Commission on Hospital Care recommended federal legislation to assist in an accelerated hospital building program.

On the basis of this recommendation the Federal Government enacted Public Law 725 of the Seventy-ninth Congress on August 13, 1946. This legislation authorized expenditure of \$75,000,000 per year to assist in the construction of hospitals and health facilities and delegated to each state the responsibility of administering the program in that state. Public Law 380 of the Eighty-first Congress amended the original act, effective October 25, 1949, by authorizing an increase in the annual federal allocation for this program to \$150,000,000 and extending the life of the program to June 30, 1955.

In California, which had experienced phenomenal population growth, and where existing hospital facilities were severely taxed to provide care to the increased population, the California Legislature by

enactment of Chapter 327, Statutes of 1947, authorized the expenditure of state funds to supplement those provided by the Federal Government and designated the State Department of Public Health as the agency to administer the program for this State. The state legislation provides that this program will be administered in compliance with federal requirements.

This department has completed a detailed survey of existing hospitals and public health facilities in the State, as required by the federal law, and has developed a state-wide plan for additional construction to provide adequate facilities throughout the State. The state plan is revised annually on the basis of population data and other factors which influence the need for these facilities. In this state plan the needs of each of 102 separate areas throughout the State are analyzed. This information on each area is the basic data which is used in determining priority in the allocation of funds. This department and the Advisory Hospital Council recognizes the serious responsibility imposed in determining which areas of the State are in most urgent need of additional hospital and health facilities. Realization of this responsibility is emphasized by the very sincere belief of citizens in numerous communities throughout the State that their areas have problems more pressing than any experienced by their neighbors in other cities and counties. Residents of rural areas are understandably very genuinely concerned about the provision of adequate facilities in more sparsely settled communities. Residents of metropolitan areas have equal concern for the hospital and health facility needs in the larger cities.

The construction program in California permits financial assistance to projects which will add beds in acute general hospitals, chronic diseases hospitals, tuberculosis hospitals, mental hospitals, and to provide health centers for use of local health departments. Hospitals planned by non-profit corporations and governmental units are eligible for federal funds, not exceeding 33 $\frac{1}{3}$ percent of the cost of constructing and equipping the facilities. Hospitals sponsored by governmental units, such as counties, cities and hospital districts may qualify for state funds in an amount equal to the federal allocation. Health centers also qualify for state funds. Hospitals sponsored by nonprofit corporations do not qualify for state funds because of the constitutional prohibition against gift of public funds.

The cost of constructing hospitals, while very high, is small compared with the cost of maintaining them over a period of years. Recognizing that hospitals cannot function effectively unless they are of a size and in a location which will permit their economical utilization, the Advisory Hospital Council has recommended a conservative attitude in allocating funds to communities. This conservative approach embodies three considerations:

1. Small communities within reasonable distance from larger centers are not encouraged to build small facilities when experience in communities of comparable size indicates operating cost will be prohibitive if a high standard of care is provided. Communities which need and can

support new hospital facilities are encouraged to build cautiously and not in excess of their immediate needs.

2. Hospitals constructed to meet immediate needs are planned so they can be added to economically when additional beds are needed.

3. In all hospital, as well as other public and private construction, it is possible to build too cheaply or too lavishly. The policy in administering this program is not to encourage substandard building, but to limit use of federal and state funds to buildings embodying economical and functional design. The department has established financial ceilings for participating funds, with the understanding some communities will construct more elaborate buildings paying locally 100 percent of the cost which exceeds the amount required for economic and functional design and in which the department has authorized participation.

Accomplishments During These Years of the Construction Program

Funds

Federal funds are distributed to states on the basis of population, with adjustments for per capita wealth. California is comparatively a wealthy state; hence, on a per capita basis the allocation to this State is relatively small. The Legislature has appropriated sufficient state funds to match federal funds in projects which qualify for state assistance. Funds allocated to date are:

<i>Year</i>	<i>Federal</i>	<i>State</i>
July 1, 1947-June 30, 1948 ---	\$1,956,160 00	\$2,000,000 00
July 1, 1948-June 30, 1949 ----	2,121,367 00	2,000,000 00
July 1, 1949-June 30, 1950 ----	5,147,909 00	2,000,000 00
Anticipated, July 1, 1950-June 30, 1951 -----	5,147,909 00	4,000,000 00

Since all projects do not qualify for state funds the amount from state sources need not necessarily equal the federal allocation.

Projects Assisted

Forty-two hospital facilities have been approved for assistance from federal funds and 30 of these also have been assisted by state funds. Three of the 42 projects have been suspended because the local communities were unable to finance their share of the project costs. Though financial assistance is based on relative need for beds and not on political boundary lines, projects have been approved in 32 counties of the State.

The grants made to date will provide 1,763 hospital beds and one county public health center. Four projects providing 105 beds were completed and operation prior to July 1, 1949. Five additional hospitals with 203 beds will be in operation by July 1, 1950, and 12 additional projects providing 728 beds are scheduled to open before July 1, 1951. The other projects authorized should be completed during the Fiscal Year 1951-52.

Projects authorized during the past three years follow:

July 1, 1947-June 30, 1948:

<i>Name</i>	<i>City</i>	<i>No. beds</i>	<i>Project total</i>	<i>Federal funds</i>	<i>State funds</i>	<i>Status</i>
Alta Local Hospital District	Dinuba	50	\$812,515 67	\$266,805 22	\$266,805 22	Under con- 'struction
Corcoran Municipal Hospital (Equip.)	Corcoran	21	48,036 12	16,012 04	16,012 04	In operation
Hemet Valley Hospital District	Hemet	(Add.) 17	266,087 27	88,695 75	88,695 75	In operation
Northern Inyo County Hospital District	Bishop	30	473,229 90	155,326 63	155,326 63	In operation
Northern San Diego County Hospital District	Escondido	37	471,444 00	157,148 00	157,148 00	In operation
Paso Robles War Memorial Hospital District	Paso Robles	32	600,000 00	200,000 00	200,000 00	In operation
Patterson Hospital District	Patterson	25	451,675 00	147,300 00	147,300 00	Under con- struction
Pioneer Memorial Hospital District	Brawley	74	1,568,556 00	492,443 00	492,443 00	Under con- struction
Tracy Community Memorial Hospital (Partial)	Tracy	42	221,949 54	73,983 13	-----	In operation
Trinity County Hospital	Weaverville	21	334,097 45	111,365 82	111,365 82	Under con- struction
Tulare Local Hospital District	Tulare	72	1,299,500 00	416,500 00	416,500 00	Under con- struction
July 1, 1948-June 30, 1949:						
Biggs-Gridley Hospital (Equip.)	Gridley	25	48,744 72	16,248 24	-----	In operation
Corning Memorial Hospital	Corning	25	352,325 00	115,775 00	115,775 00	Plans in preparation
Glenn County Hospital	Willows	36	638,515 00	212,838 33	218,838 33	Under con- struction

April 6, 1950]

ASSEMBLY JOURNAL

871

<i>Name</i>	<i>City</i>	<i>No. beds</i>	<i>Project total</i>	<i>Federal funds</i>	<i>State funds</i>	<i>Status</i>
John C. Fremont Hospital District	Mariposa	20	\$385,800 00	\$126,433 33	\$126,433 33	Plans in preparation
Marin County Hospital District	San Rafael	100	2,076,080 00	672,530 00	672,530 00	Plans in preparation
Mark Twain Hospital District	San Andreas	30	627,540 00	209,180 00	209,180 00	Under construction
Merced County General Hospital	Merced	75	1,129,760 00	376,586 66	376,586 66	Plans in preparation
Modoc County Hospital	Alturas	25}	825,000 00	275,000 00	275,000 00	Under construction
	Cedarville	7}				
San Gorgonio Pass Memorial Hospital District	Banning	37	650,090 00	203,363 00	203,363 00	Under construction
Sierra Valley Hospital District	Loyalton	10	162,350 00	51,450 00	51,450 00	Plans in preparation
West View Hospital, Inc.	Los Angeles		Suspended because of insufficient local funds			
July 1, 1949- June 3, 1950:						
Amador County Hospital	Jackson	23	455,850 00	151,950 00	151,950 00	Plans in preparation
Calexico Municipal Hospital	Calexico	20	210,000 00	70,000 00	70,000 00	Plans in preparation
Cascade Sanatorium (TB)	Redding	63	765,376 00	255,128 00	255,128 00	Plans in preparation
Eden Township Hospital District	Hayward	118	2,046,260 00	682,083 00	682,083 00	Plans in preparation
General Hospital	Eureka		Suspended because of insufficient local funds			
Foster Memorial Hospital	Ventura	(Add.) 23	424,851 00	141,617 00	-----	Under construction

<i>Name</i>	<i>City</i>	<i>No. beds</i>	<i>Project total</i>	<i>Federal funds</i>	<i>State funds</i>	<i>Status</i>
Fresno County Public Health Center	Fresno	HC	\$390,000 00	\$130,000 00	\$130,000 00	Plans in preparation
Lodi Memorial Hospital	Lodi	57	989,751 00	329,917 00	-----	Plans in preparation
Maimonides Health Center for Chronic Sick (Partial)	San Francisco	83	146,000 00	48,666 66	-----	Under construction
Memorial Hospital Stanislaus County	Modesto	90	1,482,000 00	388,367 33	-----	Plans in preparation
Mercy Hospital	Redding	75	1,267,290 00	422,430 00	-----	Plans in preparation
Needles Municipal Hospital	Needles	8	169,600 00	56,533 00	56,533 00	Plans in preparation
O'Connor Hospital	San Jose	100	1,628,031 00	542,677 00	-----	Plans in preparation
St. John's Hospital	Oxnard	75	1,267,290 00	422,430 00	-----	Plans in preparation
San Jose General Hospital	San Jose	70	949,500 00	316,500 00	-----	Plans in preparation
Seneca Hospital District	Chester	10	260,430 00	84,810 00	84,810 00	Plans in preparation
Stanislaus County Hospital	Modesto Central Unit	14	971,316 00	323,772 00	323,772 00	Plans in preparation
Tahoe Forest Hospital District	Truckee	12	255,250 00	85,083 00	85,083 00	Plans in preparation
Valley Presbyterian Hospital	San Fernando		Suspended because of insufficient local funds			
West Contra Costa Hospital District	Richmond	100	1,759,037 00	586,345 00	386,345 00	Plans in preparation

Future Program Development

Hospitals are making an intensive effort to keep pace with the State's population growth and many communities are planning systematically to provide for present and anticipated hospital and health facility requirements. Despite the construction under this program and substantial expansion through local financing, the unmet needs of the State are tremendous. It is probable this critical condition will continue because of the continued population growth of the State. To cover existing needs for acute general hospitals, tuberculosis hospitals, mental hospitals, chronic diseases hospitals and health centers it is estimated two hundred to three hundred million dollars will be required to construct new hospitals and health centers and to improve existing structures.

Existing bed shortages within the State, according to present standards at present are:

	<i>Estimated beds needed</i>	<i>Existing accept- able beds</i>	<i>Bed shortage</i>
General and allied special	45,780	29,388	16,392
Mental -----	49,470	28,310	21,160
Tuberculosis -----	9,308	5,353	3,955
Chronic -----	18,238	1,550	16,688
Total -----	122,796	64,601	58,195

The above estimates are based on a state total civilian population of 9,894,000 as of July 1, 1948.

In addition, most of the health departments throughout the State are inadequately housed to provide satisfactory preventive medical services to the public.

The construction program, for which this department has responsibility, will not provide sufficient financial aid to overcome this critical shortage. The program provides a means of assisting communities where needs are most serious and is valuable in assisting communities to evaluate their needs so that they will expend their facilities effectively and without excessive cost.

Though emphasis in the assistance program to date has been almost exclusively on acute general hospitals, greater emphasis in the future will be placed on construction of tuberculosis, mental, chronic disease and health center facilities. A substantial portion of funds available will continue to be devoted to assisting general hospitals.

Despite the disappointment of many communities which can not be assisted because funds are limited and other communities with greater need must receive prior consideration, these communities are continuing their planning toward provision of adequate hospital and health facilities. Approximately one hundred applications for a total of ninety million dollars are on file with the department requesting consideration under this program.

March 30, 1950

**REQUEST FOR UNANIMOUS CONSENT THAT PRELIMINARY REPORT BY
ASSEMBLY INTERIM COMMITTEE ON PUBLIC UTILITIES AND COR-
PORATIONS BE PRINTED IN THE JOURNAL**

Mr. Evans asked for, and was granted, unanimous consent that the Preliminary Report on Rapid Transit for the Los Angeles Area, by the Assembly Interim Committee on Public Utilities and Corporations, be ordered printed in the Journal, in 10 point type; and that the report be printed as a separate document; and that 500 copies be printed.

**PRELIMINARY REPORT ON
RAPID TRANSIT FOR THE LOS ANGELES AREA
BY ASSEMBLY INTERIM COMMITTEE
ON PUBLIC UTILITIES AND
CORPORATIONS**

MEMBERS OF COMMITTEE

JOHN W. EVANS, Chairman
BERNARD R. BRADY
MONTIVEL A. BURKE
WILLIAM CLIFTON BERRY
EVERETT G. BURKHALTER
RANDAL F. DICKEY
CLAYTON A. DILLS
WILLIAM S. GRANT
G. DELBERT MORRIS
JOHN E. MOSS, JR.
BRUCE V. REAGAN
A. I. STEWART
SAMUEL WM. YORTY

THE AUTHORITY AND PURPOSE

The Assembly Interim Committee on Public Utilities and Corporations was created pursuant to House Resolution No. 264 during the 1949 Regular Session.

Paragraph 1 thereof provides that:

“The Assembly Standing Committee on Public Utilities and Corporations is hereby constituted the Assembly Interim Committee on Public Utilities and Corporations and is authorized and directed to ascertain, study and analyze all facts relating to subjects which, under the Standing Rules and the legislative practices of the Assembly, would be referred to the Standing Committee on Public Utilities and Corporations, 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.”

During the 1949 Regular Session, one of the most important problems confronting this committee as well as that of the Legislature as a whole, were the various measures concerning intra- and inter-community public transportation in the Los Angeles area. In recognition of this problem and pursuant to its authority on this resolution, this committee has undertaken a thorough study to determine:

1. The extent of the need for a more expeditious movement of people within this area;
2. The most practical public transportation system or systems for the people in this area; and
3. The most desirable means of financing the system selected.

This committee is very desirous of submitting a preliminary report at this time in order that those concerning themselves with this problem may have the present thinking of the committee, together with the factual data obtained thereby.

It should be emphasized that this report is strictly preliminary in its intent and scope and that the committee proposes to diligently pursue this study during the interim months between the date of this report and the convening of the next Regular Session of the Legislature in 1951. Such a determination is based upon the committee's confidence that a problem of such magnitude requires more time and more study than has been permitted to date.

In this connection, it should be emphasized that the thinking of this committee as expressed herein is based upon the testimony and factual data obtained by it up to this point, and is submitted with the understanding that its present thinking may be changed or modified should future information so indicate.

MEETINGS

The following meetings were convened for the purpose of hearing as many of the parties interested in this subject as might care to testify. Not all of those who wished to appear before the committee could be heard due to the shortness of time, but the committee hopes to hear from these people in the near future and benefit from their expressions.

All of the meetings were held in the State Building in the City of Los Angeles because of its centralness of location. Community meetings of this kind have not been held because the committee felt a central point would encourage more people to attend each meeting and thereby promote a more common understanding of the problem by the interested parties who might travel to a central point for the purpose of listening to the testimony of witnesses from communities farther removed.

September 8, 1949

October 12, 13, 14, 1949

December 5, 1949.

WITNESSES

The following persons appeared before and were heard by this committee. The committee wishes to take this opportunity to thank them for having given so generously of their time and knowledge.

Jess Haugh, President San Diego Transit System

Lou Gretz, Secretary Southeast Industrial Area Association

Paul Harding, Engineer, State Department of Highways

Col. George Roberts, President Mono-Rail Construction Co.

H. R. Bennett, Burbank City Engineer

Robert Omer, Burbank Chamber of Commerce

Paul V. Parker, Secretary-Manager, Citizens Traffic and Transit Committee

Col. Frank C. Lynch, Consulting Engineer, South Pasadena

Mrs. C. W. Harger, President, Alhambra Southwest Property Owners' Association

Lee Mathews, South Side Chamber of Commerce

Mayor Dixon, Inglewood

Raymond Darby, Supervisor, Los Angeles

Earl S. Anderson, Executive Secretary, Los Angeles Realty Board

Edward L. Rimpau, Realtor, Los Angeles

Howard Mason, Secretary, Metropolitan Traffic and Transit Committee

Ralph Dorsey, Traffic Engineer, City of Los Angeles

Mayor Alan G. Orsborn, Pomona

Mr. John Price

Mr. Stuart G. Wheeler, Claremont Citrus Grower

Karl I. Dienes, Pomona College

Stanley E. Barnes, Pomona Chamber of Commerce

Wendell A. Van Hook, Engineer, Los Angeles

Hugh W. Wilkins, Railway Trainmen Brotherhood

STATEMENTS OR REPORTS

The following statements or reports are submitted for consideration of the committee:

Statement of H. W. Wilkins, General Chairman, Brotherhood of Railroad Trainmen in Behalf of the Joint Committee of Standard Railroad Labor Representatives, Pacific Electric Lines.

Statement of Edward Rimpau, Director Los Angeles Realty Board and President of the Miracle Mile Association.

Revised Statement of Paul V. Parker, Secretary-Manager of Citizens Traffic and Transit Committee.

Statement of Policy on Rapid Transit in the Los Angeles-Long Beach Metropolitan Area recommended by the Traffic and Transportation Committee of the Long Beach Chamber of Commerce.

Report by Col. F. C. Lynch, Consulting Engineer, South Pasadena, California, Mass Transportation in the City of the Remote Future Which is Here Today.

Report by The People's Freeway Development Association.

SUMMARY OF FINDINGS

1. All witnesses who appeared before this committee agree that there is need for an improved transportation system in the Los Angeles area, even though there is disagreement as to the type of transportation that would be most practical.

2. For more than two decades the City of Los Angeles, County of Los Angeles, and other civic groups, have been employing engineers to study the transportation needs of this area and submit solutions therefore.

3. The Los Angeles area is unique insofar as the requirements for transportation are concerned. The industrial, business, entertainment and shopping facilities have not followed the patterns set by other cities in the United States. In Los Angeles the pattern is one of decentralization where these services and facilities are widely spread out throughout the entire area. Such a condition may require a different treatment than that applicable to other cities.

4. The following four basic rapid transit plans have been submitted and considered by the committee:

A. Mono-Rail: Electric trains suspended from a single overhead track or cable running in freeways, private rights of ways and over streets, connecting with tubes or subways underneath the central business district and feeder bus lines, etc. in the various communities.

B. Subways: Electric trains in one way loop subways in the central part of the Los Angeles area, with street car or bus lines making connections from surrounding communities.

C. Freeways and Subways: Electric trains running in the center of the freeways with subways in downtown Los Angeles.

D. Freeways: Express busses on the freeways with few stops in special turnouts on the freeways, but with regular stops in various neighborhoods before entering or after leaving freeways.

5. A relatively small percentage of the public are presently using public transportation on a regular basis.

6. At least insofar as public transportation is concerned, the big majority of people use it as little as possible. The indications are that the trend is away from the use of public transportation instead of toward it. The hope that the *percentage* of the people will increase who will use a new and improved system of public transportation appears to be rather dim. This significant situation is one that must be given serious consideration in planning a new public transportation program.

7. Subways and busses are a necessary integral part of mono-rails, subways and electric trains operated in the freeways. An express bus

system operating on the freeways will not find it necessary to include subways or mono-rails or electric trains on freeways as a part of its program, although it will, of course, tie in with lines as may be in existence.

8. One of the most important factors in determining the most practical type of transportation is the question of profit. While there is some difference of opinion on this subject, the majority of the witnesses who testified supported the theory that rail operations could not be profitable in this area, but that busses could be operated at a profit.

9. All the testimony on this subject pointed to the fact that the extension of the freeway program permitting the use thereof by express and local busses, would make rapid transit available to the public at a much earlier date than could be expected from either of the three other programs for the reason that busses could make use of the freeways as the various sections thereof were completed, while the other three transportation programs would have to be completed practically in their entirety before they could use it.

10. Rail transportation would not be as flexible nor as mobile during a war period nor as responsive to community changes as would busses on freeways and streets. This may be a very important point to consider in the Los Angeles area due to our decentralization and rapid rate of community development.

11. On the basis of present testimony, the indications are that the adoption of the present and projected freeway system to the use of busses is the only system that will not require additional taxes.

12. No system contemplating financing by means of an ad valorem tax would be acceptable to the public.

13. Up to this point, it would appear that the extension of the planned freeway system, adapted to the use of express busses through the building of adequate turnouts, would be the most practical plan of the four suggested above and would meet with the approval of at least three times as many people as would approve any other single plan. In this connection, it is recommended that the Department of Public Works and Division of Highways include adequate bus turnouts in all future freeway plans in any areas served by local or inter-urban bus lines.

14. The committee feels that any engineering studies previous to this time are of limited value for the reason that the freeway system now under construction pursuant to the so-called Burns-Collier Act has made and will continue to make an even more material change in the traffic and transportation picture in the Los Angeles area.

15. The committee believes that the public would support a program by which the freeway building program for this area could be undertaken now in its entirety by an appropriate method of borrowing on anticipated revenues from the gasoline tax rather than waiting to complete the various sections of the freeway as money becomes available for taxes.

16. It appears from the testimony adduced from the representatives of the cities and towns in the outlying sections of the Los Angeles area that these towns are not in favor of any program that will require an additional tax burden without their specific acceptance thereof. Inasmuch as the freeway program will not involve such a burden this may mean that the cooperation of these cities and towns can be automatically obtained if the transportation program that is adopted should be the extension of the freeway system with the busses thereon.

FINDINGS

1. All witnesses who appeared before this committee agree that there is need for an improved transportation system in the Los Angeles area, even though there is disagreement as to the type of transportation that would be most practical.

PAUL V. PARKER said, "This problem cannot wait forever for solution. In a recent issue of Life Magazine an article was devoted to the Los Angeles traffic and transit problem. It was entitled "City Versus Automobile" and it told how this city now all but strangled in its own rubber tired traffic would find a large measure of release when these proposed freeways are built.

"One of the most important and at the same time most controversial and least understood problems of our city is that of improving its transportation of circulatory system. Practically everyone recognizes that street congestion has become almost intolerable and demands that something be done about it."

DR. HOMER GRANT said, "The means for rapid movement of people throughout a community or metropolitan area are essential to continued growth and prosperity. Flow of such traffic may be likened to the flow of blood through the human body and failure to provide for such flow could be as tragic for the economic life of a community as an obstruction of the blood stream would be for the human body."

H. W. WILKINS said, "Community planners, traffic and transportation experts who have carefully studied the situation with the needs of the people uppermost in their minds, have repeatedly warned that modern high-speed rail transit system is a must if metropolitan Los Angeles is not to be strangled in the course of its amassing growth."

E. S. DIXON said, "No other problem before the Legislature is more important."

LYNN B. WERNER said, "It is the opinion of the Burbank Chamber of Commerce that rapid transit in the Los Angeles metropolitan area is desirable for the economic well being and growth of Los Angeles County * * *."

2. For more than two decades the City of Los Angeles, County of Los Angeles, and other civic groups, have been employing engineers to study the transportation needs of this area and submit solutions therefore.

EDWARD RIMPAU said, "Twenty-five years ago the City and County of Los Angeles spent a lot of money to bring to our city the firm of Kelker-Deleuw. Again in 1945 the city brought Mr. DeLeuw to study this problem."

DR. HOMER GRANT said, "In 1935 Donald M. Baker, consulting engineer, was employed. In 1939 the Transportation Engineering Board; Stone and Webster Engineering Corporation; and Madigan-Hyland, consulting engineers, were employed. In 1942 the Los Angeles City Planning Commission made an extensive study. In 1948 the so-called rapid transit action group conducted an extensive study."

3. The Los Angeles area is unique insofar as the requirements for transportation are concerned. The industrial, business, entertainment and shopping facilities have not followed the patterns set by other cities in the United States. In Los Angeles the pattern is one of decentralization

where these services and facilities are widely spread out throughout the entire area. Such a condition may require a different treatment than that applicable to other cities.

COL. F. C. LYNCH says in his report, "All other large American cities were located on a water front. Water transportation system the only available route of moving large cargoes. At this time, industry and business were all constructed in small areas near the water front and residence was limited to approximately two miles from central business district. At that time in most cities, there was a very definite tie-in between the transportation companies and the land development companies, which resulted in the development and carlines going together. As a result of this development it was possible as late as 1925 to take a map of a city with the drugstores and apartment houses located on the map and from that information alone the street railway system of the city could be shown by an engineer who had never visited the community.

"Los Angeles is peculiar in that it is the only large city where the traffic flows four ways from the central business. It is not bounded on one side by water as are the other large American cities because it grew after there had been developed means other than water for the handling of commerce."

DR. HOMER GRANT says, "Los Angeles developed later than others. Its longer distances and high automobile usage contributed to notable decentralization."

EDWARD RIMPAU testified, "Statistically, for example, the population density figures on Los Angeles and for other large cities as of the 1940 Census are as follows:

Greater New York	25,000 people per square mile
Chicago	16,000 people per square mile
Boston	16,000 people per square mile
Philadelphia	15,000 people per square mile
Los Angeles	4,400 (as of today)

"As is inevitable with this type of development, Los Angeles has fostered prosperous and well integrated retail shopping centers most of which are complete in every detail, comprising not only food and drugstores, but clothing, furniture and even department stores, places of amusement, banking facilities and the like, so in many cases it is not necessary for the individual to go beyond his neighborhood shopping center to transact any kind of business.

"A careful look at the pattern of Los Angeles makes it clear at once that this city is completely different from the older cities of the Country and different in the way that necessarily will always have a bearing on the kind of transit the people want, need, will use and—most important of all—will pay for."

PAUL V. PARKER states, "The first fact is the fact of decentralization. By way of reference, I direct attention to the 1948 Report made by the City of Los Angeles entitled the "Street Traffic Management for Los Angeles." On pages 9 and 10 are two maps illustrating respectively commercial centers and industrial areas. There are 21 areas designated as commercial centers and a great many designated as commercial streets. Industrial areas are twice as numerous. Both commercial and industrial

areas are scattered impartially over all these maps. From these facts, it follows that any transit system that is going to be of service must carry people to and from all these commercial and industrial areas."

PILOT OPINION SURVEY: Eighty-seven percent of the non-employed persons (housewives) do their food shopping in their own community, 10 percent shop in some other community while only 3 percent patronize downtown Los Angeles.

As far as other shopping is concerned (clothing, appliances, etc.), 41 percent patronize their own neighborhood while 43 percent go to some other community shopping center and 16 percent patronize downtown Los Angeles. From these facts we must assume that at least under present conditions, people place the emphasis on their own community and other community shopping centers rather than downtown Los Angeles. The indications are from this and other sources that this pattern of decentralization will continue for an indefinite period of time.

4. The following four basic rapid transit plans have been submitted and considered by the committee:

A. Mono-Rail: Electric trains suspended from a single overhead track or cable running in freeways, private rights of ways and over streets, connecting with tubes or subways underneath the central business district and feeder bus lines, etc., in the various communities.

GEORGE D. ROBERTS said, "To sum up, we contend that the logical way to solve our transportation problem of Southern California is the use of the mono-rail system to transport people rapidly from the urban to the perimeter of the central business district then dropping the mono-rail trains into a tube which would connect with the subway network beneath the central business district. Busses would be used for feeder lines in the outlying sections of the city.

"The cost of building a mono-rail system, including all stations and equipment, would be approximately \$600,000 per mile while the cost for a Los Angeles subway would be between \$10,000,000 and \$12,000,000 a mile. The cost of the mono-rail system in the freeways would be \$834,000 a mile."

Mr. Roberts further declared that the "average speed, including stops, would be approximately sixty-eight miles an hour by mono-rail."

Whereas no definite commitments have been made by the sponsors of this program as to the source of money for its accomplishment, the committee at this point believes that a relatively small portion might be private capital while the remainder would involve the raising of public funds. The total cost of this project has not been estimated up to this point.

PILOT OPINION SURVEY: Approximately 15 percent of those interviewed said they would favor the mono-rail. This compares to 14 percent for freeways and subways, 11 percent for subways, and 47 percent for busses on freeways.

B. Subways: Electric trains in one way loop subways in the central part of the Los Angeles area, with street car or bus lines making connections from surrounding communities.

This is the so-called "Babcock plan." The total cost of this project has not been ascertained, but the committee has been informed that it will cost \$10,000,000 to \$12,000,000 per mile. It was proposed that the

money for this program be raised by means of a bond issue with operating deficiencies, if any, being met by an ad valorem tax.

C. Freeways and Subways: Electric trains running in the center of the freeways with subways in downtown Los Angeles.

This is essentially the so-called "Petree plan." In a communication to the committee, *Mr. Petree* may be quoted as follows, "Essentially, mass movement was to be accomplished by a grade-separated rail system utilizing the center strip of those planned freeways where paralleled origin and destination points existed. With a central subway core, coordinated existing surface transportation, and distribution features, ready access to all sections of the metropolitan area would be possible.

"A bond issue to permit construction of the system would require a two-third approval of the electors. The property in the district would secure the bonds in order to establish marketability and reasonable interest rates. Financial provisions anticipated that revenues and ticket tax would be sufficient to amortize the bonds and meet interest charges, but any deficiencies which might occur would be met by an ad valorem tax."

A number of people testified with respect to the use of rail and busses. A few statements from these people will prove useful in highlighting the different points of view.

H. W. WILKINS testified primarily in connection with the proposed abandonment of the Pacific Electric rail lines. "Abandonment of rail lines with their capability of handling huge passenger loadings at high speeds would be exactly contrary to the advice of traffic transportation experts who have studied the development of the Los Angeles metropolitan area to traffic problems and transportation needs. These experts have repeatedly warned that the larger portion of commuter travel in the future cannot be handled with less than a basic system of rail rapid transit fed with bus lines on less congested routes.

"A conservative rehabilitation and modernization program applied to present rail lines would result in a substantial decrease in running time between outlying terminals and Downtown Los Angeles. Using the increased revenue which unquestionably would accrue from such immediate improvements to finance further development of a high-speed rail system could ultimately result in travelling time for tens of thousands of commuters being cut in half or better.

"Shifting passenger load, now handled by rail on private rights of way, onto busses operating over crowded highways, will deepen the highway traffic congestion crisis now confronting the public.

"Adding numerous gasoline and oil burning busses to the highways and city streets will substantially increase the creation of obnoxious exhaust fumes, worsen the smog situation.

"Commuters by bus will be unable to occupy their travelling time with reading * * * etc., as is the practice of rail travellers because the constant jolting and the poor lighting of busses makes such advantages of travelling time a virtual impossibility.

"If busses become the only available means of transportation, a considerable higher amount of public tax money will have to be spent on the new freeway systems in order to provide long pull-in and pull-out lanes at passenger stops."

Mr. Wilkins further stated that, "In cities of over 1,000,000 people, rail cars handled 2.3 passengers to each one handled by a bus, while in cities between 500,000 and 1,000,000 rail cars handled a ratio of 2.8 passengers to one for busses. In cities with populations between 250,000 and 500,000 busses handled a ratio of 1.3 passengers to one for rails". He also compared a 72 minute running time by bus compared with a possible 30 minutes by rail rapid transit between Los Angeles and Santa Monica.

DR. HOMER GRANT stated, "Can the economic vigor of metropolitan area continue if no rail rapid transit system is established? The answer to this question would appear to hinge on future population growth. Should the area stabilize at its present level of approximately 4,000,000 persons, there would seem to be every reason to believe that the freeway program alone would be sufficient supplemented by bus rapid transit. Another problem is posed, however, by the fact that population studies of the Regional Planning Commission and others indicate the probability of more than 6,000,000 persons in the area in less than twenty years. These figures are, of course based upon past trends and may not materialize. With population above 6,000,000 persons, the livable open spaces (now existing) will be in use and vertical densities will increase to an extent depending upon ultimate population. Traffic will have increased tremendously and with it the problem of off-street parking or what to do with the automobiles at destination will have assumed startling proportions. If all workers travelling to a congested area were to arrive by automobile, parking space equal to the business space would be necessary.

"The number of freeways must ultimately be kept in reasonable relation to the available living space but the carrying capacity of each can be increased manyfold at relatively low cost if at the time of construction a center mall is provided so that rail rapid transit lines can be added when this becomes necessary in those freeways for which the ultimate need appears to be a reasonable probability. Need for rail rapid transit exists now in the Hollywood-San Fernando Valley area. What will be the situation in five, ten or twenty years? From studies already made, it appears that need will be definite for Santa Monica, Inglewood, Harbor, Pasadena, Ramona and Long Beach area, although economic feasibility for the latter three areas may be contingent on the use and development of existing facilities at reasonable cost.

"Rail transportation is economic only in areas of high traffic density along routes having large numbers of persons desiring to travel. It must therefore be supplemented by and integrated with bus operation on and off freeway area of lighter density."

PILOT OPINION SURVEY: Approximately 14 percent of those interviewed said they preferred this type of transportation. This compares to 11 percent for subways, 15 percent for the monorail and 47 percent for busses on freeways.

D. Freeways: Express busses on the freeways with few stops in special turnouts on the freeways, but with regular stops in various neighborhoods before entering or after leaving freeways.

This program proposes the addition of bus turnouts on the present and proposed freeways for the use of local and express busses.

The cost of these freeways has been provided through a gasoline tax. Some additional financing may be necessary for the installation of

bus turnouts on those freeways already completed. This additional tax may be borne by the cities in which the freeways are located. Up to this point at least, this program is the only one that offers a speeded up and improved public transportation system without the levying of an additional tax or a bond issue.

JESS L. HAUGH stated that, "I am a transportation man. I have been in business since the big four railway with the Union Pacific and Southern Pacific having a number of years been in general charge of all departments including transportation. I was in charge of developing and demonstrating streamline trains. The rail lines had lost three-quarters of their business so that it was a question as to whether it should be continued. There will be no steam engines built by manufacturers—they will all be diesel. A change was taking place from street cars to busses. All street cars have been scrapped in Sacramento, Stockton and Pasadena for busses, making a sufficient operation from failures. Other towns have also been converted. There is a general decline all over the country in the use of public transportation due to the use of private automobile. It is 20 to 30 percent more profitable to operate busses. Busses are also more attractive because they pull up to the curb. Also, rail lines take up more traffic lanes. Busses have express service which is impossible with street cars. The street car is an antiquity. The bus will be developed more."

EDWARD RIMPAU stated, "In passing, it might be well to point out that a study of the transportation here would be improved somewhat by at least a superficial appraisal of the trend of transit elsewhere and this trend is definitely away from fixed rail transportation and toward the most flexible rubber-tired transportation, which on its face is so much better able to cope with modern traffic congestion. The gasoline or diesel propelled rubber-tired light-weight bus is a more economic vehicle than the huge street car operating on fixed steel rail ties and a roadbed of its own. In addition, the below statistics taken directly from the publication of the American Transit Association 'Passenger Transportation' perhaps clarify the reason for the trend away from the rails. In 1948 loss of Boston Rail System was \$9,125,735. First four months in 1949 Chicago P. T. showed a deficit of \$402,403. For the month of June 1949 Cleveland showed a loss of \$22,460. London is the largest city in the world. In London rail transportation is being steadily replaced.

"Proper weight does not seem to have been given to the fact that the Legislature by enacting the Burns-Collier Bill has set in motion a vast program of freeway development, a program which will remake the map of Los Angeles completely and a program that places no new burden upon the ad valorem taxpayer. Of primary importance to this community is the fact that no rail rapid transit system using freeway center lanes could possibly be put into full and complete use for many years. By using a rubber-tired system, rapid transit would be made available as soon as each individual freeway was completed or major portion thereof."

Forty-seven percent of the people said they preferred busses on freeways. This means that as many people preferred busses on freeways as all of the other three types of transportation combined. It is interesting

to note that only 13 percent of the people had "no opinion" on this subject, and that this opinion was expressed after a question which called to their attention and asked for their opinion on ten factors having to do with the selection of a type of transportation.

5. A relatively small percentage of the public are presently using public transportation on a regular basis.

PILOT OPINION SURVEY: Only 23 percent of the employed persons usually use a street car or bus to get to or from work. Nine percent of the employed persons say they use a street car or bus one to three times a week, while 25 percent say they use it four to seven times a week, 3 percent twice a month, 3 percent once a month and 60 percent never use it.

Among the non-employed persons, only 19 percent use public transportation for food shopping, 42 percent use it for other shopping and 24 percent use it to get to and from places of entertainment.

LOUIS GRETZ, "In the Vernon district with 42,000 employees, there is no transportation. They took a census to see about bus usage. Less than 1 percent of the people used the bus (running now) though 10 percent pledged to do so."

EDWARD RIMPAU, "Private automobiles carry 80 percent of the traffic."

6. At least insofar as public transportation is concerned the big majority of people use it as little as possible. The indications are that the trend is away from the use of public transportation instead of toward it. The hope that the *percentage* of the people will increase who will use a new and improved system of public transportation appears to be rather dim. This significant situation is one that must be given serious consideration in planning a new public transportation program.

PILOT OPINION SURVEY: In the pilot survey attached hereto, it was found that 86 percent of the employed persons said they use public transportation as little as possible; 56 percent of those who now use public transportation to get to work say they use it as little as possible; and 74 percent of this same group of people say they use public transportation because they have to, not because they want to.

Eighty percent of the non-employed persons say they use public transportation as little as possible.

E. S. DORSEY said, "We are rubber tire minded in the West. Fifty percent of the people who come downtown now come by automobile and 85 percent to 90 percent from the valley travel by automobile.

ASSEMBLYMAN BURKHALTER asked, "If an efficient system were made available to the people, would they use it rather than their own cars?"

MR. DORSEY replied, "No, you are not going to take the people out of an automobile."

PILOT OPINION STUDY: This report indicates that each employed person who now uses an automobile instead of public transportation has an average of 2.6 reasons for not using it. With the exception of speed, the reasons for not using public transportation could not be eliminated to any appreciable degree by any form of public transportation. For

example, it would be difficult, if not impossible, to eliminate uncomfortably crowded conditions, transfers, inconvenience in carrying tools or packages and other matters of general inconvenience. On the subject of speed, it is important to consider that even with an increase in the speed of public transportation, the private automobile will be traveling at a greater speed due to the freeway program.

The indication is that the non-employed persons have an average of 1.6 reasons for not using public transportation. Speed is not the important factor with these people. Other reasons for not using public transportation that are more important than speed and which cannot be eliminated by a new public transportation system are close enough to walk to destination, inconvenient to carry packages, uncomfortably crowded and general inconvenience. While there is some fluctuation as to the importance of each of these reasons according to the type of use, such as for food shopping, other shopping and entertainment, it is apparent that for all three of these purposes, the non-employed persons have as little to do with public transportation as is within their means. Seventy-five percent of the 19 percent of the non-employed persons who use public transportation for food shopping would use an automobile if they had one; 58 percent of the 42 percent of the non-employed persons who use public transportation for other shopping say they would use an automobile if they had one; and 70 percent of the 24 percent of the non-employed persons who use public transportation for entertainment say they would use an automobile if they had one.

7. Subways and busses are a necessary integral part of mono-rails, subways and electric trains operated in the freeways. An express bus system operating on the freeways will not find it necessary to include subways or mono-rails or electric trains on freeways as a part of its program, although it will, of course, tie in with lines as may be in existence.

Quotations from Mr. Petree and Mr. Roberts found elsewhere in this report substantiate this conclusion.

EDWARD RIMPAU, "Rails depend for feeders on busses."

8. One of the most important factors in determining the most practical type of transportation is the question of profit. While there is some difference of opinion on this subject, the majority of the witnesses who testified supported the theory that rail operations could not be profitable in this area, but that busses could be operated at a profit.

9. All the testimony on this subject pointed to the fact that the extension of the freeway program permitting the use thereof by express and local busses, would make rapid transit available to the public at a much earlier date than could be expected from either of the three other programs for the reason that busses could make use of the freeways as the various sections thereof were completed, while the other three transportation programs would have to be completed practically in their entirety before they could use it.

10. Rail transportation would not be as flexible nor as mobile during a war period nor as responsive to community changes as would busses on freeways and streets. This may be a very important point to

consider in the Los Angeles area due to our decentralization and rapid rate of community development.

JESS L. HAUGH, "Busses have express service which is impossible with street cars. Transportation has to be kept so mobile that it can be changed to keep up with the times."

EDWARD RIMPAU, "In the event of war and bombing, rails are always a bomb target. Busses may be routed around bombed areas."

ASSEMBLYMAN SAM YORTY pointed out in discussion with Mr. Rimpau that bus transportation would have more military value in case of war.

PAUL V. PARKER, "The transit needs of this huge decentralization situation requires the utmost flexibility and the bus has this flexibility. It could travel rapidly for long distances on the freeway, then turn off the freeway and make the use of our many paved streets for local service.

11. On the basis of present testimony, the indications are that the adoption of the present and projected freeway system to the use of busses is the only system that will not require additional taxes.

The freeway system is financed by means of the gasoline tax levied for the purpose of building these freeways. Some relatively small amount of additional money may be necessary to adapt those freeways now under construction to the use of busses.

NEIL PETREE in his letter to the committee on the subject of the adoption of rail transportation to the freeway system stated, "A bond issue to permit construction of the system would require a two-third approval of the electors. The property in the district would secure the bonds in order to establish marketability and reasonable interest rates. Financial provisions anticipated that revenues and ticket tax would be sufficient to amortize the bonds and meet interest charges, but any deficiencies which might occur would be met by an ad valorem tax."

Insofar as *Mr. Roberts* is concerned, there seems to be no doubt but that a considerable amount of public financing will be required for the adoption of this system.

The building of a subway system under the so-called Babcock Plan or any other plan would also require extensive public financing.

12. No system contemplating financing by means of an ad valorem tax would be acceptable to the public.

Practically all witnesses who testified before the committee were opposed to an ad valorem tax or a bond issue secured by a property tax. The *Pilot Opinion Survey* indicates that only 18 percent of the people in this area would favor such a method for financing a transportation system. Conversely, 82 percent of the people would be against it.

LOS ANGELES REALTY BOARD in its statement of policy said, "The system must be self-supporting and self-liquidating to avoid any addition to the already onerous burden of ad valorem taxpayers."

PAUL V. PARKER, "The local ad valorem taxpayer should not be asked to bear the burden of constructing such facilities. At an earlier session of this committee, a representative of the State Highway Department appeared before you and testified that future freeway plans would include facilities for loading and unloading busses. These should be built at State expense for the passengers on mass transit vehicles pay their

fair share of the cost of freeway construction through fuel, licenses and other taxes."

EDWARD RIMPAU, "The committee is well aware that the ad valorem taxpayer in the big city is probably more imposed upon and sinned against than any other individual in their economic structure and it is not reasonable to contemplate a solution, if it can be called a solution, to the transit problem which involves bankruptcy for every home owner in the territory to be served. Proper weight does not seem to have been given in any of these studies to the fact that the Legislature by enacting the Burns-Collier Bill has set in motion a vast program of freeway development—a program which will remake the traffic map of Los Angeles completely and a program which places no new burden upon the ad valorem taxpayer.

13. Up to this point, it would appear that the extension of the planned freeway system, adapted to the use of express busses through the building of adequate turnouts, would be the most practical plan of the four suggested above, and would meet with the approval of at least three times as many people as would approve any other single plan. In this connection, it is recommended that the Department of Public Works and Division of Highways include adequate bus turnouts in all future freeway plans in any areas served by local or interurban bus lines.

While this finding is not conclusive and is subject to further study by the committee, we believe it is timely in order to give the Department of Public Works and Division of Highways notice at the earliest possible moment that such a finding may be indicated.

14. The committee feels that any engineering studies previous to this time are of limited value for the reason that the freeway system now under construction pursuant to the so-called Burns-Collier Act has made and will continue to make an even more material change in the traffic and transportation picture in the Los Angeles area.

15. The committee believes that the public would support a program by which the freeway building program for this area could be undertaken now in its entirety by an appropriate method of borrowing on anticipated revenues from the gasoline tax rather than waiting to complete the various sections of the freeway as money becomes available for taxes.

PILOT OPINION SURVEY: This survey indicates that approximately two-thirds of the people would favor borrowing against future gasoline tax revenues in order to complete the freeway program at an early date.

PAUL V. PARKER said, "We suggest that the Legislature explore the possibility of borrowing the money, either by means of bonds to be issued by the State, or perhaps through enabling legislation to permit individual counties to issue bonds, these bonds not to become any burden upon the ad valorem taxpayer but merely to be anticipatory bonds to be retired by tax moneys that will accrue in the future under the terms of the Burns-Collier Bill.

"There are a number of advantages to this plan. It would greatly expedite construction of the freeways and after the freeways are constructed and in use we could then consider sensibly if any further expenditures were needed to solve our traffic problem or if the freeways them-

selves, if used to full efficiency, would not solve these problems for a great many years to come."

16. It appears from the testimony adduced from the representatives of the cities and towns in the outlying sections of the Los Angeles area that these towns are not in favor of any program that will require an additional tax burden without their specific acceptance thereof. Inasmuch as the freeway program will not involve such a burden this may mean that the cooperation of these cities and towns can be automatically obtained if the transportation program that is adopted should be the extension of the freeway system with the busses thereon.

E. S. DIXON said in response to a question from Assemblyman John W. Evans, "I think this form of taxation has reached the saturation point. We believe that probably the people who use the system should pay the cost because (1) people will support a rail transit system more readily without an ad valorem tax, and (2) they will eventually patronize the system better."

H. R. BENNETT stated that his city's position, in regards to Assembly Bill No. 2023, has remained the same. Burbank feels perimeter cities should be given the privilege, if they desire of staying out of or being included in any district formed. They also object to the unit rule regarding the administration of any district formed.

SPECIAL REPORTS

In addition to procuring the testimony of witnesses expert in the field of transportation and those in related or affected fields, the committee sought additional factual information:

Mass Transportation in the City of the Remote Future Which Is Here Today. By Col. F. C. Lynch, Consulting Engineer, South Pasadena, California.

This report is appended hereto and is made a part hereof. Quotations from this report are used extensively in the data supporting the preliminary findings of the committee.

Public Opinion Survey Made Expressly for This Committee in the Los Angeles Area. By John B. Knight Company.

During the past two decades huge sums of money have been spent on engineering studies that have never been developed beyond the blueprint stage. The committee felt that at least one of the most important reasons for the failure to adopt at least one of these thirty-odd plans prepared by most competent engineering firms has been the lack of public support. For that reason the committee engaged a firm specializing in public opinion surveys and with experience in the transportation field, the John B. Knight Company, to conduct a preliminary or pilot study. The results of this survey are incorporated in this report and made a part hereof with the understanding that they are to be used as strong indications of public opinion and are not final in their nature. A survey sufficiently comprehensive to be used as an accurate guide for engineers would require a much broader cross-section than was permitted by the funds allocated in this instance.

**MASS TRANSPORTATION IN THE CITY OF THE REMOTE
FUTURE WHICH IS HERE TODAY**

By Col. F. C. Lynch,
Consulting Engineer, South Pasadena, California

**REPORT SUBMITTED TO ASSEMBLY INTERIM COMMITTEE ON
PUBLIC UTILITIES AND TRANSPORTATION**

By: Col. F. C. Lynch,
Consulting Engineer, South Pasadena, California

**MASS TRANSPORTATION IN THE CITY OF THE REMOTE FUTURE
WHICH IS HERE TODAY**

In order to establish a firm foundation upon which to project an opinion as to the future of mass transportation in Los Angeles County, it would seem advisable to approach this problem objectively. Once we have been able to get a fair appreciation of the motivations and habits of our citizens, both commercial and employed, we will be in a better position to evaluate the mass of statistics and examples of conditions in other large cities.

It must be admitted that two of the major problems of the "City of Tomorrow" which must be met today are transportation and deterioration.

One of the basic obligations of Government is to give its society a satisfactory place in which to live. This satisfactory evaluation is predicated not alone upon the physical conditions and the surroundings of the home, but also and even perhaps to a greater extent is it dependent upon accessibility to work, business, markets, social activities and recreation.

The method of obtaining this accessibility is:

First: Walk

Second: Private automobile

- a. Taxicab
- b. Chauffeur driven
- c. Self driven

Third: Mass Transportation

- a. Rail rapid transit
- b. Bus
- c. Surface rail

In view of the fact that there is a great tendency for individuals when studying the problems of mass transportation for Los Angeles, to cite Eastern American cities which have rail rapid transit, it would seem advisable to review the evolution of these other large American cities with reference to their transportation.

All other large American cities were located on a waterfront. Water transportation was the only available means of moving large cargoes. At this time business and industry were all concentrated in a small area near the waterfront and residence was limited to approximately two miles from the central business district.

Some sixty years ago when the horse car and the electric car were beginning to enter the field of mass transportation, the areas encompassed in the residential zone were rapidly increased. At that time in most American cities, there was a very definite tie-in between the transportation companies and the land development companies, which resulted in the development and car lines going together. As a result of this development, there were scattered over the city small shopping centers handling the stable items in great demand amongst the residents. In the vicinity of these small shopping areas there were built multiple-unit dwellings, and this development continued over a period of several years. In fact, up until the time when the automobile began to be an important factor in the field of transportation.

As a result of this development, it was possible as late as 1925 to take a map of a city with the drugstores and apartment houses located on the map, and from that information alone the street railway system of the city could be shown by an engineer who had never visited the community.

As a result of this high population density at these various points along the streetcar lines, it made possible the use of rail rapid transit, either subway or elevated. Particular attention should be given to the fact that these multiple-unit dwellings clustered around this corner which originally started as a drugstore and grocery store were not two family or three family apartments, but were apartments several stories high and occupying all of the lot areas. This was an ideal situation for rail rapid transit because in the beginning, they had located these little drugstore locations at just about the minimum distance for rail rapid transit stops.

Since the day when the subway and elevated lines were constructed, the country has changed to transportation on rubber until today we have 41,000,000 automobiles. In the field of mass transportation in the urban and suburban field, we have a total of 91,000 vehicles, of which 58,540 are motor busses, and 5,708 are trolley coaches. Of the 1445 transit companies operating in the United States, 1336 of them are operating exclusively on rubber. The motor bus is not a small city vehicle, as most of us are accustomed to thinking of it, but it actually is a vehicle which is taking its place in mass transportation in the larger cities. In the cities of over 1,000,000 population last year the subway and elevated handled 2,473,000,000 revenue passengers, and the busses carried 2,106,000,000, and street railway 2,054,000,000 with the trolley coach carrying 87,000,000.

In the Eastern cities, the results caused by rail rapid transit and the use of automobiles and busses has been blight and decay in areas surrounding the central business district. Another result of automobiles has been traffic jams of enormous proportions.

This traffic jam and blight and decay in the areas immediately surrounding the central business district has resulted in what has been termed an explosion of the central business district manifesting itself in decentralization.

All of this in the East has caused some of the best authorities in the field of city planning to refer to the City of the Remote Future as one

where there is a highly concentrated functional central district where all essential public facilities will be organically inter-related, and this will be surrounded by separated neighborhoods all self-contained. They usually refer to it as a roseate vision of the remote future and indicate that few of us will be here to see it.

How does Los Angeles compare with the large cities of the East with rail rapid transit?

Again repeating. Los Angeles is the City of the Remote Future but it is here today.

Los Angeles is peculiar in that it is the only large city where the traffic flows four ways from the central business district. It is not bounded on one side by water, as are the other large American cities, because it grew after there had been developed means other than water for the handling of commerce. This fact in the near future will be one of enormous benefit to the city of Los Angeles, because when the freeways are completed surrounding the central business district, it will mean that there will be no through traffic using the central business district streets, which will leave the streets to be used by only those vehicles destined for points within the central business district. Furthermore, traffic originating in the central business district during the peak hours, that is, vehicles which have been parked within the district during the day, will not drive across the district, but will proceed immediately to the nearest freeway entrance and will use the freeways to circle the district in so far as is necessary for them to go in order to reach the freeway which will be used to travel toward their destination. It is important to keep this fact in mind, because when we are considering a solution to congestion within the central business district, we must remember that there is from thirty to forty percent of the traffic which is now using the central business district's streets which will be eliminated upon the completion of the freeways circling the area.

The growth of Los Angeles is unique as compared with the other American cities, also resulting from motor car use, in that apartments in Los Angeles County have not been built next to each other because developers and builders have kept in mind that most of their tenants would have occasion to use the streets for parking facilities, which in turn caused the apartment house builder to space his building with respect to the others. They were not forced to build within a short radius of the corner drugstore. Because of this parking problem and also because of height limitations, it has not been the practice to build enormous apartment buildings anywhere within Los Angeles County.

While Los Angeles differed from the other American cities in the general pattern of development, it still was not able to avoid the traffic jam. As a matter of fact, because it was a city moving on rubber, it was one of the first to experience the traffic jam with the result, first: there was no opportunity to build subways or rail rapid transit in any direction from the central business district which would have any indication whatsoever of being a profitable investment. There were no centers of high population density nicely spaced over the county, as had occurred in the cities that followed street railway lines for their development.

Then, the next and most logical evolution in the development of a city was decentralization and freeway construction. This unplanned and practically uncontrolled development has given Los Angeles the opportunity of following the pattern of the Remote City of the Future.

By further analysis it should be apparent that rail rapid transit will never be justified in Los Angeles. First, because it will never pay for itself and, second, the advantages from its operation will not be sufficient to justify the property tax support necessary to operate it. As a matter of fact, study of the statistics available and analyzing the trends over the past twenty-four months with business decreasing and costs increasing, it is doubtful whether any rail interurban service can be maintained, and further, it is quite probable that more of the urban rail will have to be discontinued with bus substitution.

It is an accepted fact that extra service during the peak demand in the morning and the afternoon is operated at a loss, and the base service on the route must be profitable enough to absorb the peak losses.

In American cities which have rail rapid transit and rail surface cars, they have, through the past years, been continuously confronted with economic problems and in some cases they have been supported by general taxation rather than fare increases, notwithstanding the fact that they have a base load which differs materially from Los Angeles. An Analysis of this base load is where the conclusions are found that rail rapid transit and some other surface rail line operation will not prove profitable in this area.

It must be admitted that the people employed in the central business district do not add to the base load, but instead they materially increase the non-profitable peak load. Therefore, in making this study, it is necessary for us to consider why other people go into the central business district in Eastern cities and how does Los Angeles compare with them.

1. Shopping:

For years in the Eastern metropolitan districts the large department stores and shopping centers were all located in the central business district which necessitated the purchaser going into that district for the purchase of almost every commodity, excepting some of the staples which were sold in the little community centers. Everyone is familiar with the decentralization which has already taken place in Los Angeles, and it is hardly necessary to mention that practically the same opportunity exists in many outlying business districts as exists in the downtown district for the purchaser of the identical material from the identical establishment. One only has to look at Wilshire Boulevard, Westwood, Hollywood, Pasadena, Crenshaw and other locations to find a verification for this statement.

2. Amusements:

- a. Theatre
- b. Night Clubs and Food

In the past there was generated considerable travel by mass transportation in the Eastern cities for the purpose of attending places of

amusement, such as theatres, night clubs, and also for the purpose of dining out. With the exception of the Philharmonic and Biltmore Theatres, practically all other entertainment, night clubs and food facilities, are available in districts other than the central business district. A casual observation of the traffic entering and leaving the central business district of Los Angeles during the evening hours will quickly convince one that the 4,000,000 people in Los Angeles County are not dependent upon the central business district for their amusement.

3. Banking:

In many of the Eastern cities, due to the fact that branch banking was not a common practice, there was considerable off peak business travel into the central business district for the purpose of banking. With branch banks in Los Angeles County, there is no reason for banking to generate off peak travel into the central business district.

4. Financial markets, etc.:

Already brokerage firms have established boards and facilities in many outlying districts for this purpose and very little off peak travel can be expected by mass transportation units from people desirous of contacting financial interests. What travel there is into the central business district is by and large made by private automobile.

5. Governmental:

Already the trend for decentralization in governmental activities has taken place with branch Superior Courts and branch City Halls being established in outlying areas.

6. Business inter-communication:

In the development of the Eastern cities, management felt that it was advisable to locate their general offices in the central business district for the purpose of accessibility to other businesses, banks and financial districts, governmental establishments. This location of management in the central business district of itself developed off peak business for mass transportation facilities.

Let us take a look at the principal industries of Los Angeles County, and no better reference could be made than to the map in the recent June 1949 issue of FORTUNE magazine. By studying this map and the list of these corporations, one is immediately impressed with the fact that decentralization has definitely taken place so far as management of these organizations are concerned. One of the important business groups in this community is aviation, all general offices located at plants. Second, motion pictures. No general offices in the central business district, and so it goes right down the line, with the one exception—oil and oil well equipment, and when this industry is broken down, it is found that oil companies have established general offices downtown, which is the only industry which has so located their general offices. The trend of decentralization has already started in the oil industry. Two recent examples were the Fullerton Oil Company and the Wilshire Oil Company moving their general offices out of the central business district to Pasadena.

A glance at that map will indicate rather conclusively that there will be practically no opportunity to locate rail rapid transit which would generate much business during the off peak load between the general offices of these industries. An interview of salesmen selling these industries will practically always develop the statement that the only way they would be able to conduct their business would be by the use of their private automobiles.

One of the big business groups which was not included amongst the industries listed is the insurance industry, and several examples are available of how they have located not in the central business district but far from it.

In the Transportation Program for the Metropolitan Area of the City of Los Angeles, submitted in December of 1945 by DeLew, Cather and Company, Harold M. Lewis and Joe R. Ong, on page 22, second paragraph, they stated:

“The importance of sound central development to the community as a whole is indicated by reference to New York City. In that metropolitan center, approximately one-third of the workers are employed in business management of one type or another. During the 18-year period, 1925 to 1943, the gross office space on Manhattan Island increased from 21,000,000 to 54,000,000 square feet or 157 per cent. The possibilities for business management offices of large corporations doing business in the western section of the United States are important. Attractive public transportation would encourage the establishment of such offices in Los Angeles.”

The possibilities for business management offices of large corporations doing business in the western section of the United States are important. It is recommended that in order to test the weight of the opinion “attractive public transportation would encourage the establishment of such offices in Los Angeles,” it might be well to subpoena the resident executive in charge of Prudential Life, Rexall Drug, and Carnation Milk in order to determine, first; why they came to Los Angeles without rail Rapid Transit and, second; would they have located in the central business district had there been in operation rail rapid transit.

The present mass transportation facilities serving the central business district will no doubt be of sufficient capacity to meet the demands in the future, because notwithstanding the enormous growth of this metropolitan area, the demand for office space in the central business district is not such as to absorb all of the present available space.

With the completion of the freeway program and particularly with the completion of the freeway looping the central business district, there will be available street capacity for a material increase in volume of vehicles for business in this district. Due to the decentralization which has already taken place which has resulted in loss of off peak or base load business, we should be able to meet all of the demands which are economically sound. In other words, with this increased street capacity for busses and surface cars it would appear that there would be no justification for all property owners of the metropolitan area assuming any liability for the financing and operation of a rail rapid transit system.

As soon as it has been definitely determined that rail rapid transit will not be built, unquestionably there will then be an attractive field for investors to build close in multiple-unit dwellings in order that they may be available for those who are employed in the central business district. This will solve, or help solve, the question of blight and deterioration which is now taking place in the fringe of the central business district.

There seems to be no reason why, in a large proportion of the area surrounding the central business district, that it could not be developed into attractive multiple-unit buildings which would make a good return on the investment, because there will always be a central business district employing a large number of people to carry on the commerce of the district, and they will need homes available to their place of employment.

Summarizing; in the Los Angeles metropolitan area there is rapidly being taken to the people of the area, industry for employment, commercial centers for shopping, and entertainment and banking.

Society in the Los Angeles Metropolitan area has found that everywhere is a satisfactory place to live because even without Rail Rapid Transit, shopping centers, amusement, banking, Finance and Markets and Governmental functions are all available.

Automotive—

Buick-Oldsmobile-Pontiac	Lincoln-Mercury
Chevrolet-Fisher Body	Nash-Kelvinator
Chrysler	National Automotive Fibres
Electric Auto-Lite	National Battery
Ford	Studebaker
Fruehauf Trailer	U.S. Spring & Bumper
Globe-Union (batteries)	Willard Storage Battery
Hobbs Battery	Willys-Overland

Aviation—

AiResearch Div., Garrett	Lockheed Aircraft
Aerojet Eng. (Gen. T. & R.)	North Am. Aviation
Bendix Aviation	Northrop Aircraft
Douglas Aircraft	Parker Appliance

Chemicals—

American Cyanamid	Irvington Varnish & Ins.
Dow Chemical	Shell Chemical
DuPont	Stauffer Chemical
General Chemical	

Containers—

American Can	Glass Container
Anchor Hocking Glass	Hazel-Atlas Glass
Ball Brothers	International Paper
Cherry River Paper	Litchford-Marble Glass
Container Corp.	Owens-Illinois Glass
Continental Can	Pacific Container

Food—

Armour	National Biscuit
Bireley's Div., Gen. Foods	Pillsbury Flour
Carnation	Quaker Oats
Cudahy	Swift
French Sardine	Van Camp
General Mills	Weston Biscuit

Furniture, Fixtures, Household Equipment, Building Materials—

Am. Rad. & Stand. San.	Karpen Furniture
Angelus Furniture	Kroehler Mfg.
Brown-Saltman	Norris Stamping
Day & Night Mfg. (Heaters)	O'Keefe & Merritt (stoves)
Gillespie Furniture	Thor
Gladding, McBean	U.S. Steel Products
Hoffman Radio	Weber Showcase & Fixture
Hot Point Div., G.E.	Western Stove

Metals—

Aluminum Co. of America	General Metals
Beth. Pac. Coast Steel	Handy & Harman
Col. Steel (U.S. Steel)	Phelps-Dodge
Cons. West. Steel (U.S. Steel)	Revere Copper & Brass

Movies—

Columbia Pictures	RKO
Hal Roach	20th Century-Fox
MGM	Universal Pictures
Monogram Pictures	Walt Disney Productions
Paramount	Warner Brothers
Republic Pictures	

Oil & Oil Well Equipment—

Axelson Mfg.	Lane-Wells
Baash-Ross Tool	National Supply
Baker Oil Tool	Richfield Oil
C. F. Braun	Shell
Byron Jackson	Standard Oil (Calif.)
Dresser Industries	Texas
Emseo Derrick & Equip.	Union Oil
Gen. Petroleum (Soc. Vac.)	Wilshire Oil

Rubber—

Firestone	Goodyear
Goodrich	U. S. Rubber

Soaps & Cleaners—

Jergens-Woodbury	Pacific Coast Borax
Los Angeles Soap	Proctor & Gamble

Sportswear—

Catalina
Cole
Joyce (shoes)

Rosenblum's of Calif.
Vogue (shoes)
Zukin of Calif.

Miscellaneous—

Clayton Mfg.
Fairbanks, Morse
Fernstrom Paper
Fluor

Pacific Press
Plomb Tool
Shelby Bicycle of Calif.
Taylor Fibre

**PILOT STUDY FOR A PUBLIC OPINION SURVEY ON
RAPID TRANSIT FOR THE LOS ANGELES AREA**

Made Expressly for

**ASSEMBLY INTERIM COMMITTEE ON
PUBLIC UTILITIES AND CORPORATIONS**

by John B. Knight Company

Committee members:

JOHN W. EVANS, Chairman
BERNARD R. BRADY
MONTIVEL A. BURKE
WILLIAM CLIFTON BERRY
EVERETT G. BURKHALTER
RANDAL F. DICKEY
CLAYTON A. DILLS
WILLIAM S. GRANT
G. DELBERT MORRIS
JOHN E. MOSS, JR.
BRUCE V. REAGAN
A. I. STEWART
SAMUEL WM YORTY

March 1950

STATEMENT OF AUTHENTICITY AND PURPOSES

This is a report of the third of a series of three pilot studies conducted on this subject. During the course of this study, 1,000 adult residents of this county were personally interviewed at their homes by trained members of our staff.

A pilot study employs the use of a miniature but precise representative cross-section. While such a sample is intentionally small, our experience in this field has convinced us that the findings of such a study may be used effectively to provide a reasonably accurate indication as to the probable findings of a much larger and more conclusive study.

For the purposes of this study, 500 of those interviewed were employed persons while another 500 were "non-employed" persons—that is, people who are not in the labor market, either employed or looking for employment. The purpose of such a division was to get a probable indication of the reaction and attitude toward transportation and its problems from people, nearly all of whom must use transportation to get to and from their places of employment, and also to get the reaction and attitude toward transportation and its problems from that group of people who use transportation for purposes other than getting to and from work, namely, food shopping, other shopping and entertainment. It was felt and the findings indicate, that these people have marked differences of opinion and uses of transportation.

Generally speaking, this study has three objectives:

1. How many people from each community may be expected to use public transportation?
2. For what kind of public transportation system would most of the people be willing to pay?
3. What method would be most acceptable to them?

No indication was provided either the respondent or the interviewer as to the identity of the sponsor of the survey. The only information given either of these people was that the survey was being undertaken by the John B. Knight Company, a professional public opinion survey company.

The areas in which the interviewing was conducted are listed on a following page.

Each of the 1,000 persons interviewed was interrogated by means of a separate questionnaire. The interviewer carefully read to the respondent each question on said questionnaire in the order it appeared and without any explanation or any other conversation that would or could influence the response in any manner. Immediately following the conclusion of the interviewing, the interviews were carefully coded and the information punched into I. B. M. cards where it was machine sorted and tabulated.

The John B. Knight Company certifies that this pilot study was conducted according to proven and the most scientific techniques and that the procedures used in obtaining the findings contained herein were conducted with the strictest care. It again wishes to caution that the findings of this survey are not conclusive and may be subject to a larger margin of error than should reasonably be expected from a survey with a sample of a proper size.

DEFINITION OF TERMS

For the purposes of this report:

A. Employed Persons is intended to mean those people who are either actually employed or in the labor market.

B. Non-Employed Persons are those people who are not in the labor market and are not employed and are in the general classifications of "housewives" and "retired people."

STATISTICS

	<i>Employed Persons</i>	<i>Non-Employed Persons</i>
<i>Sex</i>	<i>100%</i>	<i>100%</i>
Men -----	83%	6%
Women -----	17	94
<i>Age</i>	<i>100%</i>	<i>100%</i>
20-29 -----	21%	24%
30-39 -----	35	31
40-49 -----	29	24
50 up -----	15	21
<i>Occupation</i>	<i>100%</i>	<i>100%</i>
Owner-Mgr.-Official-Prof. -----	25%	23%
Clerical-Sales -----	24	23
Skilled workers -----	45	35
Unskilled workers -----	6	19

Interviewing was conducted in the following areas.

Burbank
Compton
Alhambra-El Monte
Inglewood
Long Beach
Pasadena
Santa Monica
Southwest
Lakewood
Eastside
Wilshire

EMPLOYED PERSONS

1. About how often do you use a street car or bus?

<i>Employed persons</i>	<i>100%</i>
1-3 times a week -----	9%
4-7 times a week -----	25
Twice a month -----	3
Once a month -----	3
Less often or never -----	60

EMPLOYED PERSONS5. How do you *usually* get to work?

<i>Employed persons</i>	100%
Auto	69%
Street car or bus	23
Walk	6
Other	2

6. (*Those using public transportation to get to work were asked*) If you wanted, is there an automobile you could use to get to work?

<i>Public transportation users</i>	(23) 100%
Yes	39%
No	61

7. (*Those using public transportation to get to work were asked*) Do you use a street car or bus because you like to or because you have to?

<i>Public transportation users</i>	(23) 100%
Have to use street car or bus	75%
Like to use street car or bus	25

10. Do you use a street car or bus as much or as little as possible?

	<i>Employed Persons</i>	<i>Those Who Use Public Transpor- tation to Get to Work (23)</i>
	100%	100%
As little as possible	86%	56%
As much as possible	14	44

9. (*Those respondents who use an automobile to get to work were asked*) Which of the following are your reasons for *NOT* using public transportation to get to work?

<i>Those who use an automobile to get to work</i>	(69) *
Takes too long	63%
Transfer required	36
Uncomfortably crowded	23
Need car during day	20
Street car or bus line too far from destination	15
Inconvenient to carry tools or packages	14
Street car or bus too far from home	4
General inconvenience	57
Other reasons	20

* Totals to more than 100% because of multiple answers.

NOTE: Each respondent had an average of 2.5 reasons.

EMPLOYED PERSONS**11. Do you work in Downtown Los Angeles?**

	<i>Employed persons</i>	<i>Those who use auto to get to work</i>	<i>Those who use public transportation to get to work</i>
	<i>100%</i>	<i>(69)</i>	<i>(23)</i>
		<i>100%</i>	<i>100%</i>
Yes	26%	21%	50%
No	74	79	50

12. (Those respondents who do not work in Downtown Los Angeles were asked) About how often do you go into Downtown Los Angeles?

	<i>Those who do not work in Downtown Los Angeles</i>	<i>(74)</i>
		<i>100%</i>
1-3 times a week	14	6%
4-7 times a week	3	
Twice a month	11	
Once a month	18	
Less often or never	54	

2. About how many blocks is your home from a bus or street car?

	<i>Employed persons</i>	<i>Those who use auto to get to work</i>
	<i>100%</i>	<i>100%</i>
1-2 blocks	72%	68%
3 blocks	15	16
4 blocks and over	13	16

3. About how close to your work could you get by bus or street car?

	<i>Employed persons</i>	<i>100%</i>	<i>100%</i>
1-2 blocks	60%	54%	
3 blocks	10	10	
4 blocks and over	29	35	
Don't know	1	1	

4. Would it be necessary for you to transfer to get to work by street car or bus?

	<i>Employed persons</i>	<i>100%</i>	<i>100%</i>
Yes	63%	67%	
No	36	31	
Don't know	1	2	

NON-EMPLOYED PERSONS**1. About how often do you use a street car or bus?**

<i>Non-Employed persons</i>	100%
1-3 times a week -----	37%
4-7 times a week -----	14
Twice a month -----	11
Once a month -----	6
Less often or never -----	32

2. Do you usually do your *food* shopping in :

<i>Non-Employed persons</i>	100%
Your own community -----	87%
Some other community shopping center -----	10
Downtown Los Angeles -----	3

3. Do you usually do your *other* shopping in :

<i>Non-Employed persons</i>	100%
Your own community -----	41
Some other community shopping center -----	43
Downtown Los Angeles -----	16

4. How do you usually get to your :

	<i>Food Shopping 100%</i>	<i>Other Shopping 100%</i>	<i>Enter- tainment 100%</i>
Auto -----	54%	54%	73%
Public transportation -----	19	42	24
Walk -----	27	4	3

5. (Those using public transportation in answer to Question 4 were asked) Do you have a car that you might use if you cared to use it?

<i>Public transportation users</i>	(19) 100%	(42) 100%	(24) 100%
Yes -----	16%	22%	19%
No -----	84	78	81

6. (Those using public transportation in answer to Question 4 were asked) If you had a car that you might use if you wanted to, do you think you would or would not use it?

<i>Public transportation users</i>	(19) 100%	(42) 100%	(24) 100%
Yes -----	73%	58%	70%
No -----	27	42	30

9. Do you use a street car or bus as much or as little as possible?

<i>Non-Employed Persons</i>	100%
As little as possible -----	80%
As much as possible -----	20

NON-EMPLOYED PERSONS

7. (*Those using automobile or walking in answer to Question 4 were asked*) Which of the following are your reasons for *NOT* using public transportation?

	<i>Food shopping (81) *</i>	<i>Other shopping (58) *</i>	<i>Enter- tainment (76) *</i>
<i>Those who use auto or who walk</i> -----			
Close enough to walk-----	39%	7%	5%
Inconvenient to carry packages-----	35	41	2
Takes too long-----	21	31	33
Uncomfortably crowded-----	14	17	11
General inconvenience-----	28	43	60
Other reasons-----	19	26	36

* Totals to more than 100 percent because of multiple answers.

8. About how often do you go into Downtown Los Angeles?

<i>Non-Employed persons</i>	<i>100%</i>
1-3 times a week-----	15%
4-7 times a week-----	2
Twice a month-----	13
Once a month-----	13
Less often or never-----	57

In Question 13 respondents were asked "As you know, there has been a lot of talk about a new public transportation system to and from downtown Los Angeles from various communities. The following four plans were submitted to the respondents:

- A. Mono-Rail
- B. Subways
- C. Freeways and Subways
- D. Freeways

Before the question was asked, however, the respondents were shown a card with the following explanation thereon. The contents of the card were read to the respondents as well as shown to him for his own reading if desired.

A. Mono-Rail: Electric trains suspended from a single overhead track running in freeways, private rights of way and over streets.

B. Subways: Electric trains in one way loop subways in the central part of the Los Angeles area, with street car or bus lines making connections from surrounding communities.

C. Freeways and Subways: Electric trains running in the center of the freeways with subways in downtown Los Angeles

D. Freeways: Express busses on the freeways with few stops in special turnouts on the freeways but with regular stops in various neighborhoods before entering or after leaving freeways.

OVERALL

NOTE: The statistics on this page combine the opinions of the employed and non-employed persons.

- 13 As you know, there has been a lot of talk about a new public transportation system to and from Downtown Los Angeles from various communities. Among the plans discussed are: (SHOW CARD TO RESPONDENT)

Which of these public transportation systems do you think would:

	Total	Mono-Rail	Subways	Freeways & Subways	Freeways	Don't Know
Cost the <i>least</i> to buy the land -----	100%	16%	7%	8%	30%	39%
Cost the <i>least</i> to construct -----	100	12	3	6	38	41
Cost the least to equip -----	100	13	3	5	42	37
Cost the least to operate -----	100	15	8	6	34	37
Have the most attractive appearance -----	100	19	12	10	42	17
Be most easily developed to give inter-community service to newly developed residential and shopping centers -----	100	15	7	12	45	21
Give most convenient service to the various neighborhoods -----	100	14	9	12	48	17
Have the shortest overall travel time -- including transfers -----	100	20	23	11	26	20
Not require additional taxes -----	100	5	3	4	37	51
Be available for use the soonest -----	100	8	2	4	54	32

14. Now that you have considered these various points, which of them do you think you would prefer?

Overall -----	100%
Freeways -----	47%
Mono-Rail -----	15
Freeways and subways -----	14
Subways -----	11
Don't know -----	13

15. (Those respondents who say they would not be in favor of freeways or who had no opinion in answer to Question 14 (53% of the total sample) were asked) If you were convinced that the cost for land, construction, equipment and operation were much less for busses, do you think you would or would not favor busses?

Would -----	100%
Would not -----	36%
Don't know -----	53
	11

OVERALL

NOTE: The statistics on this page combine the opinions of the employed and non-employed persons.

16. (Those respondents who say they would not be in favor of freeways or who had no opinion in answer to Question 15 (35% of the total sample) were asked) If you were convinced that busses could more easily give intercommunity service to newly developed residential and shopping centers, do you think you would or would not favor busses?

	100%
Would -----	23%
Would not -----	63
Don't know -----	14

17. (Those respondents who say they would not be in favor of freeways or who had no opinion in answer to Question 16 (28% of the total sample) were asked) If you could get the shortest overall travel time through the use of busses on freeways, do you think you would or would not favor busses?

	100%
Would -----	15%
Would not -----	69
Don't know -----	16

18. (Those respondents who say they would not be in favor of freeways or who had no opinion in answer to Question 17 (25% of the total sample) were asked) If you were convinced that busses were the only system that would *not* require additional taxes, do you think you would or would not favor busses?

	100%
Would -----	8%
Would not -----	70
Don't know -----	22

19. (Those respondents who say they would not be in favor of freeways or who had no opinion in answer to Question 18 (23% of the total sample) were asked) If you were convinced that a system of busses on the freeways could be available for public use sooner than any other system, do you think you would or would not favor busses?

	100%
Would -----	2%
Would not -----	80
Don't know -----	18

21. A system of freeways is now planned and being constructed. Do you favor raising all the money now by borrowing money against future income from the gasoline tax so that the freeways can be completed much sooner, or do you favor completing the freeways in the future as the money from the gasoline tax becomes available?

<i>Overall</i>	100%
Borrow against future income -----	62%
Complete as go along -----	27
Don't know -----	11

OVERALL

NOTE: The statistics on this page combine the opinions of the employed and non-employed persons.

22. If additional money is necessary to build a new transportation system, how do you think it should be raised?

<i>Overall</i>	<i>100%</i>
Riders who use the public transportation system -----	36%
A general tax on all the people -----	28
Bond issue secured by a property tax -----	18
Miscellaneous -----	1
Don't know -----	17

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Waters, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Lucile Fitts and son Robert of Los Angeles.

On request of Mr. Cooke, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Grace Dave of the Theta Ro Girls of Ventura and the following members: Kathryn Clark, Kathryn McCulloch, and Elene Miller.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Miss Madelene Roersma, teacher of the Ripon Christani School, Keith Den Dulk, Arthur Van Spronsen, and Michael Van Anandel, guests, and the following pupils: Nellie De Jong, Sam De Jong, Marinus De Weerd, Arnold Hof, Bud Van Nieuwenhuizen, Ernest Veenstra, Bob Van Spronsen, John Kramer, Beverly Viss, Theresa Van Gorkum, Geraldine Van Anandel, Joyce Den Dulk, Joyce Van Den Berg, Kenneth Keuning, and Leonard Frings.

On request of Messrs. Fleury, Moss, and Rumford, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Malcom Colbert, Mrs. T. R. Dunlap, guardians of the Wastedeksa Camp Fire Girls of Oak Park Community Congregational Church and the following members: Doris Darden, Carolyn Bapsed, Winifred Bapsed, Beverly Shields, Ravena Blackwell, Dorris Brent, and Patricia Burkhardt.

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to Ivan Chappell of the Ransom School of Stanislaus.

On request of Mr. Bennett, the usual courtesies of the Assembly for this day were unanimously extended to Ruth M. Snyder of Montebello.

ADJOURNMENT

At 9.55 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 a.m., Monday, April 10, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-THIRD LEGISLATIVE DAY
THIRTY-SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, April 10, 1950

The Assembly met at 10 a.m.

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

Chief Clerk Arthur A. Ohninus at the desk.

ROLL CALL

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

Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elhott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Linscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Nichouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—72.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God: Let us again renew our allegiance to our Country, which offers us 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 who fought for liberty of mind and conscience who inspire us to preserve them at the peril of our lives.—AMEN

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. McCollister, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Stewart, on motion of Mr. Waters.

Mr. Price, on motion of Mr. Waters.

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

Mr. Hoffman, on motion of Mr. Connolly.

The following members were granted leaves of absence for the day, and desired to waive their per diems:

Mr. Huyck, on motion of Mr. Smith.

Mr. Rosenthal, on motion of Mr. Beck.

Mr. Reagan, on motion of Mr. Levering.

PLEDGE OF ALLEGIANCE TO THE FLAG

Upon request of Speaker Sam L. Collins, the Assembly then pledged allegiance to the Flag.

RESOLUTIONS

The following resolutions were offered:

By Mr. Burkhalter:

House Resolution No. 72

Relating to an investigation and report concerning the desirability and feasibility of a separation of grade between a certain thoroughfare in Burbank, Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Olive Street in Burbank, Los Angeles County, crosses the tracks of the Southern Pacific Company at grade, and

WHEREAS, The flow of traffic over this thoroughfare across such tracks constitutes a great and increasing hazard to the motoring public using this thoroughfare; now, therefore, be it

Resolved by the Assembly of the State of California, That the appropriate officers of the City of Burbank, the County of Los Angeles, the Southern Pacific Company, the Public Utilities Commission, and the Department of Public Works, Division of Highways, be requested to initiate proceedings for a separation of grade at the above described location and to report to the Assembly not later than January 15, 1951; 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 Burbank, the County of Los Angeles, the Department of Public Works, Division of Highways, and the Southern Pacific Company.

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

By Mr. Luckel:

House Resolution No. 73

Relating to the passing of William John Burwell

WHEREAS, The Assembly has received word of the recent passing of William John Burwell, who collapsed while visiting at the Palomar Mountain Campsite and died in his one-hundredth year; and

WHEREAS, William John Burwell was a long-time resident of San Diego, the father-in-law of the late Ernest R. Childs, former Road Superintendent of San Diego County, and the father of a son and a daughter, four grandchildren, and six great-grandchildren surviving him, many of them residing in San Diego County; and

WHEREAS, William John Burwell was a resident of California for many years, having left his home in St. Thomas Lodge, Ontario, in 1894 to come to San Diego. Born in 1851 in Wabash, Ontario, Mr. Burwell had been accorded the distinction of being the second oldest living Mason, a member of San Diego Lodge No. 35, Free and Accepted Masons, and for seventy-six years a Master Mason; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly expresses its deep sorrow and regret at the passing of Mr. William John Burwell, and conveys its deepest sympathy to the members of his surviving family; and be it further

Resolved, That when the Assembly adjourns this day it do so in respect to the memory of Mr. William John Burwell; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to forward copies of this resolution to Mrs. Ernest R. Childs, Mr. Wilbert J. Burwell, Mrs. Mary Warren, Mrs. George D. Latham and Mrs. Albert Schmidt of San Diego, and to Mr. William Burwell and Mrs. Frank Weisgerber of Coronado.

Request for Unanimous Consent

Mr. Luckel asked for, and was granted, unanimous consent to take up House Resolution No. 73, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, April 5, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:

Assembly Bill No. 116

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.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Joint Resolution No. 5

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 6, 1950

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

Assembly Bill No. 23

Assembly Bill No. 106

Assembly Bill No. 77

Assembly Bill No. 136

Assembly Bill No. 97

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above bills ordered to unfinished business file

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 118—An act to amend Sections 1601 and 3866 of the Education Code, relating to the apportionment of the bonded indebtedness of school districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

Strike out line 1 of the title of the printed bill, and insert "An act to add Section 1601.5 to the Education Code,".

Amendment No. 2

On page 1 of said bill, strike out lines 1 to 22, inclusive, and on page 2, strike out lines 1 to 16, inclusive, and insert:

"SECTION 1. Section 1601.5 is added to the Education Code to read:

1601.5. Notwithstanding the provisions of Section 1601 or of any other provision of this code, an elementary school district withdrawing from a union high school district to join another union high school district which has acquired a site for school buildings within the boundaries of the elementary school district pursuant to Section 1596.1, shall not be liable for any portion of the bonded indebtedness of the union high school district from which it is withdrawing which is authorized or incurred subsequent to the effective date of this section if a notice of intention to initiate proceedings to withdraw such territory, signed by not less than 5 percent of the qualified electors residing within the territory, is filed with the governing board of the union high school district from which withdrawal is sought not less than 14 days prior to the date such bond issue is submitted to the voters for approval, and if the territory withdrawing assumes liability for the outstanding bonded indebtedness of the union high school district of which it is made a part by a vote of two-thirds of the electors of the elementary district voting at an election called for that purpose in accordance with applicable provisions of this code. If withdrawal proceedings are not completed by February 1st of the school year in which they are commenced, the notice shall have no further effect.

SEC. 2. Section 1601.5 of the Education Code as added by this act shall have no force or effect after July 1, 1951."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed. •

Assembly Bill No. 132—An act to dispose of certain furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.

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 1, line 1, of the printed bill, strike out "All", and insert "From the".

Amendment No. 2

On page 1, line 7, of said bill, strike out "and make avail"; and strike out lines 8 to 22, inclusive, and insert "the Department of Social Welfare and the Department of Finance shall transfer to each county an amount of such property equal in purchase cost to six dollars and seventy-five cents (\$6.75) for each case increase in the total Old Age Security and Aid to Needy Blind caseloads for the month of June, 1950, over the month of November, 1948. All property transferred to any county by this act shall be used by the county solely for welfare purposes. Such transfers shall be made without cost to the county if the transfers are accepted by the Federal Government as proper distribution of the Federal interest in such property. Any adjustments required by the Federal Government because of such distribution shall be borne by the county involved."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 141—An act granting certain lands owned by the State of California to the County of Butte for public park purposes upon certain trusts and conditions.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Governmental Efficiency and Economy:

Amendment No. 1

On page 2 of the printed bill, between lines 7 and 8, insert
 "(d) There is hereby excepted and reserved to the State of California all deposits of minerals, including oil and gas, in said land, and to the State of California, or

persons authorized by the State of California, the right to prospect for, mine, and remove such deposits from said land; provided, that said excepted and reserved power shall be exercised in a manner not inconsistent or incompatible with the use of said lands by grantee for public park purposes."

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 92—An act to provide for the construction of a scientific and technical museum in Exposition Park, Los Angeles, and making an appropriation therefor.

Bill read second time.

Subject matter ordered referred to the Interim Committee on Governmental Efficiency and Economy.

Assembly Bill No. 92 Ordered Stricken From File by Unanimous Consent

By unanimous consent, Assembly Bill No. 92 was ordered stricken from the file.

Assembly Bill No. 126—An act for the prevention or alleviation of unemployment by providing for stimulation of employment in private industry through a system of insured business loans, creating a State Finance Corporation as the public agency to administer this act, prescribing its powers and duties, and making an appropriation.

Bill read second time.

Subject matter ordered referred to the Interim Committee on Governmental Efficiency and Economy.

Assembly Bill No. 126 Ordered Stricken From File by Unanimous Consent

By unanimous consent, Assembly Bill No. 126 was ordered stricken from the file.

SECOND READING OF SENATE BILLS

Senate Bill No. 29—An act to amend Sections 2164, 2165, 2165a, and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients.

Bill read second time, and ordered to third reading.

Senate Bill No. 37—An act to add Section 118.2 to the Welfare and Institutions Code, relating to warrants issued to recipients of public assistance.

Bill read second time, and ordered to third reading.

Senate Bill No. 13—An act to amend Sections 19601 and 19613.5, and to repeal Section 19613.6, of the Education Code, relating to child care centers, and making an appropriation therefor.

Bill read second time, and ordered to third reading.

Senate Bill No. 3—An act to amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

Strike out all of pages 2, 3, and 4 of the printed bill, as amended in the Senate on March 27, 1950, and insert

"RELATIVES' CONTRIBUTION SCALE"

A. Net monthly income of responsible relatives in family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
C. Maximum required monthly contributions										
300 or under	0	0	0	0	0	0	0	0	0	0
301- 325	10	0	0	0	0	0	0	0	0	0
326- 350	15	0	0	0	0	0	0	0	0	0
351- 375	20	0	0	0	0	0	0	0	0	0
376- 400	25	5	0	0	0	0	0	0	0	0
401- 425	30	10	0	0	0	0	0	0	0	0
426- 450	35	15	5	0	0	0	0	0	0	0
451- 475	40	20	10	0	0	0	0	0	0	0
476- 500	45	25	15	5	0	0	0	0	0	0
501- 525	50	30	20	10	0	0	0	0	0	0
526- 550	55	35	25	15	5	0	0	0	0	0
551- 575	60	40	30	20	10	0	0	0	0	0
576- 600	65	45	35	25	15	5	0	0	0	0
601- 625	70	50	40	30	20	10	0	0	0	0
626- 650	75	55	45	35	25	15	5	0	0	0
651- 675	80	60	50	40	30	20	10	0	0	0
676- 700	85	65	55	45	35	25	15	5	0	0
701- 725	90	70	60	50	40	30	20	10	0	0
726- 750	95	75	65	55	45	35	25	15	5	0
751- 775	100	80	70	60	50	40	30	20	10	0
776- 800	105	85	75	65	55	45	35	25	15	5
801- 825	110	90	80	70	60	50	40	30	20	10
826- 850	115	95	85	75	65	55	45	35	25	15
851- 875	120	100	90	80	70	60	50	40	30	20
876- 900	125	105	95	85	75	65	55	45	35	25
901- 925	130	110	100	90	80	70	60	50	40	30
926- 950	135	115	105	95	85	75	65	55	45	35
951- 975	140	120	110	100	90	80	70	60	50	40
976-1000	145	125	115	105	95	85	75	65	55	45
1001-1025	150	130	120	110	100	90	80	70	60	50
1026-1050	155	135	125	115	105	95	85	75	65	55
1051-1075	160	140	130	120	110	100	90	80	70	60
1076-1100	165	145	135	125	115	105	95	85	75	65
1101-1125	170	150	140	130	120	110	100	90	80	70
1126-1150	175	155	145	135	125	115	105	95	85	75
1151 and over	180	160	150	140	130	120	110	100	90	80

"Net income" as used in this table is predicated on the following two factors:

(a) that federal and state income taxes and social security contributions be allowed as deductions from gross income; and

(b) that the earnings of a wife no longer be added to the income of her husband in determining relatives' responsibility."

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Joint Resolution No. 13: By Mr. Morris—Relative to the repeal of the Federal excise tax on automobiles.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 6, 1950

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

Senate Bill No. 39

Senate Bill No. 47

Senate Bill No. 48

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. 39—An act to provide for a survey and analysis of the public works needs and programs of the State and local agencies thereof and the advance planning and methods of financing such programs, providing for the administration thereof, and making an appropriation.

Referred to Committee on Municipal and County Government.

Senate Bill No. 47—An act to amend Sections 5048, 5050, 5059, 5061, 5065, 5072, and 5073 of the Education Code, relating to school district public works, declaring the urgency thereof to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 48—An act authorizing the sale of property in the County of Fresno and providing for the disposition and use of the proceeds from said sale.

Referred to Committee on Municipal and County Government.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY CONCURRENT RESOLUTION NO. 13 HOLD PLACE ON FILE

Mr. Levering asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 13 be passed on file, and hold its place on file on the next legislative day.

Speaker Pro Tempore Presiding

At 10.18 a m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 134—An act to add Section 14.5 to the Relief Act of 1945, relating to relief of hardship and destitution through purchase and distribution of surplus food products grown in California.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Burke, Burkhalter, Caldecott, Clarke, Coats, George D. Collins, Connolly, Cooke, Crichton, Dickey, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McColister, McMillan, Meyers, Morris, Moss, Porter, Rumford, Sherwin, Smith, Stanley, Thomas, Thompson, Waters, and Weber—50.

NOES—None.

Bill ordered transmitted to the Senate.

Hon. James W. Silliman Presiding

At 10.20 a m., Hon. James W. Silliman, Member of the Assembly from the Thirty-third District, presiding.

Assembly Bill No. 129—An act to add Sections 3 1, 3.2, and 3.3 to, the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District and authorizing the establishment of zones therein to reclaim, acquire and import water, and to spread the same and cause it to percolate into the soil, and to levy special taxes therefor.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hansen, Hawkins, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—59.

NOES—None

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 10—Relative to memorializing Congress to grant former owners of Camp Beale lands first right to purchase such lands if and when the lands are sold.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—63.

NOES—None.

Resolution ordered transmitted to the Senate

Speaker Pro Tempore Presiding

At 10.26 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Assembly Bill No. 143—An act to amend Section 11d of the Municipal Court Act of 1925, relating to credit for prior public service and annual salary increments based on such service, for officers and attaches of municipal courts in cities and cities and counties of the fifth class.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Thomas, Thompson, Waters, and Weber—62

NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 55

By Messrs. Burkhalter, Beck, Hoffman, McCollister, Hansen, Hagen, and Erwin :

House Resolution No. 55

Relative to requesting the Joint Legislative Committee on Agriculture and Livestock Problems to study and analyze facts relating to regulation of the shipment of eggs into California from other states

WHEREAS, Due to various factors, including lower labor and feed costs, poultrymen and egg producers in certain states can ship eggs into California to sell at lower prices than California-produced eggs; and

WHEREAS, California poultrymen and egg producers are therefore suffering economic losses and unemployment is resulting therefrom; and

WHEREAS, Many shipments of eggs into California are arriving in a spoiled condition, and tremendous waste is resulting; and

WHEREAS, The poultrymen and egg producers of California are urging proper legislation to regulate the shipment of eggs into this State from other states; now, therefore, be it

Resolved by the Assembly of the State of California, That the Joint Legislative Committee on Agriculture and Livestock Problems (created by Senate Concurrent Resolution No. 54, Resolutions Chapter 193, Statutes of the 1949 General Session) is hereby requested to ascertain, study, and analyze all facts relating to, bearing upon or affecting the regulation of the shipment of eggs into California from other states, with special attention to the feasibility of legislation requiring (1) inspection of eggs shipped from other states, by the Department of Public Health; (2) placing of labels on cartons which contain eggs from other states, showing the state from which they come; (3) assumption of the cost of candling, grading, and packing of eggs from other states by the producers in the state from which such eggs are shipped; (4) a commission to be appointed by the Governor, serving without compensation, to aid in administration of the regulations; 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 thereto, and to report thereon to the Legislature, including in the reports its recommendations for appropriate legislation; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit copies of this resolution to the Joint Legislative Committee on Agriculture and Livestock Problems and to the Director of the Department of Public Health.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Coats, George D. Collins, Connolly, Cooke, Crichton, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Thomas, Thompson, and Weber—51.

NOES—Cloyd, Levering, Lincoln, and Luckel—4.

CONSIDERATION OF HOUSE RESOLUTION NO. 60

By Mr. Beck :

House Resolution No. 60

Relative to the powers and duties of the Assembly Investigating Committee on Traffic Control

Resolved by the Assembly of the State of California, That in addition to the powers and duties heretofore given and imposed upon the Assembly Investigating Committee on Traffic Control (created by Assembly Resolution No. 233, 1949 General Session), the said committee is hereby authorized and directed to ascertain, study and analyze all facts relating to, bearing upon or affecting parking lots, with particular attention to the advisability of regulating parking lots as public utilities, 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 thereto, and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 33

By Messrs. Anderson, Grant, Hawkins. and Mrs. Niehouse :

House Resolution No. 33

Relative to the Y.M.C.A. Model Legislature

WHEREAS, The inculcation of an understanding and love of Democracy among our youth is essential to the preservation and future of our form of government ; and

WHEREAS, The Y.M.C.A.'s of the State of California, the Pacific Southwest Area Council of Y.M.C.A.'s, and the Hi-Y and Tri Hi-Y Clubs of our high schools are now engaged in a National Youth and Government Program designed to further this worthy objective ; and

WHEREAS, The method of this program is the training of youth in the legislative processes of our democratic form of government through their intensive preparation for, and participation in a Model Legislature held in their State Capitol ; and

WHEREAS, The Y.M.C.A. Model Legislature conducted sessions in the years 1949 and 1950 which were of great value to the participants and to all California Youth ; and

WHEREAS, The Y.M.C.A. Model Legislature has proven to be an excellent device for stimulating the interest of high school boys and girls in the organization, procedures and operation of our State Government ; and

WHEREAS, The Y.M.C.A. Model Legislature is of great value for training and developing political leaders for the future, and for developing a more thorough understanding of the functioning of democratic government ; and

WHEREAS, This program is sponsored and conducted by a state-wide committee of educators, public officials, Members of the Assembly and Senate of the State of California, and others known to this body to be public spirited men of integrity with an interest in youth welfare and in the strengthening of our democratic way of life ; and

WHEREAS, This Youth and Government Program has been carefully studied and endorsed by the Superintendent of Public Instruction of the State of California, who serves upon its Advisory Committee ; and

WHEREAS, This Youth and Government Program has likewise been studied and endorsed by the Chief Counsellor of the Boys State Commission of the American Legion in California, who also serves upon the Sponsoring Committee for the Youth and Government Program ; and

WHEREAS, Similar programs conducted by the Y.M.C.A. over a period of years in the State Capitols of 18 states of the Union have proven their value in strengthening the precepts of democracy in the lives of our young people ; and

WHEREAS, The logical climax of this program is the conducting of a two-day model legislature held in the State Capitol for the consideration of "bills" of their own choosing developed by the youth elected by their peers as "Model Legislators" ; therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Chamber and the Assembly committee rooms in the State Capitol be made available to this program of citizenship training on February 22, 23, 24, 1951

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules :

Amendment No. 1

Strike out the "*resolved*" clause of the measure, as printed on page 589 of the Assembly Journal for March 30, 1950, and insert

"Resolved by the Assembly of the State of California, That this Assembly recommends to the Assembly of the 1951 Regular Session of the Legislature that the Assembly Chamber and the Assembly committee rooms be made available, if possible, for this program of citizenship training on February 22, 23, 24, 1951."

Amendment read, and adopted.

Consideration of House Resolution No. 33, as Amended

By Messrs. Anderson, Grant, Hawkins, and Mrs. Niehouse :

House Resolution No. 33

Relative to the Y.M.C.A. Model Legislature

WHEREAS, The inculcation of an understanding and love of Democracy among our youth is essential to the preservation and future of our form of government ; and

WHEREAS, The Y.M.C.A.'s of the State of California, the Pacific Southwest Area Council of Y.M.C.A.'s, and the Hi-Y and Tri Hi-Y Clubs of our high schools

are now engaged in a National Youth and Government Program designed to further this worthy objective; and

WHEREAS, The method of this program is the training of youth in the legislative processes of our democratic form of government through their intensive preparation for, and participation in a Model Legislature held in their State Capitol; and

WHEREAS, The Y M C A. Model Legislature conducted sessions in the years 1949 and 1950 which were of great value to the participants and to all California Youth; and

WHEREAS, The Y M C A. Model Legislature has proven to be an excellent device for stimulating the interest of high school boys and girls in the organization, procedures and operation of our State Government; and

WHEREAS, The Y. M. C. A. Model Legislature is of great value for training and developing political leaders for the future, and for developing a more thorough understanding of the functioning of democratic government; and

WHEREAS, This program is sponsored and conducted by a state-wide committee of educators, public officials, Members of the Assembly and Senate of the State of California, and others known to this body to be public spirited men of integrity with an interest in youth welfare and in the strengthening of our democratic way of life; and

WHEREAS, This Youth and Government Program has been carefully studied and endorsed by the Superintendent of Public Instruction of the State of California, who serves upon its advisory committee; and

WHEREAS, This Youth and Government Program has likewise been studied and endorsed by the Chief Counsellor of the Boys State Commission of the American Legion in California, who also serves upon the sponsoring committee for the Youth and Government Program; and

WHEREAS, Similar programs conducted by the Y. M. C. A. over a period of years in the state capitols of 18 states of the Union have proven their value in strengthening the precepts of democracy in the lives of our young people; and

WHEREAS, The logical climax of this program is the conducting of a two-day model legislature held in the State Capitol for the consideration of "bills" of their own choosing developed by the youth elected by their peers as "Model Legislators"; therefore, be it

Resolved by the Assembly of the State of California, That this Assembly recommends to the Assembly of the 1951 Regular Session of the Legislature that the Assembly Chamber and the Assembly committee rooms be made available, if possible, for this program of citizenship training on February 22, 23, 24, 1951.

Resolution read, as amended, and adopted.

REQUEST FOR UNANIMOUS CONSENT THAT NAME OF MR. YORTY BE PLACED UPON REPORT

Mr Evans asked for, and was granted, unanimous consent that the name of Mr. Yorty be placed as a co-author upon the Preliminary Report on Rapid Transit for the Los Angeles Area by the Assembly Interim Committee on Public Utilities and Corporations, which was printed in the Assembly Journal on Thursday, April 6th, on pages 875 to 910, inclusive, prior to the time said report is printed as a separate document, and 500 copies are printed.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 18—Relative to leaves of absence from the State of Members of the Senate and Assembly.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 22: By Messrs. Lowrey, Clarke, and Weber—Relative to the establishment of a thorough and

coordinated program of research and experimentation in all phases of agricultural aviation.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered :

By Mr. Dickey :

House Resolution No. 74

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.

Cascade Towel Supply (towel supply) -----	\$57 20
The Shasta Water Company (drinking water) -----	7 21
Western Union (telegrams) -----	29 25
The Pacific Telephone & Telegraph Company (tolls) -----	330 15
Department of Finance (supplies) -----	45 86
Department of Finance (mimeograph service) -----	16 42
Department of Finance (typewriter service) -----	4 44

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 74, 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, Berry, Biady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Grant, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McColister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Thomas, Thompson, Tomlinson, and Weber—60.

NOES—None.

By Mr. Thompson :

House Resolution No. 75

Relative to increasing the membership of the Assembly Interim Committee on State-wide Riding and Hiking Trails Development

Resolved by the Assembly of the State of California, That the membership of the Assembly Interim Committee on State-wide Riding and Hiking Trails Development (created by House Resolution No. 32, 1950 First Extraordinary Session) is hereby increased from three Members to five Members of the Assembly, to be appointed by the Speaker thereof.

Request for Unanimous Consent

Mr. Thompson asked for, and was granted, unanimous consent to take up House Resolution No. 75, at this time, without reference to committee or file.

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred :

House Resolution No. 50

House Resolution No. 70

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.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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 amendments with the recommendation: Amend, and be adopted, as amended.

DICKEY, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint 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, April 6, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 47

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, April 10, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Senate Bill No. 45

Senate Bill No. 49

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.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 45—An act making an appropriation for the contingent expenses of the Senate, including committee expenses to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 49—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending a Session of the Legislature, to take effect immediately.

Bill read second time, and ordered to third reading.

Speaker Presiding

At 10.55 a.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 11—An act to add Chapter 9 to Part 1, Division 2, Title 2 of the Government Code, relating to lobbying;

Assembly Bill No. 50—An act to amend Section 288a of the Penal Code, relating to sex perversion;

Assembly Bill No. 84—An act to provide additional facilities for the protection and care of mentally ill persons, mentally deficient persons, and others specially in need of care, protection, or treatment in a mental institution, by providing for the acquisition by the Director of Mental Hygiene, with the approval of the Director of Finance, of real property, for use as a mental institution;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1950, at 10 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 137—An act to amend Section 19539 of the Business and Professions Code, relating to harness horse racing;

And reports that the same has been correctly enrolled, and presented to the Governor on the tenth day of April, 1950, at 10 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 100—An act to add an article heading to be numbered Article 1, and to add Article 2 to Chapter 1a of Division 2 of the Agricultural Code, relating to agricultural pest control, and providing for proof of responsibility to respond for damages ensuing from operations involving spraying or otherwise applying pest control materials through the medium of aircraft, declaring the urgency of this act, to take effect immediately;

Assembly Bill No. 107—An act to create the Brisbane County Water District, providing for the government and powers thereof, providing for the issuance of revenue bonds, and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 109—An act to amend Sections 154 and 6500 of the Welfare and Institutions Code, relating to state hospitals for the care and treatment of the insane, the mentally ill, and the mentally disordered;

And reports that the same have been correctly enrolled, and presented to the Governor on the tenth day of April, 1950, at 10 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Concurrent Resolution No. 12—Relative to requesting the California Centennials Commission to cooperate with the American Legion in publicizing the Centennial of California at the Legion Convention in Los Angeles;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the tenth day of April, 1950, at 10 a.m.

GRUNSKY, Vice Chairman

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 10—An act to amend Section 2117.5 of the Streets and Highways Code, relating to the Highway Users Tax Fund.

Bill read third time.

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

AYES—Babbage, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, George D. Collins, Connolly, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Stanley, Thomas, Thompson, Tomlinson, and Weber—50.

NOES—Geddes, Luckel, and Silliman—3.

Bill ordered transmitted to the Senate.

Senate Bill No. 15—An act to add Section 7043 to the Education Code, relating to the support of the Public School System, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Senate Bill No. 15 ordered temporarily passed on file

Senate Bill No. 30—An act to amend Sections 5911, 5930, and 5931, and to repeal Section 5931.5 of the Elections Code, relating to absentee voting, 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, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—66

NOES—None.

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

AYES—Anderson, Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—66

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 31—An act to amend Sections 2160.7 and 3044.1 of the Welfare and Institutions Code, relating to state reimbursement to counties for the cost of institutional care of aged and blind persons, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—69.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—69.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 34—An act to repeal Section 135 of the Welfare and Institutions Code, relating to the compensation of the members of the board or committee appointed by the Director of the State Department of Social Welfare pursuant to Article XXV of the State Constitution.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hinkleley, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, and Mr. Speaker—63.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 35—An act to create the Donner Summit Public Utility District, 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, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinkleley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Weber—65.

NOES—None.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinkleley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Weber—65.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 36—An act to add Section 30.3 to the Public Utility District Act, relating to limitations on indebtedness and 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, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinkleley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Weber—65.

NOES—None.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinkley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Weber—65.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 4—An act to amend Sections 2163 and 2163.2 of the Welfare and Institutions Code, and to repeal Section 2163.6 thereof, relating to personal property qualifications for aid to the aged.

Bill read third time.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinkley, Hollibaugh, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Waters, Weber, and Mr. Speaker—61.

NOES—Babbage, Hagen, Kilpatrick, McCollister, and Sherwin—5.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT

Speaker Sam L. Collins announced that today, upon adjournment of the Senate, the Senate Committee on Finance will hold a meeting for the purpose of considering all Assembly bills now pending before the committee.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 12—An act to add Article 1.5 to Chapter 1 of Division 1 of the Agricultural Code, relating to the Department of Agriculture Building, providing for the acquisition thereof, authorizing the investment in such building of any surplus in any special fund under the jurisdiction of the Department of Agriculture, and providing for safeguards of such special fund investment.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hansen, Hawkins, Hinkley, Kilpatrick, Kirkwood, Lincoln, Lindsay, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—57.

NOES—None.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
SENATE BILL NO. 32**

Mr. George D. Collins asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 32, temporarily passed on file, at this time.

CONSIDERATION OF SENATE BILL NO. 32

Senate Bill No. 32—An act to amend Sections 14, 25, 26, 28, 29, 35.2, 35.3, 45, 45.5, and 45.7 of, and to add Section 39.2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Kilpatrick, Kirkwood, Levering, Lincoln, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Sillman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—58.

NOES—Hagen, Hollibaugh, and Rumford—3.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
SENATE JOINT RESOLUTION NO. 4**

Mr. Cooke asked for, and was granted, unanimous consent that he be permitted to take up Senate Joint Resolution No. 4, temporarily passed on file, at this time.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 4

Senate Joint Resolution No. 4—Relative to the reduction of tariffs on Italian lemons.

Resolution read.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hineckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Rumford, Sillman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—59.

NOES—Dunn and Hawkins—2.

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 38—An act to amend Section 974 of the Municipal Utility District Act, relating to municipal utility districts, 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—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, 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, Hansen, Hawkins, Hineckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Mr. Speaker—65.

NOES—None.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, 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, Hansen, Hawkins, Hineckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Waters, and Mr. Speaker—65.

NOES—None.

Motion to Amend

Mr. Moss moved the adoption of the following amendment to the title :

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on April 6, 1950, after "974 of", insert ", and to add section 974 1 to,"

Amendment read, and adopted.

Bill ordered transmitted to the Senate.

Senate Concurrent Resolution No. 9—Relative to commemorating Pan-American Day in the San Francisco Bay area.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 74

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. 74

Mr. Erwin asked for, and was granted, unanimous consent that he be permitted to take up consideration of Senate amendments to Assembly Bill No. 74, out of order, at this time

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 74

Assembly Bill No. 74—An act to add Chapter 8, comprising Sections 9900 to 9916, inclusive, to Part 1, Division 2, Title 2, of, and to

repeal Sections 9900 to 9908, inclusive, of the Government Code, relating to the regulation of legislative advocates.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 74?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 29, 1950, after "act", insert "to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and".

Amendment No. 2

In line 1 of the title of said bill, as amended, strike out "Chapter 8, comprising Sections 9900 to 9916," and insert "Sections 9906.1, 9906.5, 9909, 9910, and 9911 to,".

Amendment No. 3

Strike out line 2 of the title of said bill, as amended; and in line 3 of the title, strike out "Sections 9900 to 9908, inclusive, of".

Amendment No. 4

In line 4 of the title of said bill, as amended, strike out "the regulation of", and insert "influencing the".

Amendment No. 5

In line 4 of the title of said bill, as amended, strike out "advocates", and insert "process".

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. 6

On page 1 of said bill, as amended, strike out line 1, and insert

"SECTION 1. Section 9901 of the Government Code is amended to read:

9901 (a) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of

(1) All contributions of any amount or of any value whatsoever;

(2) The name and address of every person making any such contribution of [twenty dollars (\$20)] *one hundred dollars (\$100)* or more and the date thereof;

(3) All expenditures made by or on behalf of such organization or fund; and

(4) The name and address of every person to whom any [such] *item of expenditure exceeding twenty-five dollars (\$25)* is made and the date thereof

(b) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding [ten dollars (\$10)] *twenty-five dollars (\$25)* in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

SEC. 2. Section 9902 of said code is amended to read:

9902. Every individual who receives a contribution of [twenty dollars (\$20)] *one hundred dollars (\$100)* or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received

SEC. 3. Section 9903 of said code is amended to read:

9903 (a) Every person receiving any contributions or expending any money for the purpose designated in subparagraph (a) or (b) of Section 9905 of this chapter shall file with the clerk and secretary between the first and tenth day of each calendar month, a statement containing complete as of the day next preceding the date of filing

(1) The name and address of each person who has made a contribution of [twenty dollars (\$20)] *one hundred dollars (\$100)* or more not mentioned in the preceding report; except that the first report filed pursuant to this chapter shall contain the name and address of each person who has made any contribution of [twenty dollars (\$20)] *one hundred dollars (\$100)* or more to such person since the effective date of this chapter;

(2) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (1);

(3) The total sum of all contributions made to or for such person during the calendar year;

(4) The name and address of each person to whom an expenditure in one or more items of the aggregate amount or value, within the calendar year, of [ten dollars

(\$10)] *twenty-five dollars (\$25)* or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(5) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (4),

(6) The total sum of expenditures made by or on behalf of such person during the calendar year.

(b) The statements required to be filed by subsection (a) shall be cumulative during the calendar year to which they related, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

SEC. 4 Section 9906 of said code is amended to read:

9906. (a) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Legislature of the State of California or the approval or veto of any legislation by the Governor of the State of California shall, before doing anything in furtherance of such object, register with the Clerk of the Assembly and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. *A written authorization from the employer shall be filed with each registration. A separate registration shall be obtained for each employer for whom a person registers acts.* Each such person so registering shall, between the first and tenth day of each calendar month, so long as his activity continues, file with the clerk and secretary a [detailed] report under oath of all money received and expended by him during the preceding calendar month is carrying on his work [;], *setting forth in detail all items in excess of twenty-five dollars (\$25) including information as to whom paid [;] and for what purposes;* and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person *who does no more in support of or opposition to legislation than to communicate with or petition the Members of the Legislature elected from the district in which such person is a resident or who merely appears before a committee of the Legislature of the State of California in support of or opposition to legislation; nor to any public official acting in his official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Legislature of the State of California in support of or in opposition to such legislation.*

(b) All information required to be filed under the provisions of this section with the Clerk of the Assembly and the Secretary of the Senate shall be compiled by said clerk and secretary, acting jointly, as soon as practicable after the close of the calendar month with respect to which such information is filed and shall be printed in the *Journal of the Senate and the Journal of the Assembly* if the Legislature is in session and if it is not in session as soon as practicable after the Legislature next convenes.

SEC. 5. Section 9906 1 is added to said code, to read:

9906.1. If any person registered or required to be registered under Section 9906 hereof employs or requests, recommends, or causes his employer to employ, and such employer does employ, any Member of the Legislature, or any attaché of the Legislature, or any full-time state employee, in any capacity whatsoever, he shall file a statement under oath with the same officers with whom he registered under Section 9906, setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. If the Legislature is in session at the time of such employment, the statement shall be filed within five days after such employment, and if the Legislature is not in session, it shall be filed within ten days after the convening of the next session of the Legislature.

SEC. 6 Section 9906 5 is added to said code, to read:

9906 5. No person shall make any agreement whereby any compensation or thing of value is to be paid to any person contingent upon the passage or defeat of any legislation, or the approval or veto of any legislation by the Governor of California. No person shall agree or undertake to promote, advocate, oppose or influence legislation or to communicate with Members of the Legislature, or to advocate approval or veto by the Governor of California for a consideration to be paid upon the contingency that any legislation is passed or is defeated.

SEC. 7. Section 9908 of said code is amended to read:

9908. (a) Any person who violates any of the provisions of this chapter, and any person who wilfully files any document provided for in this chapter that contains any materially false statement or material omission, or any person who wilfully omits

to comply with any material requirement of this chapter, shall [, upon conviction,] be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months, or by both such fine and imprisonment.

(b) In addition to the penalties provided for in subsection (a), any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Legislature in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction thereof, be guilty of a felony, and shall be punished by a fine of not more than ten thousand dollars (\$10,000), or imprisonment for not more than five years, or by both such fine and imprisonment.

SEC. 8. Section 9909 is added to said code, to read:

9909. It shall be the duty and responsibility of the respective houses of the Legislature, and they are each vested with the power, through appropriately established committees thereof as they shall determine:

1. To grant certificates of registration as legislative advocate to all persons registering under, and supplying the information in connection therewith as provided in Section 9906 who, after such investigation and submission of such proof as the committees deem proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct prescribed by Section 9910 and specifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9910 and who have filed the written authorization required.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing, has been found by either house of the Legislature or an authorized committee thereof to have violated any of the provisions of this chapter or to have wilfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On their own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who they have reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and communicates with Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before either house of the Legislature or an authorized committee thereof and explain his purpose in attending upon the legislative session and advise them of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend from time to time such amendments to this chapter, or such other proposals as in their opinion would be conducive to the proper conduct of legislative business without unduly infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 35 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Sections 9054 or 9056 of this code or of related provisions of law.

SEC. 9. Section 9910 is added to said code, to read:

9910. A legislative advocate has the following obligation, violation of which constitutes cause for revocation or suspension of a certificate of registration, but shall not unless otherwise provided by law, subject a legislative advocate to any other civil or criminal liability:

1. Not to engage in any activity as a legislative advocate unless he be registered as a legislative advocate, and not to accept compensation for acting as a legislative advocate except upon condition that he forthwith register as a legislative advocate.

2. To abstain from doing any act with the express purpose and intent of placing any Member of the Legislature under personal obligation to him or to his employer.

3. Never to deceive or attempt to deceive any Member of the Legislature of any material fact pertinent to any pending or proposed legislation.

4. Never to cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

5. To abstain from soliciting any employment as a legislative advocate except on the basis of his experience, or knowledge of the business or field of activity in which his proposed employer is engaged or is interested.

6. To abstain from any attempt to create a fictitious appearance of public favor or disfavor of any legislative proposal or to cause any communication to be sent to any

Member of the Legislature, the Lieutenant Governor, or the Governor, in the name of any fictitious person or in the name of any real person, except with the consent of such real person

7. Not to encourage the activities of or to have any business dealings relating to legislation of the Legislature with any person whose registration to act as a legislative advocate has been suspended or revoked.

8. Not to represent, either directly or indirectly, through word of mouth or otherwise, that he can control or obtain the vote or action of any member or committee of the Legislature, or the approval or veto of any legislation by the Governor of California.

9. Not to represent an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

10. To retain all books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of two years

SEC. 10. Section 9911 is added to said code, to read:

9911 For the purposes of Sections 9909 and 9910, the term "legislative advocate" includes any person registered or required to be registered under Section 9906.

SEC. 11 If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application thereof to other persons or circumstances, shall not be affected thereby."

Amendment No. 7

On page 1 of said bill, as amended, strike out lines 2 to 18, inclusive; and strike out all of pages 2 to 6, inclusive.

The roll was called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 74 by the following vote:

AYES—Beck, Brady, George D. Collins, Cooke, Erwin, Fleury, Geddes, Hagen, McCarthy, and Moss—10.

NOES—Babbage, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Connolly, Conrad, Crichton, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Gaffney, Grant, Grunsky, Hansen, Hawkins, Hunkley, Hollibaugh, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCollister, McMillan, Morris, Niehouse, Rumford, Sherwin, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—47.

Appointment of Committee on Conference Concerning Assembly Bill No. 74

The Speaker announced the appointment of Messrs Erwin, Kirkwood, and Hawkins as a Committee on Conference concerning Assembly Bill No. 74.

MESSAGES FROM THE SENATE

SENATE CHAMBLR, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 103

And respectfully requests your honorable body to concur in said amendments

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

Above bill ordered to unfinished business file.

RESOLUTIONS

The following resolution was offered:

By Mr. Evans:

House Resolution No. 76

Relative to William M. Coffman

WHEREAS, William M. Coffman, Sergeant-at-Arms, has again ably and conscientiously performed the difficult duties of his office, and

WHEREAS, William C. Coffman, a native Californian, held the positions of Page boy and Sergeant-at-Arms in the years from 1940 to 1943, when he entered the Army Air Corps and served both at home and overseas until 1946, and since that time has

completed his pre-legal training at St. Mary's College at Moraga and has been serving as Sergeant-at-Arms this year prior to his entry into the University of San Francisco Law School; and

WHEREAS, William M. Coffman has always rendered constant and courteous service to all the Members of the Assembly; now, therefore, be it

Resolved that the Members of the Assembly of the State of California do hereby express their sincere appreciation for the valuable services which William M. Coffman has rendered to this Assembly and to those in the past, and wishes him the best of success upon his new venture; and be it further

Resolved, That a copy of this resolution be presented to William M. Coffman.

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

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

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

Assembly Bill No. 145: By Mr. Burkhalter—An act making an appropriation to the Division of Beaches and Parks, Department of Natural Resources, for the building of fences for the Los Encinos Historical Monument.

Referred to Committee on Conservation, Planning, and Public Works.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 142

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

SHERWIN, Chairman

Above reported bill ordered to third reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Joint Resolution No. 12

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Journals for Monday, April 3, 1950; Tuesday, April 4, 1950; Wednesday, April 5, 1950; and Thursday, April 6, 1950, were approved as corrected by the Minute Clerk.

MEMBERS EXCUSED

At 11.38 a.m., Mr. Dickey asked for, and was granted, unanimous consent that Mr. Crowley be excused, for the balance of the legislative day, because of legislative business elsewhere.

At 11.39 a.m., Mr. Conrad asked for, and was granted, unanimous consent that Mr. Collier be excused, for the balance of the legislative day, because of legislative business elsewhere.

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

The following resolution was offered:

Assembly Joint Resolution No. 14: By Messrs. Davis, Lowrey, Doyle, Burkhalter, and Morris—Relative to memorializing the Director of the United States Fish and Wildlife Service to establish a continuous waterfowl season for the Counties of Modoc, Lassen, Siskiyou, Del Norte, and Shasta.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

MR. SPFAKER: Your Committee on Rules, to which was referred:

House Resolution No. 68

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 TO TAKE UP
SENATE CONCURRENT RESOLUTION NO. 7**

Mr. Lindsay asked for, and was granted, unanimous consent that he be permitted to take up Senate Concurrent Resolution No. 7, temporarily passed on file, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 7

Senate Concurrent Resolution No. 7—Relative to naming the new Roseville underpass for Jerrold L. Seawell.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 121
FROM COMMITTEE**

Mr. Elliott gave notice that on the second legislative day he would move to withdraw Assembly Bill No. 121 from the Committee on Governmental Efficiency and Economy, and have it placed upon the file.

ANNOUNCEMENT

Mr. Stanley announced that no Republican breakfast meeting nor caucus will be held tomorrow morning, Tuesday, April 11th.

**REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL
MEETING OF COMMITTEES**

At 11.40 a.m., Mr. Stanley asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Municipal and County Government at his desk upon adjournment.

Subject: Senate Bills Nos. 39 and 48. Assembly Bill No. 144.

At 11.41 a.m., Mr. Brown asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Judiciary at his desk upon adjournment.

Subject: Senate Bill No. 6.

SUPPLEMENTAL INFORMATION ORDERED PRINTED IN THE JOURNAL

Pursuant to a motion by Mr. Kirkwood (see page 824 of the Assembly Journal for Wednesday, April 5th), and pursuant to an announcement by Speaker Sam L. Collins (see page 858 of the Assembly Journal for Thursday, April 6), Mr. Dickey was granted permission to print, by unanimous consent, the following supplemental information as set forward under the provisions of Mr. Kirkwood's motion, on pages 851 and 852, of the Assembly Journal, on Wednesday, April 5.

Supplemental Information

REQUESTS FOR AUGMENTATION OF COMMITTEE FUNDS

HR 27—Budget Session—Weber—Conservation, Planning, and Public Works. Requested \$25,000. Granted \$4,415.87 to bring balance back up to original appropriation of \$10,000.

HR 28—Sherwin—Budget Session—Creating Committee on Ways and Means. Requested \$20,000. Granted \$20,000.

Extra Session

HR 30—McMillan—Public Morals. Requested \$7,500. Cut to \$5,000.

HR 31—Weber and others—Conservation, Planning, and Public Works. Due to special duties requiring additional monies, Mr. Weber requested \$10,000. Cut to \$7,500.

HR 34—Thompson—Public Health. Requested \$10,000. Cut to \$7,000.

HR 37—Burkhalter—Traffic Control. Requested \$10,000. Cut to \$5,000.

HR 40—Kilpatrick—Crime and Corrections. Requested \$20,000. Cut to \$12,500.

HR 46—Dunn—Public Education. Requested \$4,000. Granted \$4,000.

ACR 16—Lindsay—Joint Committee on Soil Conservation. Requested \$20,000. Cut to \$10,000.

ACR 17—Geddes and others—Joint Committee on Child Care Centers. Requested \$10,000. Cut to \$6,000.

TOTAL GRANTED \$81,415.87.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 135 FROM COMMITTEE CONTINUED BY UNANIMOUS CONSENT

Mr. George D. Collins asked for, and was granted, unanimous consent that his notice of motion to withdraw Assembly Bill No. 135 from the Committee on Governmental Efficiency and Economy be continued until the next legislative day.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today upon adjournment—

Rules.

Judiciary, at the desk of Mr. Brown.

Municipal and County Government, at the desk of Mr. Stanley.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Speaker Sam L. Collins, and the Assembly, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. S. K. Holton, and Mrs. Karl Holton, of Los Angeles; and Mr. and Mrs. Doyle Yoak of Charleston, West Virginia.

On request of Mr. Maloney and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Mary C. Gaffney, wife of Assemblyman Gaffney, Peter, Eddie, Jr., Margaret Mary, and their foster children, Kaaren and Lars Hegle of San Francisco.

On request of Mr. Waters, the usual courtesies of the Assembly for this day were unanimously extended to Robert H. Aarons of Pasadena.

ADJOURNMENT

At 11.43 a.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned, until 10 a.m., Tuesday, April 11, 1950, out of respect to the memory of the late William John Burwell of San Diego.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FOURTH LEGISLATIVE DAY

THIRTY-SEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Tuesday, April 11, 1950

The Assembly met at 10 a.m.

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

Chief Clerk Arthur A. Ohnnumus at the desk.

ROLL CALL

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

Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, 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, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipsecomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—74.

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

God of Our Fathers: We pray this morning for a new generation of leaders in the national affairs of this Country who correspond to the stature of the giants of the past.

Leaders who measure up to the magnitude of Washington and Jefferson, of Madison and Lincoln, and who can do for our day the original and creative work that they did for their critical era.

Leaders who measure up to the domestic needs of the hour, and who can cope with the world turmoil and show that America has competent leadership to master the issues of today.

Let us see that America is waiting for a galaxy of greatness which can lead us out of this wilderness.

May the Power that raised up the Giants and Titans of our glorious past now bring forth men great enough for this hour, so America will not muddle along for another generation.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Crichton, 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:

Mr. Price, on motion of Mr. Porter.

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

Mr. Anderson, on motion of Mr. Hawkins.

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. Levering.

Mr. Rosenthal, on motion of Mr. Smith.

COMMUNICATIONS

By the Chief Clerk:

A communication from the Honorable Thomas H. Kuchel, Controller of the State of California, relative to House Resolution No. 22, for which he acknowledged receipt and expressed appreciation, was received, and ordered noted in the Journal.

REPORTS OF STANDING COMMITTEES**Committee on Municipal and County Government**

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Senate Bill No. 48

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

STANLEY, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 10, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Assembly Bill No. 144

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

STANLEY, Chairman

Above reported bill ordered to second reading.

**REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL
MEETING OF COMMITTEE**

At 10.07 a.m., Mr. Stanley asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Municipal and County Government, in the Post Office, at this time. Subject: Senate Bill No. 25.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 10, 1950

MR. SPEAKER. I am directed to inform your honorable body that the Senate appointed Senators Regan, Mayo, and Burns as a Committee on Conference concerning:

Assembly Bill No. 74—An act to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906 1, 9906 3, 9909, 9910, and 9911 to, the Government Code, relating to influencing the legislative process

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

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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. 4—An act to amend Sections 2163 and 2163.2 of the Welfare and Institutions Code, to add Section 2163.8 thereto, and to repeal Section 2163.6 thereof, relating to personal property qualifications for aid to the aged;

And appointed Senators Weybret, Watson, and Dillinger 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. 4

The Speaker announced the appointment of Messrs. Maloney, Levering, and Kilpatrick as a Committee on Conference concerning Senate Bill No. 4.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 5
Assembly Bill No. 105

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

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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

Senate Bill No. 32

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

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 117
Assembly Bill No. 128

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

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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

Assembly Bill No. 110
Assembly Bill No. 104

And respectfully requests your honorable body to concur in said amendments

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

Above bills ordered to unfinished business file.

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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

Senate Bill No. 24
Senate Bill No. 41

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. 24—An act to add Section 288.3 to the Penal Code, relating to crimes against children under 14 years of age.

Referred to Committee on Judiciary.

Senate Bill No. 41—An act to add Section 129 to the Welfare and Institutions Code, relating to eligibility standards for public assistance.

Referred to Committee on Social Welfare

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 10, 1950

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 congratulating the Veterans of Foreign Wars on their "Loyalty Day" program.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT PERMISSION BE GRANTED FOR USE OF CHAMBER TO THE CONFERENCE ON YOUTH WELFARE

Mr. Beck asked for, and was granted, unanimous consent that, if the Assembly is not in session, on Thursday and Friday, September 21 and 22, 1950, permission be granted to the Conference on Youth Welfare for the use of Committee Room No. 432, and the Assembly Chamber.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 106—An act to amend Section 9906 of the Government Code, relating to influencing legislation.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 106?

Amendment No. 1

On page 2, line 20, of the printed bill, strike out "religion", and insert "doctrines".

Amendment No. 2

On page 1, line 22, of said bill, after the words "expenditure of", strike out "ten dollars (\$10)", and insert "twenty-five dollars (\$25)".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 106 by the following vote:

AYES—Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dolwig, Dunn, Elliott, Evans, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hunkley, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lapscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—58.

NOES—None.

Assembly Bill No. 106 ordered enrolled.

MOTION TO WITHDRAW ASSEMBLY BILL NO. 135 FROM COMMITTEE

In compliance with a notice given on a previous day, Mr. George D. Collins moved that Assembly Bill No. 135 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

Point of Order

Mr. Waters arose to the following point of order: That Mr. George D. Collins is not speaking to the motion to withdraw Assembly Bill No. 135 from committee, but rather to the merits of the bill.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Point of Order

Mr. Waters arose to the following point of order: That Mr. George D. Collins is not speaking to the propriety of his motion.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Point of Order

Mr. Waters arose to the following point of order: That Mr. George D. Collins is out of order because he is not speaking to the question.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Point of Order

Mr. Grunsky arose to the following point of order: That Mr. George D. Collins has exceeded his time.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order not well taken.

The question being on the motion by Mr. George D. Collins that Assembly Bill No. 135 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

The roll was called, and the motion lost by the following vote:

AYES—Beck, Bennett, Coats, Collier, George D. Collins, Condon, Cooke, Davis, Dills, Elliott, Gaffney, Hagen, Lewis, Lowrey, McMillan, Moss, Rumford, and Thomas—18.

NOES—Babbage, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Connolly, Crichton, Dickey, Dolwig, Doyle, Evans, Fleury, Grant, Grunsky, Hahn,

Hansen, Hinckley, Hoffman, Hollibaugh, Levering, Lincoln, Lindsay, Lipscomb, Maloney, McCarthy, McCollister, Morris, Niehouse, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—40.

CONSIDERATION OF SENATE AMENDMENTS (RESUMED)

Assembly Bill No. 23—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 23?

Amendment No. 1

On page 2, line 40, of the printed bill, strike out "When-"; and strike out lines 41 to 47, inclusive.

Amendment No. 2

On page 3, line 19, of said bill, after "undetermined," insert "or which shall be instituted within 30 days hereafter,".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 23 by the following vote:

AYES—Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Courad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—67.

NOES—None.

Assembly Bill No. 23 ordered enrolled.

Assembly Bill No. 77—An act to amend Sections 14, 25, 26, 29, 35.2, 35.3, 45.5 and 45.7 of, and to add Section 39.2 to, and to repeal Section 36.3 of, the Community Redevelopment Act, relating to redevelopment.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 77?

Amendment No. 1

On page 3, line 26, of the printed bill, as amended in the Assembly on March 31, 1950, after the period, insert "In order that there may be no unnecessary duplication of effort or expense, the agency shall have access for the purposes of the agency to the services and facilities of the planning commission, the city engineer and such other departments and offices of the community as may be appropriate therefor."

Amendment No. 2

On page 5, line 33, of said bill, as amended, strike out "7", and insert "6".

Amendment No. 3

On page 7, line 29, of said bill, as amended, strike out "12", and insert "10".

Amendment No. 4

On page 7 of said bill, as amended, strike out lines 47-50, inclusive, and insert "whole or in part from the Redevelopment Revolving Fund is to be sold or leased by the Redevelopment Agency, the sale or lease must first be approved by the legislative body. Such approval by the legislative body shall be by resolution adopted after public hearing. Notice of the time and place of such hearing shall be published once in the official newspaper of the community at least one week prior to such time. Such resolution shall be adopted by a majority vote unless the legislative body shall have provided by ordinance for a two-thirds vote for such purpose."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 77 by the following vote:

AYES—Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, 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, Hansen, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Silliman, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—66.

NOES—None.

Assembly Bill No. 77 ordered enrolled.

Assembly Bill No. 97—An act to amend Sections 5181, 5241, 5242, 5254, 5835.2, and 6420 of, to add Sections 5226, 5260, and 5375 and Chapter 181 of Part 3 of Division 7 to, and to renumber Section 5135 (as added by Statutes of 1941 Chapter 79) of, the Streets and Highways Code, relating to Public Works and Improvements, and declaring the urgency thereof.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 97?

Amendment No. 1

On page 2 of the printed bill, as amended, strike out lines 39 to 47, inclusive.

Amendment No. 2

On page 2, line 48, of said bill, as amended, strike out "Sec. 5", and insert "Sec. 4".

Amendment No. 3

On page 3, line 8, of said bill, as amended, strike out "Sec. 6", and insert "Sec. 5".

Amendment No. 4

On page 3, line 20, of said bill, as amended, strike out "Sec. 7", and insert "Sec. 6".

Amendment No. 5

On page 3, line 48, of said bill, as amended, strike out "Sec. 8", and insert "Sec. 7".

Amendment No. 6

On page 4, line 8, of said bill, as amended, strike out "Sec. 9", and insert "Sec. 8".

Amendment No. 7

On page 5, line 13, of said bill, as amended, strike out "Sec. 10", and insert "Sec. 9".

Amendment No. 8

On page 5, line 19, of said bill, as amended, strike out "Sec. 11", and insert "Sec. 10".

Amendment No. 9

On page 5, line 30, of said bill, as amended, strike out "Sec. 12", and insert "Sec. 11".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 97 by the following vote:

AYES—Babbage, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, 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, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—64.

NOES—None.

Assembly Bill No. 97 ordered enrolled.

Assembly Bill No. 136—An act relating to licenses to conduct horse racing meetings at which wagering on the results of horse races is permitted, to provide for the licensing of such meetings and for fees for such licenses in the event that the provisions of law applicable thereto should be finally determined to be unconstitutional and in such event to validate licenses issued prior to such final determination and for the foregoing purposes to amend Section 19480 and to amend and renumber Sections 19480 5, 19481, 19482, 19483, 19484, 19485, 19485.1, 19486, 19487, 19488, 19489, and 19490 of the Business and Professions Code, relating to horse racing meetings, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 136?

Amendment No. 1

In line 6 of the title of the printed bill, strike out "and in such event to validate licenses issued", and insert ", void, or otherwise inoperative, and in such event to validate all licenses issued and all apportionments of racing dates awarded".

Amendment No. 2

On page 1, line 2, of said bill, after "hereof", insert "(excepting this section and Section 18)".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 136 by the following vote:

AYES—Babbage, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Maloney, McCarthy, McCollister, McMullan, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—58.

NOES—Beck, Dunn, Hagen, and Lowrey—4.

Assembly Bill No. 136 ordered enrolled.

Assembly Bill No. 103—An act to add Section 9906.3 to the Government Code, relating to influencing the legislative process.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 103?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "Section", and insert "Sections".

Amendment No. 2

In line 1 of the title of said bill, after "9906.3", insert ", 9906.6, 9906 7, 9906.8, and 9906.9".

Amendment No. 3

On page 1, line 7, of said bill, strike out "Secretary of State", and insert "Clerk of the Assembly and the Secretary of the Senate".

Amendment No. 4

On page 1 of said bill, after line 14, insert

"SEC. 2 Section 9906.6 is added to said code, to read:

9906.6. For the purposes of Sections 9906 7, 9906 8, and 9906 9, the term "legislative advocate" means any person registered or required to be registered under Section 9906. No person after the effective date of this act shall act as a legislative advocate without having first been granted a certificate of registration by both of the boards created by Section 9906.7 nor after such time as his certificate has been revoked nor while his certificate has been suspended by either of such boards.

SEC. 3. Section 9906.7 is added to said code, to read:

9906.7. There are hereby created a "Senate Legislative Advocates' Board," consisting of five Members of the Senate elected by the Senate, and an "Assembly

Legislative Advocates' Board," consisting of five Members of the Assembly elected by the Assembly. Each board has a continuing existence during and between sessions, and, as to each board, no more than three members shall belong to any one political party. Each member of the boards shall serve until the next general session of the Legislature and until the election of his successor unless, prior to such time, he ceases to be a member of the house by which he was elected. A vacancy occurring in the membership of the boards while the Legislature is not in session, whether the vacancy occurs upon the effective date of this act or subsequently, shall be filled as follows: A vacancy on the Assembly board, by appointment of a Member of the Assembly by the Speaker of the Assembly; a vacancy on the Senate board, by appointment of a Member of the Senate by the Committee on Rules of the Senate; the appointee to hold his membership, so long as he continues to be a member of the house for or in respect to which appointed, until the next general session of the Legislature and election of his successor by that house. The members of the board shall receive when attending board meetings while the Legislature is not in session the same mileage allowance as is allowed by the Joint Rules of the Legislature for members of an investigating committee. The boards shall elect chairmen from among their members. Three members of a board constitutes a quorum, but a board shall act only by majority vote of the members thereof.

SEC. 4 Section 9906.8 is added to said code, to read:

9906.8. Each board has the power and it is its duty:

1. To grant certificates of registration as legislative advocate to all persons complying with all requirements in connection with registering as provided in Section 9906 who, after such investigation and submission of such proof as the board deems proper, have been found to be of good moral character particularly as evidenced by never having been guilty of conduct proscribed by Section 9906.9 and specifically by subparagraphs 2, 3, 4, 6, and 8 of Section 9906.9. In determining whether an applicant is of good moral character the board may call and conduct a hearing in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of this code.

2. To revoke or suspend the certificate of registration of any legislative advocate who has been convicted of violating any of the provisions of this chapter or who, after a hearing as herein provided, has been found by the board to have violated any of the provisions of this chapter or to have wilfully failed to perform the obligations of a legislative advocate as set forth in this chapter.

3. On its own motion, on the verified complaint of any Member of the Legislature, or upon the verified complaint of any other person, to investigate or cause to be investigated the activities of any legislative advocate or of any person who it has reason to believe or who it is alleged is or has been acting as a legislative advocate.

4. In making any investigation or in holding any hearing, to take and hear evidence, administer oaths, and compel by subpoena the attendance of witnesses and the production of books, papers, and documents.

5. To require any person who attends upon any legislative session for any considerable period of time and contacts Members of the Legislature but who fails to register, or any person, who if registered, regularly fails to appear at committee meetings at which legislation affecting his employer is considered, to appear before the board and explain his purpose in attending upon the legislative session and advise it of the interests for whom he acts and the methods he employs in promoting, advocating, opposing or influencing the passage or defeat of legislation.

6. To recommend to the Legislature from time to time such amendments to this chapter, or such other proposals as in its opinion would be conducive to the proper conduct of legislative business without unduly infringing upon the right of all persons to present to the Legislature their views through agents or agencies of their own choosing.

7. To report to the appropriate law enforcement officers any violation of this chapter or of Section 35 of Article IV of the California Constitution or of Sections 85 and 86 of the Penal Code or of Sections 9054 or 9056 of this code or of related provisions of law.

8. To expend such money as may be necessary in carrying out the provisions of this chapter and in making the investigations thereunder, from any money appropriated by the Legislature for this purpose.

SEC. 5. Section 9906.9 is added to said code, to read:

9906.9. A legislative advocate has the following obligations, violations of which constitute cause for revocation or suspension of a certificate of registration, but shall not, unless otherwise provided by law, subject the legislative advocate to any other civil or criminal liability:

1. Not to engage in any activity as a legislative advocate unless he be registered as a legislative advocate, and not to accept compensation for acting as a legislative advocate except upon condition that he forthwith register as a legislative advocate.

2. To abstain from doing any act with the express purpose and intent of placing any Member of the Legislature under personal obligation to him or to his employer.

3. Never to deceive or attempt to deceive any Member of the Legislature of any material fact pertinent to any pending or proposed legislation.

4. Never to cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its passage or defeat.

5. To abstain from soliciting any employment as a legislative advocate except on the basis of his experience, or knowledge of the business or field of activity in which his proposed employer is engaged or is interested.

6. To abstain from any attempt to create a fictitious appearance of public favor or disfavor of any legislative proposal or to cause any communication to be sent to any Member of the Legislature, the Lieutenant Governor, or the Governor, in the name of any fictitious person or in the name of any real person, except with the consent of such real person.

7. Not to encourage the activities of or to have any business dealings relating to legislation or the Legislature with any person whose registration to act as a legislative advocate has been suspended or revoked.

8. Not to represent, either directly or indirectly, through word of mouth or otherwise, that he can control or obtain the vote or action of any member or committee of the Legislature, or the approval or veto of any legislation by the Governor of California.

9. Not to represent an interest adverse to his employer nor to represent employers whose interests are known to him to be adverse.

10. To retain all books, papers, and documents necessary to substantiate the financial reports required to be made under this chapter for a period of two years."

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Collier moved a call of the Assembly.

Motion carried. Time, 10 49 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs Babbage, Bennett, Crowley, Erwin, Hawkins, Kirkwood, Morris, and Waters—8.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Hollibaugh 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 DAILY FILE (RESUMED) SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 116—An act to amend Sections 2181 and 2224 of, and to add Sections 2020.01 and 2188.5 to, the Welfare and Institutions Code, relating to aid to the aged in respect to the responsibility of relatives of recipients to contribute to their support and the payment and disposition of the contributions of such relatives.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Social Welfare:

Amendment No. 1

On page 3 of the printed bill, strike out lines 1 to 48, inclusive, and insert

"A. Net monthly income of responsible relatives in family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
C. Maximum required monthly contributions										
300 or under--	0	0	0	0	0	0	0	0	0	0
301- 325 -----	10	0	0	0	0	0	0	0	0	0
326- 350 -----	15	0	0	0	0	0	0	0	0	0
351- 375 -----	20	0	0	0	0	0	0	0	0	0
376- 400 -----	25	5	0	0	0	0	0	0	0	0
401- 425 -----	30	10	0	0	0	0	0	0	0	0
426- 450 -----	35	15	5	0	0	0	0	0	0	0
451- 475 -----	40	20	10	0	0	0	0	0	0	0
476- 500 -----	45	25	15	5	0	0	0	0	0	0
501- 525 -----	50	30	20	10	0	0	0	0	0	0
526- 550 -----	55	35	25	15	5	0	0	0	0	0
551- 575 -----	60	40	30	20	10	0	0	0	0	0
576- 600 -----	65	45	35	25	15	5	0	0	0	0
601- 625 -----	70	50	40	30	20	10	0	0	0	0
626- 650 -----	75	55	45	35	25	15	5	0	0	0
651- 675 -----	80	60	50	40	30	20	10	0	0	0
676- 700 -----	85	65	55	45	35	25	15	5	0	0
701- 725 -----	90	70	60	50	40	30	20	10	0	0
726- 750 -----	95	75	65	55	45	35	25	15	5	0
751- 775 -----	100	80	70	60	50	40	30	20	10	0
776- 800 -----	105	85	75	65	55	45	35	25	15	5
801- 825 -----	110	90	80	70	60	50	40	30	20	10
826- 850 -----	115	95	85	75	65	55	45	35	25	15
851- 875 -----	120	100	90	80	70	60	50	40	30	20
876- 900 -----	125	105	95	85	75	65	55	45	35	25
901- 925 -----	130	110	100	90	80	70	60	50	40	30
926- 950 -----	135	115	105	95	85	75	65	55	45	35
951- 975 -----	140	120	110	100	90	80	70	60	50	40
976-1000 -----	145	125	115	105	95	85	75	65	55	45
1001-1025 -----	150	130	120	110	100	90	80	70	60	50
1026-1050 -----	155	135	125	115	105	95	85	75	65	55
1051-1075 -----	160	140	130	120	110	100	90	80	70	60
1076-1100 -----	165	145	135	125	115	105	95	85	75	65
1101-1125 -----	170	150	140	130	120	110	100	90	80	70
1126-1150 -----	175	155	145	135	125	115	105	95	85	75
1151 and over--	180	160	150	140	130	120	110	100	90	80

"Net income" as used in this table is predicated on the following two factors:

(a) That federal and state income taxes and social security contributions be allowed as deductions from gross income; and

(b) That the earnings of a wife no longer be added to the income of her husband in determining relatives' responsibility."

Amendment No. 2

In lines 1 and 2 of the title of the printed bill, strike out " , and to add Sections 2020 01 and 2188.5 to,".

Amendment No. 3

Strike out lines 5 and 6 of the title of the printed bill, and insert "port "

Amendment No. 4

On page 4 of the printed bill, strike out lines 1 to 40, inclusive

Amendment No. 5

On page 4, line 41, of the printed bill, strike out "Sec. 4.", and insert "Sec 2"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

SECOND READING OF SENATE BILLS

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and the Assembly.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 4, of the printed measure, strike out "Second", and insert "First".

Amendment No. 2

On page 2, line 11, of said measure, strike out "statutes", and insert "status".

Amendment No. 3

On page 11, line 13, of said measure, after "resolution", insert "or statute".

Amendment No. 4

On page 13 of said measure, between lines 6 and 7, insert

"Legislative Budget Committee

37. In addition to any other committee provided for by these rules, there shall be a joint committee to be known and called the Legislative Budget Committee, which is hereby declared to be a continuing body.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro Tempore of the Senate and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

Any vacancies occurring between general sessions, in the Senate membership of the Legislative Budget Committee, shall be filled by the Senate Committee on Rules, and the Senators appointed shall hold over until their successors are regularly selected. For the purposes of this provision, a vacancy shall be deemed to exist as to a Senator whose term is expiring whenever he is not reelected at the general election.

Any vacancy occurring at any time in the Assembly membership of the committee shall be filled by appointment by the Speaker.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 36 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The duties of the Legislative Auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the Budget Committee and under their direction to the committees of the Legislature concerning:

(a) State Budget.

(b) Revenues and expenditures of the State

(c) The organization and functions of the State, its departments, subdivisions and agencies

(2) To assist the Senate Finance Committee and the Assembly Ways and Means Committee in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee, and to assist any other legislative committees upon instruction by the Legislative Budget Committee.

(3) To provide all legislative committees and Members of the Legislature with information obtained under the direction of the Legislative Budget Committee.

(4) To maintain a record of all work performed by the Legislative Auditor under the direction of the Legislative Budget Committee and to keep and make available all documents, data and reports submitted to him by any Senate, Assembly or joint committee. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to the same allowance as members of other committees authorized to function after adjournment. The chairman of the committee, or in the event of his inability to act, the vice chairman shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding general session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Auditor for use and custody, available to the Members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

The Legislative Auditor with the consent of the committee shall make available to such members or committees any records, documents or other data under his control or shall secure and provide any information falling within the scope of his employment or which concerns the administration of the government of the State of California. But, except as hereinabove provided, neither the Legislative Auditor or any employee of the committee shall reveal to any person not a member of or employed by the committee the contents or nature of any matter or the author of any request, except with the permission of the committee or legislator making such request, or under the express direction of the Legislative Budget Committee.

The Legislative Auditor upon the receipt of a request from any committee or Member of the Legislature, shall at once secure the consent of the committee without disclosing the nature of the request or the name of the requestor to provide the requesting committee or legislator with the service or information requested, and thereupon shall notify the requestor or committee or legislator that he is authorized to provide the information, and shall inform the committee or legislator the approximate date when this information will be available. Should there be any material delay he shall subsequently communicate this fact to the requestor. In the event the committee refuses such authorization, he shall inform such requestor forthwith."

Amendment No. 5

On page 13 of said measure, after line 16, insert

"40. The Joint Committee on Inter-House Cooperation is hereby created. It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof, concerning the relationship between the two houses and procedures calculated to expedite the affairs of the Legislature by improving that relationship.

Any matter of business of either house, the transaction of which would affect the interests of the other house, may be referred to the committee for action if the Legislature is in session, and shall be referred to the committee for action if the Legislature is not in session.

The committee has a continuing existence and may meet, act, and conduct its business at any place within the State, during sessions of the Legislature or any recess thereof, and in the interim period between sessions

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate membership shall consist of the President pro Tempore of the Senate, and four members appointed by the Committee on Rules. The Assembly members of the committee shall consist of the Speaker, the Chairman of the Assembly Committee on Rules and the three other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman

Any vacancies occurring between sessions in the Senate membership of the committee shall be filled by the Senate Committee on Rules. Vacancies occurring in the Assembly membership shall be filled by appointment by the Speaker.

The committee shall have authority to make rules to govern its own proceedings. It may also create subcommittees from its membership and assign to such subcommittees any study, inquiry, investigation or hearing which the committee itself has authority to undertake or hold.

The provisions of Joint Rule 36 shall apply to the committee, and it shall have all the authority provided in such rule or in Article IV, Section 37 of the Constitution."

Amendments read, and adopted.

Resolution ordered reprinted, and on file for adoption.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 10.55 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. Subject: Consideration of one Assembly bill and adoption of a report.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 15

Mrs. Niehouse asked for, and was granted, unanimous consent that she be permitted to take up Senate Bill No. 15, out of order, for purpose of amendment, at this time.

CONSIDERATION OF SENATE BILL NO. 15

Senate Bill No. 15—An act to add Section 7043 to the Education Code, relating to the support of the Public School System, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Motion to Amend

Mrs. Niehouse moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 31, 1950, strike out "Sections 7043 and 7044 to", and insert "Article 4, comprising Sections 7251 and 7252, to Chapter 16, Division 3 of".

Amendment No. 2

On page 1, line 1, of said bill, strike out "Section 7043 is added to", and insert "Article 4, comprising Sections 7251 and 7252, is added to Chapter 16, Division 3 of".

Amendment No. 3

On page 1 of said bill, between lines 2 and 3, insert
"Article 4. Juvenile Halls".

Amendment No. 4

On page 1, line 3, of said bill, strike out "7043", and insert
"7251".

Amendment No. 5

On page 1, line 8, of said bill, strike out "under Article 4 of this chapter".

Amendment No. 6

On page 1 of said bill, strike out line 9; and in line 10, strike out "7044", and insert
"7252".

Amendment No. 7

On page 1 of said bill, strike out lines 13 to 15, inclusive, and insert "superintendent of schools, the same amount as he would compute as the foundation program of a high school district."

Amendment No. 8

On page 1, line 16, of said bill, strike out "3", and insert "2".

Amendments read.

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

AYES—Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Condon, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Kilpatrick, Levering, Lindsay, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—54.

NOES—None.

Bill ordered reprinted, and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 11, 1950

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

Senate Bill No. 35

Senate Bill No. 38

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

SENATE CHAMBER, SACRAMENTO, April 11, 1950

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

Assembly Bill No. 24

Assembly Bill No. 30

Assembly Bill No. 33

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

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 11, 1950

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

Assembly Bill No. 120

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

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

Above bill ordered to unfinished business file.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1950

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

Assembly Bill No. 118

Assembly Bill No. 132

Assembly Bill No. 141

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bills ordered to third reading.

ANNOUNCEMENTS

Mr. Crowley announced that a California shrub known as Red Bud is now blooming in great profusion in the hills of Lake County and surrounding counties, and extended an invitation to all members to attend a Celebration at Nice on Sunday, April 16th, for the purpose of seeing the wild flowers in bloom; and suggested a drive through Williams, Lakeport, and Napa.

Mr. Lowrey announced an invitation to all members to drive along Highway 16 to Rumsey for the purpose of seeing beautiful scenery.

Speaker Sam L. Collins announced that the beautiful Red Bud floral piece, on display on the rostrum, will be transferred to his office so that all who wish may view it.

CONSIDERATION OF DAILY FILE (RESUMED)
CONSIDERATION OF HOUSE RESOLUTION NO. 44

By Mr. Yorty:

House Resolution No. 44

Relating to the study of proposals for the construction
of Centennial Memorial Buildings

WHEREAS, Legislative proposals have been made for the erection of two centennial memorial buildings to stand as permanent memorials of the completion of this State's first 100 years of statehood, and

WHEREAS, It was urged that one of the proposed centennial buildings be erected in the northern part of the State on the Berkeley Campus, of the University of California, to house the Bancroft Library; and that one be erected in the southern half of the State to house historical and cultural materials and activities having to do primarily with the southland, and

WHEREAS, In order for the Legislature to intelligently consider and act upon such proposals, additional information concerning the same is required, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Governmental Efficiency and Economy, is hereby requested and directed, in addition to the duties otherwise conferred upon it, to carefully study and investigate the proposals contained in Assembly Bill No. 784 of the 1949 Legislative Session for the erection of centennial memorial buildings, and any other proposals that may be submitted to the committee, and to report to the Legislature during the 1951 Regular Session upon the results of its study and investigation and its recommendations in connection therewith

Resolution read, and adopted unanimously.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 118—An act to amend Sections 1601 and 3866 of the Education Code, relating to the apportionment of the bonded indebtedness of school districts, 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—Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Gruensky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Holibaugh, Kilpatrick, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—61.

NOES—None.

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

AYES—Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—61.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 132—An act to dispose of certain furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—62.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 141—An act granting certain lands owned by the State of California to the County of Butte for public park purposes upon certain trusts and conditions.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Condon, Connolly, Cooke, Crichton, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—60.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 142—An act making an appropriation for an investigation of the cost of proper living for women and minors and the consideration of the findings thereof.

Bill read third time.

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

AYES—Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, and Yorty—58.

NOES—Levering—1.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 12—Relative to the proposed closing of the Birmingham Veterans Hospital at Van Nuys, California, and the Long Beach Naval Hospital at Long Beach, California.

Resolution read.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grunsky, Hahn, Hansen, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, Thompson, Waters, Weber, and Yorty—58.

NOES—Hinckley, Levering, and Smith—3.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 47

By Mr. Dickey:

House Resolution No. 47

Relative to an investigation of sanitation and water quality problems in the Tijuana River watershed

WHEREAS, Members of the Assembly Interim Committee on Water Pollution were most cordially received by Delegado Enrique Perez Rul, Mayor of the City of Tijuana, on behalf of Governor Alfonso Garcia Gonzalez, Governor of the North District of Baja California, and conducted on an extensive tour of the watershed of the Tijuana River in Mexico; and

WHEREAS, The Mayor and other officials of the City of Tijuana met in San Diego with the Assembly Interim Committee on Water Pollution and representatives of the San Diego Regional Water Pollution Control Board and discussed common problems of sanitation and water quality in Tijuana River watershed; and

WHEREAS, The conferees agreed to secure, by joint action, all information relative to these complex problems and present that information to the United States and Mexican sections of the International Boundary and Water Commission—Mexico and United States, with recommendations for appropriate action to correct any undesirable conditions; now, therefore, he it

Resolved by the Assembly of the State of California, That the Assembly of California expresses its sincere appreciation for the cordial reception and excellent cooperation extended to the representatives of the State of California by Mayor Enrique Perez Rul and his staff, Senor Alfonso Abarca Navarro, Senor Heriberto Morales Zazueta, Senor F. Kraus Morales, and Senora Rosa Maria Perez Rul de Luengo; and be it further

Resolved, That the State Department of Public Health and the State Division of Water Resources are requested to give priority to a study of conditions of water quality in the Tijuana River, and are further requested to present this information and their recommendations to the San Diego Regional Water Pollution Control Board so that a complete report can be made to the United States section of the International Boundary and Water Commission, and all other appropriate action taken by the board; and be it further

Resolved, That in conducting these studies the State Department of Public Health and the State Division of Water Resources are directed to cooperate in every way with the officials of Mexico and to provide them with suitable reports of all information secured; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitable copies of this resolution to Mayor Enrique Perez Rul, Senor Alfonso Abarca Navarro, Senor Heriberto Morales Zazueta, Senor F. Kraus Morales, and Senora Rosa Maria Perez Rul de Luengo, of his staff, to the Chairman of the San Diego Regional Water Pollution Control Board, to the Director of Public Health, and to the State Engineer.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for April 4, 1950, at pages 766-767, on page 767, in the fourth "*Resolved*" clause, first line, strike out "suitable", and insert "suitably engrossed".

Amendment No. 2

Add the following members as co-authors of the resolution: "Crowley, Fletcher, Anderson, Dolwig, McCollister, Silliman, Smith, Hollibaugh, Dills, and Doyle".

Amendments read, and adopted.

Consideration of House Resolution No. 47, as Amended

By Messrs. Dickey, Crowley, Fletcher, Anderson, Dolwig, McCollister, Silliman, Smith, Hollibaugh, Dills, and Doyle:

House Resolution No. 47

Relative to an investigation of sanitation and water quality problems
in the Tijuana River watershed

WHEREAS, Members of the Assembly Interim Committee on Water Pollution were most cordially received by Delegado Enrique Perez Rul, Mayor of the City of Tijuana, on behalf of Governor Alfonso Garcia Gonzalez, Governor of the North District of Baja California, and conducted on an extensive tour of the watershed of the Tijuana River in Mexico; and

WHEREAS, The Mayor and other officials of the City of Tijuana met in San Diego with the Assembly Interim Committee on Water Pollution and representatives of the San Diego Regional Water Pollution Control Board and discussed common problems of sanitation and water quality in Tijuana River watershed; and

WHEREAS, The conferees agreed to secure, by joint action, all information relative to these complex problems and present that information to the United States and Mexican sections of the International Boundary and Water Commission—Mexico and United States, with recommendations for appropriate action to correct any undesirable conditions; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly of California expresses its sincere appreciation for the cordial reception and excellent cooperation extended to the representatives of the State of California by Mayor Enrique Perez Rul and his staff, Senor Alfonso Abarca Navarro, Senor Heriberto Morales Zazueta, Senor F. Kraus Morales, and Senora Rosa Maria Perez Rul de Luengo; and be it further

Resolved, That the State Department of Public Health and the State Division of Water Resources are requested to give priority to a study of conditions of water quality in the Tijuana River, and are further requested to present this information and their recommendations to the San Diego Regional Water Pollution Control Board so that a complete report can be made to the United States section of the International Boundary and Water Commission, and all other appropriate action taken by the board; and be it further

Resolved, That in conducting these studies the State Department of Public Health and the State Division of Water Resources are directed to cooperate in every way with the officials of Mexico and to provide them with suitable reports of all information secured; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitably engrossed copies of this resolution to Mayor Enrique Perez Rul, Senor Alfonso Abarca Navarro, Senor Heriberto Morales Zazueta, Senor F. Kraus Morales, and Senora Rosa Maria Perez Rul de Luengo, of his staff, to the Chairman of the San Diego Regional Water Pollution Control Board, to the Director of Public Health, and to the State Engineer

Resolution read, as amended, and adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 70**

Mr. Dolwig asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 70, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 70

By Messrs. Dolwig, Crowley, and Geddes:

House Resolution No. 70

Relating to an investigation and report relative to the desirability and feasibility of a separation of grade between certain thoroughfares in San Mateo County, between

Suisun and Fairfield in Solano County, and in Pomona in Los Angeles County, and the tracks of certain railroad companies

WHEREAS, San Bruno Avenue in the City of San Bruno, Broadway Avenue in the City of Burlingame, and several streets in Redwood City in the vicinity of the Southern Pacific Depot, cross the tracks of the Southern Pacific Company at grade; and

WHEREAS, Several streets running between Suisun and Fairfield in Solano County cross the tracks of the Southern Pacific Company at grade; and

WHEREAS, Garey Avenue, White Avenue, and Towne Avenue, in Pomona, Los Angeles County, cross the tracks of the Southern Pacific Company and the Union 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 Cities of San Bruno, Burlingame, Redwood City, Suisun, Fairfield and Pomona, and the appropriate officials of the Counties of San Mateo, Solano and Los Angeles, the Southern Pacific Company, the Union Pacific Company, and the Public Utilities Commission be requested to initiate proceedings for separation of grades at, respectively, San Bruno Avenue in San Bruno, Broadway Avenue in Burlingame, one of the several streets in the vicinity of the Southern Pacific Depot in Redwood City, one of the streets running between Suisun and Fairfield, and at Garey Avenue, White Avenue or Towne Avenue in Pomona, and to report to the Assembly not later than January 15, 1951; 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 Cities of San Bruno, Burlingame, Redwood City, Suisun, Fairfield, and Pomona, the Counties of San Mateo, Solano and Los Angeles, the Southern Pacific Company, and the Union Pacific Company.

Resolution read, and adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

CONSIDERATION OF HOUSE RESOLUTION NO. 68

By Messrs. Burkhalter, Porter, Thompson, Weber, Evans, Grant, Anderson, and Thomas:

House Resolution No. 68

Relating to printing and distribution of scrolls containing the Great Seal and other emblems of the State of California

WHEREAS, For many years the Secretary of State has distributed, especially to school children, a printed scroll, bearing the State Colors and other official emblems of the State of California, attractively designed and beautifully displayed; and

WHEREAS, These printed scrolls have been received with the greatest pleasure and proudly treasured by the children who have received them; and

WHEREAS, The greatest distribution of these scrolls has been among the many hundreds of school children visiting sessions of the California Legislature, to whom these scrolls mean a treasured souvenir of their visit, as well as imparting to them a sense of the dignity and prestige of their State; now, therefore, be it

Resolved by the Assembly of the State of California. That the Secretary of State is requested to cause to be printed as a public document, for distribution without charge as the Secretary of State shall direct, not to exceed 15,000 copies of a scroll containing the Great Seal and other emblems of the State of California as prepared under the direction of the Secretary of State; and be it further

Resolved, That the sum of two thousand two hundred dollars (\$2,200) is hereby made available from the Contingent Fund of the Assembly, for payment of the cost of printing and distribution of said scrolls.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for April 6, 1950, at page 861, strike out all of the first "Resolved" clause, and insert

"Resolved by the Assembly of the State of California, That the State Printer is directed to cause to be printed as a public document, for distribution without charge by the Members of the Assembly, not to exceed 15,000 copies of the scroll containing

the Great Seal and other emblems of the State of California as prepared under the direction of the Secretary of State in 1949, copy of which is to be furnished to the State Printer by the Chief Clerk of the Assembly; and be it further".

Amendment read, and adopted.

Consideration of House Resolution No. 68, as Amended

By Messrs. Burkhalter, Porter, Thompson, Weber, Evans, Grant, Anderson, and Thomas:

House Resolution No. 68

Relating to printing and distribution of scrolls containing the Great Seal and other emblems of the State of California

WHEREAS, For many years the Secretary of State has distributed, especially to school children, a printed scroll, bearing the State Colors and other official emblems of the State of California, attractively designed and beautifully displayed; and

WHEREAS, These printed scrolls have been received with the greatest pleasure and pridefully treasured by the children who have received them; and

WHEREAS, The greatest distribution of these scrolls has been among the many hundreds of school children visiting sessions of the California Legislature, to whom these scrolls mean a treasured souvenir of their visit, as well as imparting to them a sense of the dignity and prestige of their State; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Printer is directed to cause to be printed as a public document, for distribution without charge by the Members of the Assembly, not to exceed 15,000 copies of the scroll containing the Great Seal and other emblems of the State of California as prepared under the direction of the Secretary of State in 1949, copy of which is to be furnished to the State Printer by the Chief Clerk of the Assembly; and be it further

Resolved, That the sum of two thousand two hundred dollars (\$2,200) is hereby made available from the Contingent Fund of the Assembly, for payment of the cost of printing and distribution of said scrolls.

Resolution read, as amended.

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

AYES—Babbage, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Lipscomb, Maloney, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—55.

NOES—Dunn, Levering, Lowrey, and Luckel—4.

THIRD READING OF SENATE BILLS

Senate Bill No. 25—An act to amend the Water Conservation Act of 1931 by adding thereto new sections designated 3.1, 30.1, 36.1, 61.1, 67.1, and 77.1, relating to the authorization, issuance and payment of bonds of water conservation districts and improvement districts created under said act, and the levy of special assessment taxes for the payment thereof.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Stanley, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—64.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 29—An act to amend Sections 2164, 2165, 2165a, and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients.

Bill read third time.

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

AYES—Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Connolly, Conrad, Cooke, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hinckley, Hollibaugh, Kilpatrick, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr Speaker—53.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 37—An act to add Section 118.2 to the Welfare and Institutions Code, relating to warrants issued to recipients of public assistance.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, 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, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, and Yorty—65.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 13—An act to amend Sections 19601 and 19613.5, and to repeal Section 19613.6, of the Education Code, relating to child care centers, and making an appropriation therefor.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, and Yorty—60.

NOES—Clarke, Hansen, Hinckley, and Levering—4.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, and Yorty—60.

NOES—Clarke, Hansen, Hinckley, and Levering—4.

Bill ordered transmitted to the Senate.

Explanation of Vote by Mr. Elliott on Senate Bill No. 13

I voted for Senate Bill No. 13 because otherwise the child care center program would be discontinued entirely.

I disagree with the statement in this bill "that state support for child care centers will no longer be necessary after February 15, 1951—"

I feel that the child care center program should be continued and expanded and supported by the State.

EDWARD E. ELLIOTT

Explanation of Vote by Mr. Lewis on Senate Bill No. 13

I voted "Aye" on Senate Bill No. 13 because I wanted to have the child care center program continued, although I disagree with the proposal of having state support for the child care center program discontinued on February 15, 1951.

JOE C. LEWIS

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 103

At 11.48 a.m., on motion of Mr. Collier, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 103 by the following vote:

AYES—Babbage, Bennett, Burke, Butters, Caldecott, Clarke, Collier, Connolly, Conrad, Crichton, Dickey, Dills, Dolwig, Evans, Grant, Grunsky, Hahn, Hansen, Hineckley, Hoffman, Levering, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCollister, Morris, Niehouse, Sherwin, Silliman, Smith, Stanley, Thompson, Tomlinson, Waters, and Mr. Speaker—37.

NOES—Beck, Berry, Biady, Brown, Burkhalter, Cloyd, Coats, George D. Collins, Condon, Cooke, Crowley, Davis, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Hagen, Hollibaugh, Kilpatrick, Lewis, Lowrey, McCarthy, McMillan, Meyers, Moss, Porter, Rumford, Stewart, Thomas, Weber, and Yorty—34

Notice of Motion to Reconsider Refusal to Concur in Senate Amendments to Assembly Bill No. 103

Mr. Collier gave notice that on the next legislative day he would move to reconsider the vote whereby the Assembly, on this day, refused to concur in Senate amendments to Assembly Bill No. 103.

ANNOUNCEMENT

Mr. Dickey announced, on behalf of Mr. Beck, a Democratic luncheon meeting and Caucus, today, at 12.15, at the usual place of meeting.

RECESS

At 11 53 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.

REQUEST FOR UNANIMOUS CONSENT THAT REASON FOR ABSENCE OF MEMBERS BE NOTED IN JOURNAL

Mr. Hawkins asked for, and was granted, unanimous consent that it be noted in the Journal that the reason for his absence, and the absence of Messrs. Kirkwood and Erwin, from the Assembly Chamber earlier today was that they were attending a meeting of the Committee on Conference concerning Assembly Bill No. 74.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 26—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies as herein defined.

Bill read third time.

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

AYES—Babbage, Bennett, Berry, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Conrad, Crichton, Crowley, Davis, Dills, Elliott, Erwin, Fletcher, Fleury, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Waters, Weber, Yorty, and Mr. Speaker—54.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 27—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, elections, and bonds of public bodies as herein defined, 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—Babbage, Bennett, Berry, Brown, Burke, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Elliott, Erwin, Fletcher, Fleury, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Waters, Weber, Yorty, and Mr. Speaker—55.

NOES—None.

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

AYES—Babbage, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Elliott, Erwin, Fletcher, Fleury, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Waters, Weber, Yorty, and Mr. Speaker—58.

NOES—Beck—1.

Bill ordered transmitted to the Senate.

Senate Bill No. 3—An act to amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives

Bill read third time.

Motion to Amend

Mr. Kilpatrick moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on April 10, 1950, strike out "Section 2181", and insert "Sections 2181 and 2224"

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. 2

On page 4 of said bill, after line 26, insert

"Sec. 2. Section 2224 of the Welfare and Institutions Code is amended to read:
2224. The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant pursuant to the provisions of Section 2181. This form shall be completed by the relative, [as a sworn statement.]

Upon the request of the board of supervisors, the spouse or adult child shall file such [sworn statement] form within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such [sworn statement] form by such spouse or adult child.

If the person receiving aid has within the State, a spouse or adult child found by the board of supervisors pecuniarily able to support said person, the board of supervisors, or the duly authorized representative of the board of supervisors, shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil legal officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare. The granting of or continued receipt of aid shall not be contingent upon such recovery."

Amendments read.

Senate Bill No. 3 ordered temporarily passed on file.

MEMBER EXCUSED

At 2 12 p.m., Mr. Connolly asked for, and was granted, unanimous consent that Mr. Dolwig be excused, for the balance of the legislative day, because of legislative business elsewhere.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 45—An act making an appropriation for the contingent expenses of the Senate, including committee expenses, to take effect immediately.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinkley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, Morris, Moss, Niehouse, Porter, Rumford, Smith, Thomas, Thompson, Weber, Yorty, and Mr. Speaker—57.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 49—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending a 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—Babbage, Beck, Bennett, Berry, Brown, Burke, Bukhalter, Butters, Caldecott, Cloyed, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Elliott, Erwin, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipcomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Mevers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Thomas, Thompson, Weber, and Yorty—59.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 30

Mr. McMillan asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 30, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 30

By Mr. McMillan:

House Resolution No. 30

Relative to augmenting funds of the Assembly Interim Committee on Public Morals

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of seven thousand five hundred dollars (\$7,500) 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 Public Morals (created by House Resolution No. 240, 1949 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from 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.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal on March 30, 1950, at page 587; lines 2 and 3, after "of" in line 2, strike out "seven thousand five hundred dollars (\$7,500)", and insert "five thousand dollars (\$5,000)".

Amendment read, and adopted unanimously.

Consideration of House Resolution No. 30, As Amended

By Mr. McMillan:

House Resolution No. 30

Relative to augmenting funds of the Assembly Interim Committee on Public Morals

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of five thousand dollars (\$5,000) 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 Public Morals (created by House Resolution No. 240, 1949 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from 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, as amended.

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

AYES—Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Clarke, Coats, Condon, Connolly, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Maloney, McCollister, McMillan, Meyers, Niehouse, Poiter, Rumford, Stanley, Stewart, Thompson, Weber, and Yorty—41.

NOES—Babbage, Butters, Caldecott, Cloyed, Collier, Conrad, Grunsky, Hagen, Hahn, Hansen, Hinckley, Hoffman, Kirkwood, Levering, Luckel, McCarthy, Morris, and Moss—18.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 31**

Mr. Weber asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 31, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 31

By Messrs. Weber, Lincoln, Lewis, Lindsay, Yorty, Gaffney, Hansen, and Hagen :

House Resolution No. 31

Relative to augmenting the funds of the Assembly Interim Committee on Conservation, Planning, and Public Works

WHEREAS, It is important to the economy of the State that a continuing program of needed and essential public works be planned and financed ; and

WHEREAS, Present economic conditions are causing an increase in unemployment in many areas of the State ; and

WHEREAS, Such unemployment can be alleviated to a great extent by carefully planned and programmed public works which are urgently needed within such areas ; and

WHEREAS, The Governor has stated that the reserves available for the construction of needed public works will be exhausted during this year ; and

WHEREAS, There is a great reservoir of necessary public works projects in the fields of water supply, sanitary facilities, urban redevelopment, water conservation, streets, roads and highways, as well as necessary public facilities of all kinds on all levels of government ; and

WHEREAS, The State Conservation and Planning Act, Chapter 807, Statutes of 1947, provides a procedure for the planning and coordination of public works programs at state and local level ; and

WHEREAS, There is at present no duly constituted agency of State Government, as required by the State Conservation and Planning Act, to which is delegated the task of a survey and analysis of all present and needed public works of every kind and nature within the State ; and

WHEREAS, The coordination of all such public works through a single central agency is essential to the proper timing and financing of such public works at both the local and state level of government ; and

WHEREAS, It is necessary that a complete survey, analysis, and study be made to enable the Legislature to be prepared to act upon legislation which may be needed for financing and coordination of public works ; and

WHEREAS, The Assembly Interim Committee on Conservation, Planning, and Public Works has commenced a survey, analysis, and study of facts relating to the need for coordination of public works ; and

WHEREAS, The said committee is in need of additional funds to complete its work in this field ; now, therefore, be it

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of _____ dollars (\$_____), 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 Conservation, Planning, and Public Works (created by House Resolution No. 212, 1949 General Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for March 30, 1950, at pages 587-588; on page 588, in the first "*Resolved*" clause, line 2, after "of", insert "seven thousand five hundred dollars (\$7,500)".

Amendment read, and adopted unanimously.

Consideration of House Resolution No. 31, As Amended

By Messrs. Weber, Lincoln, Lewis, Lindsay, Yorty, Gaffney, Hansen, and Hagen:

House Resolution No. 31

Relative to augmenting the funds of the Assembly Interim Committee on Conservation, Planning, and Public Works

WHEREAS, It is important to the economy of the State that a continuing program of needed and essential public works be planned and financed; and

WHEREAS, Present economic conditions are causing an increase in unemployment in many areas of the State; and

WHEREAS, Such unemployment can be alleviated to a great extent by carefully planned and programmed public works which are urgently needed within such areas; and

WHEREAS, The Governor has stated that the reserves available for the construction of needed public works will be exhausted during this year; and

WHEREAS, There is a great reservoir of necessary public works projects in the fields of water supply, sanitary facilities, urban redevelopment, water conservation, streets, roads and highways, as well as necessary public facilities of all kinds on all levels of government; and

WHEREAS, The State Conservation and Planning Act, Chapter 807, Statutes of 1947, provides a procedure for the planning and coordination of public works programs at State and local level; and

WHEREAS, There is at present no duly constituted agency of State Government, as required by the State Conservation and Planning Act, to which is delegated the task of a survey and analysis of all present and needed public works of every kind and nature within the State; and

WHEREAS, The coordination of all such public works through a single central agency is essential to the proper timing and financing of such public works at both the local and state level of government; and

WHEREAS, It is necessary that a complete survey, analysis, and study be made to enable the Legislature to be prepared to act upon legislation which may be needed for financing and coordination of public works; and

WHEREAS, The Assembly Interim Committee on Conservation, Planning, and Public Works has commenced a survey, analysis, and study of facts relating to the need for coordination of public works; and

WHEREAS, The said committee is in need of additional funds to complete its work in this field; now, therefore, be it

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of seven thousand five hundred dollars (\$7,500), 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 Conservation, Planning, and Public Works (created by House Resolution No. 212, 1949 General Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from said contingent fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read, as amended.

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

AYES—Beck, Bennett, Berry, Brady, Burke, Burkhalter, Clarke, Cloyd, Coats, Condon, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Graut, Hahn, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Thomas, Thompson, Weber, and Yorty—45.

NOES—Babbage, Butters, Caldecott, Collier, Conrad, Grunsky, Hunkley, Kirkwood, Levering, Luckel, McCarthy, and Waters—12.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 40**

Mr. Kilpatrick asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 40, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 40

By Messrs. Kilpatrick, Burke, Meyers, Hagen, and Mrs. Niehouse :

House Resolution No. 40

Relative to augmenting the funds of the Assembly Interim Committee
on Crime and Corrections

Resolved, by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of twenty thousand dollars (\$20,000) 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 Crime and Corrections (created by House Resolution No. 243, 1949 General Session) and its members, and for any charges, expenses or claims it may incur under said resolution or under House Resolution No. 297, 1949 General Session, to be paid from said contingent fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules :

Amendment No. 1

In the measure as printed in the Assembly Journal for April 3, 1950, at page 650, in line 2, after "of" strike out "twenty thousand dollars (\$20,000)", and insert "twelve thousand five hundred dollars (\$12,500)".

Amendment read, and adopted unanimously.

Consideration of House Resolution No. 40, As Amended

By Messrs. Kilpatrick, Burke, Meyers, Hagen, and Mrs. Niehouse :

House Resolution No. 40

Relative to augmenting the funds of the Assembly Interim Committee
on Crime and Corrections

Resolved, by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of twelve thousand five hundred dollars (\$12,500) 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 Crime and Corrections (created by House Resolution No. 243, 1949 General Session) and its members, and for any charges, expenses or claims it may incur under said resolution or under House Resolution No. 297, 1949 General Session, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read, as amended.

Point of Order

Mr. Lowrey arose to the following point of order: That Mr. Doyle is not speaking to the question.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

The question being on the adoption of House Resolution No. 40, as amended.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Clarke, Cloyd, Coats, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Elliott, Fletcher, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lindsay, Lowrey, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, Thompson, Weber, and Yorty—50

NOES—Butters, Caldecott, Grunsky, Huckleby, Kirkwood, Levering, and Lincoln—7.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 34

Mr. Thompson asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 34, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 34

By Messrs. Thompson and Connolly:

House Resolution No. 34

Relative to augmenting the funds of the Assembly Interim Committee on Public Health

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of ten thousand dollars (\$10,000) 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 Public Health (created by House Resolution No. 237, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for March 30, 1950, at page 589, in the second line, after "of", strike out "ten thousand dollars (\$10,000)", and insert "seven thousand dollars (\$7,000)".

Amendment read, and adopted unanimously.

Consideration of House Resolution No. 34, As Amended

By Messrs. Thompson and Connolly:

House Resolution No. 34

Relative to augmenting the funds of the Assembly Interim Committee on Public Health

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of seven thousand dollars (\$7,000) 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 Public Health (created by House Resolution No. 237, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read, as amended.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Thompson moved a call of the Assembly.

Motion carried. Time, 2.49 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs Beck, Brown, George D Collins, Condon, Cooke, Davis, Dunn, Evans, Fleury, Grunsky, Lincoln, Lapscomb, Lowrey, McCarthy, Sherwin, Sullivan, Smith, Stewart, and Tomlinson—19.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON HOUSE RESOLUTION NO. 34, AS AMENDED

At 2.55 p.m., on motion of Mr Thompson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and House Resolution No 34 adopted by the following vote:

AYES—Bennett, Berry, Brady, Brown, Burke, Burkhalter, Clarke, Cloved, Coats, Connolly, Crichton, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Fletcher, Gaffney, Geddes, Grant, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lindsay, Maloney, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, Thompson, Weber, and Yorty—43.

NOES—Babbage, Butters, Caldecott, Collier, Conrad, Grunsky, Hagen, Hahn, Huckle, Kirkwood, Levering, Lincoln, Luckel, Moss, and Waters—15

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 37**

Mr. Burkhalter asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 37, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 37

By Messrs. Burkhalter, Grant, Conrad, and Elliott:

House Resolution No. 37

Relative to augmenting the funds of the Assembly Investigating Committee on Traffic Control

Resolved by the Assembly of the State of California That in addition to any money heretofore made available, the sum of ten thousand dollars (\$10,000) 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 Investigating Committee on Traffic Control (created by House Resolution No. 233, 1949 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for March 31, 1950, at page 624, in the second line, after "of", strike out "ten thousand dollars (\$10,000)", and insert "five thousand dollars (\$5,000)".

Amendment read, and adopted unanimously.

Consideration of House Resolution No. 37, As Amended
By Messrs. Burkhalter, Grant, Conrad, and Elliott:

House Resolution No. 37

Relative to augmenting the funds of the Assembly Investigating Committee
on Traffic Control

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of five thousand dollars (\$5,000) 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 Investigating Committee on Traffic Control (created by House Resolution No. 233, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read, as amended.

Point of Order

Mr. McMillan arose to the following point of order: That Mr. Levering is not asking a question.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

The question being on the adoption of House Resolution No. 37.

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

AYES—Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Cloyd, Coats, Condon, Cooke, Crichton, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Fletcher, Gaffney, Geddes, Grant, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lindsay, Maloney, McColister, McMillan, Meyers, Morris, Niehouse, Potter, Stanley, Thomas, Thompson, Weber, and Yorty—41.

NOES—Babbage, Butters, Caldecott, Collier, Grunsky, Hansen, Hunkley, Kirkwood, Levering, Lincoln, Luckel, Moss, Stewart, and Waters—14.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 38**

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 38, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 38

By Messrs. Geddes, Dunn, Fletcher, and Dolwig:

House Resolution No. 38

Relative to expenses of the Assembly between sessions of the Legislature

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

1. During such times as the Assembly is not in session, the Assembly Legislative Process Committee, as continued by House Resolution No. 180, 1949 Regular Session, is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex.

2. The funds available for expenditure pursuant to this resolution shall consist of the balance of all money heretofore or hereafter appropriated for the contingent expenses of the Assembly not made available for expenditure for other purposes and shall include such money made available to the Assembly Legislative Process Committee by House Resolution No. 233 of the 1949 Regular Session as the said committee finds to be necessary for the purposes of this resolution.

3. Expenditures for furniture and equipment under this resolution shall be exempt from the provisions of the State Contract Act, insofar as is now or hereafter authorized by law.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for March 31, 1950, at page 627, strike out all of the paragraph numbered "3".

Amendment read, and adopted unanimously.

The question being on the adoption of House Resolution No. 38, as amended.

Consideration of Further Amendments**Request for Unanimous Consent That Amendment Be Corrected**

Mr. Caldecott asked for, and was granted, unanimous consent that his proposed amendment, now pending at the desk, be corrected to read as follows: "after paragraph 2, insert the following:", in lieu of, "in line 3 of the paragraph numbered "3" after the period insert the following:".

Motion to Amend

Mr. Caldecott moved the adoption of the following amendment:

Amendment No. 1

In House Resolution No. 38, as it appears in the Assembly Journal for March 31, 1950, at page 627, after paragraph 2, insert the following:

"All furniture and equipment acquired under or pursuant to this resolution shall be purchased by the State Department of Finance, pursuant to recommendations of the Assembly Legislative Process Committee as to kinds and types of furniture and equipment needed"

Amendment read, as corrected.

Roll Call Demanded

Messrs. Caldecott, Crowley, and Grunsky demanded a roll call.

The roll was called, and the amendment offered by Mr. Caldecott to House Resolution No. 38 refused adoption by the following vote:

AYES—Babbage, Beck, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Conrad, Cooke, Davis, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hinckley, Kirkwood, Lincoln, Lowrey, Luckel, Maloney, McCarthy, Stanley, Stewart, Tomlinson, and Waters—31.

NOES—Berry, Brady, Burke, Cloyd, Connolly, Crichton, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Fletcher, Geddes, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lipscomb, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rumford, Smith, Thomas, Thompson, Weber, and Yorty—33.

Consideration of House Resolution No. 38, As Amended

By Messrs. Geddes, Dunn, Fletcher, and Dolwig:

House Resolution No. 38

Relative to expenses of the Assembly between sessions of the Legislature

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

1. During such times as the Assembly is not in session, the Assembly Legislative Process Committee, as continued by House Resolution No. 180, 1949 Regular Session, is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including the repair, alteration, improvement, and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol and the Capitol Annex.

2. The funds available for expenditure pursuant to this resolution shall consist of the balance of all money heretofore or hereafter appropriated for the contingent expenses of the Assembly not made available for expenditure for other purposes and shall include such money made available to the Assembly Legislative Process Committee by House Resolution No. 283 of the 1949 Regular Session as the said committee finds to be necessary for the purposes of this resolution

Resolution read, as amended.

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

AYES—Berry, Brady, Brown, Burke, Burkhalter, Butters, Cloyd, Coats, Condon, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Holibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, and Yorty—52

NOES—Caldecott, George D. Collins, Conrad, Hinckley, Kirkwood, Lowrey, McCarthy, and Waters—8.

REQUEST FOR UNANIMOUS CONSENT THAT REPORT OF COMMITTEE ON CONFERENCE CONCERNING ASSEMBLY BILL NO. 74 BE PRINTED IN JOURNAL PRIOR TO ITS CONSIDERATION

Mr. Beck asked for, and was granted, unanimous consent that the report of the Committee on Conference concerning Assembly Bill No. 74, with the proposed amendments, be ordered printed in today's Journal, prior to consideration; and that consideration of this report be deferred until tomorrow.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1950

MR. SPEAKER. The Committee on Conference concerning:

Assembly Bill No. 74—An act to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906.1, 9906.5, 9909, 9910, and 9911 to, the Government Code, relating to influencing the legislative process consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on April 5, 1950, after "Sections", insert "9900,".

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. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

SECTION 1 Section 9900 of the Government Code is amended to read.

9900. When used in this chapter

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Chief Clerk of the Assembly of the State of California or such other person as the most recent Rules of the Assembly then designate, and the term "Secretary" means the Secretary of the Senate [,] of the State of California or such other person as the most recent Rules of the Senate then designate.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house.

(f) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and

vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

SEC. 15. Section 9901 of said code is amended to read: "

Amendment No. 3

On page 2, line 19, of said bill, after "month", insert "succeeding a month during any part of which the Legislature was in session and at other times during the year between the first and tenth day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year".

Amendment No. 4

On page 3 of said bill, between lines 10 and 11, insert "He shall also state at the same time and in the same manner the name and address of each person, whether registered under this section or not, who is to receive or to whom he has promised any portion of the compensation or fee which he receives or has been promised for his services in attempting to influence legislation or approval or veto thereof by the Governor."

Amendment No. 5

On page 3 of said bill, strike out lines 14 to 16, inclusive, and insert "person so registering shall, so long as his activity continues, file with the clerk and secretary between the first and tenth day of each calendar month succeeding a month during any part of which the Legislature was in session and at other times during the year between the first and tenth day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year, a report under oath of all compensation received by him attributable to influencing legislation or approval or veto thereof by the Governor and of all".

Amendment No. 6

On page 3, line 17, of said bill, after "him", insert ", exclusive of bona fide expenditures for his personal sustenance, lodging, travel, office expense, and purely clerical assistance,".

Amendment No. 7

On page 3, line 18, of said bill, strike out "is", and insert "or quarter, as the case may be, in".

Amendment No. 8

On page 3, line 20, of said bill, after "purposes", insert "; the name and address of each registered or unregistered person not stated at the time of registering or in a previous report who is to receive or to whom he has promised any portion of the compensation or fee which he receives or has been promised for carrying on his work".

Amendment No. 9

On page 3, line 41, of said bill, after "legislation", insert "; nor to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church".

Amendment No. 10

On page 3, line 41, of said bill, after the period, insert

"The provisions of this chapter applicable to persons registered under this section are applicable to all persons, whether registered or not, who receive or who have been promised any compensation or other thing of value for services rendered by any person registered under this section in attempting to influence legislation or approval or veto thereof by the Governor and are applicable to all such persons who receive or who have been promised any portion of the compensation or fee which a person registered under this section receives or has been promised for such services."

Amendment No. 10A

On page 4 of said bill, strike out lines 27 to 35, inclusive, and insert "9908. (a) Any person who violates any of the provisions of Sections 9901, 9902, 9903, and 9906 shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars (\$5,000) or imprisonment for not more than 12 months, or by both such fine and imprisonment."

Amendment No. 11

On page 5, line 43, of said bill, strike out "unduly".

Amendment No. 12

On page 7 of said bill, between lines 2 and 3, insert

"SEC. 12. This act shall be known and may be cited as the Erwin Act of 1950."

MAYO
BURNS
REGAN

Senate Committee on Conference

ERWIN
HAWKINS
KIRKWOOD

Assembly Committee on Conference

**STATEMENT BY MR. KIRKWOOD CONCERNING
ASSEMBLY BILL NO. 74**

April 11, 1950

While I have joined with the other members of the Committee on Conference in recommending Assembly Bill No. 74, after the inclusion of certain amendments, I feel that some explanation of my action should be made.

I do not believe that the proposed bill represents the proper or final answer to the regulation of legislative advocates. We have on the statute books recently enacted legislation which has been criticized both as lacking clarity and as unnecessarily hampering the activities of persons properly seeking to assist the Legislature in its functions. The proposed bill fails to meet either of these objections.

It is, however, a step forward in that certain portions of the original Assembly Bill No. 74 which under the amended bill are carried into existing law are desirable additions which will be useful in outlawing improper lobbying practices. If it were not for these sections of the amended bill I think that its passage would serve no useful purpose.

It is also possible that certain of the amendments proposed to Section 9906 of the Government Code will not only strengthen the act, but will serve to clarify its operation particularly as far as the ordinary citizen is concerned. On the other hand a court seeking to interpret the ambiguous language of Section 9906 might well be further confused by the amendments.

I believe in fairness to those citizens who must consult with legislators concerning legislation if the Legislature is to be fully informed of all pertinent facts, that we should give attention at the next session of the Legislature to a clarification not only of Section 9906 but also of all other provisions of this law. We should not rely solely on the slow process of interpretation by court decision to clarify the operation of this law.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 11, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 74—An act to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906.1, 9906.5, 9909, 9910, and 9911 to, the Government Code, relating to influencing the legislative process

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

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
SENATE BILL NO. 3**

Mr. Levering asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 3, temporarily passed on file, at this time.

FURTHER CONSIDERATION OF SENATE BILL NO. 3

Senate Bill No. 3—An act to amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives.

Bill read third time.

**Further Consideration of Amendments Previously Offered by Mr. Kilpatrick
Motion to Amend**

Mr. Kilpatrick moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on April 10, 1950, strike out "Section 2181", and insert "Sections 2181 and 2224".

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. 2

On page 4 of said bill after line 26, insert

"SEC. 2. Section 2224 of the Welfare and Institutions Code is amended to read: 2224. The board of supervisors shall determine if the applicant or recipient of aid has within the State a spouse or adult child pecuniarily able to contribute to the support of the applicant or recipient of aid. A brief form shall be sent to the relative inquiring whether the relative is in fact contributing and will continue to contribute to the support of the applicant pursuant to the provisions of Section 2181. This form shall be completed by the relative [as a sworn statement]."

Upon the request of the board of supervisors, the spouse or adult child shall file such [sworn statement] *form* within 10 days if living in the county, or within 30 days if living elsewhere in the State; provided, however, that the granting or continued receipt of aid shall not be contingent upon the filing of such [sworn statement] *form* by such spouse or adult child.

If the person receiving aid has within the State, a spouse or adult child found by the board of supervisors pecuniarily able to support said person, the board of supervisors, *or the duly authorized representative of the board of supervisors*, shall request the district attorney or other civil legal officer of the county granting such aid to proceed against such kindred in the order of their responsibility to support. Upon such demand the district attorney or other civil legal officer of the county granting aid shall, on behalf of said county, maintain an action, in the superior court of the county granting such aid, against said relative, in the order named, to recover for said county such portion of the aid granted as said relative is able to pay, and to secure an order requiring the payment of any sums which may become due in the future for which the relative may be liable. If the district attorney or other civil legal officer of the county determines for any reason that an action should not be brought, a report of his findings and the reason therefor shall be made to the board of supervisors of the county. Any sum so recovered shall be credited by the county to the county, to the State and to the Federal Government in proportion to the contributions of each respectively, or in the manner prescribed by the State Department of Social Welfare.

The granting of or continued receipt of aid shall not be contingent upon such recovery."

Amendments read.

Amendments Withdrawn

Mr. Kilpatrick withdrew his amendments.

Speaker Pro Tempore Presiding

At 4.08 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

The question being on the passage of Senate Bill No. 3.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyed, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, and Yorty—65.

NOES—Butters, George D. Collins, Hinckley, and Kirkwood—4.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY CONCURRENT RESOLUTION NO. 16**

Mr. Lindsay asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 16, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 16

Assembly Concurrent Resolution No. 16—Relative to augmenting the funds of the Joint Legislative Committee on Soil Conservation.

Resolution read.

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

AYES—Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, Condon, Connolly, Cooke, Crowley, Davis, Dickey, Elliott, Erwin, Gaffney, Grant, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Rumford, Stanley, Thomas, Thompson, Weber, and Yorty—43.

NOES—Babbage, Brady, Caldecott, Conrad, Crichton, Dills, Doyle, Dunn, Geddes, Grunsky, Hinckley, Kirkwood, Levering, Luckel, and Waters—15.

Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY CONCURRENT RESOLUTION NO. 17**

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 17, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to the creation of the Joint Legislative Committee on Child Care Centers.

Resolution read.

Motion to Amend

Mr. Geddes moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 1, of the printed measure, as amended in the Assembly on April 5, 1950, strike out "con-", and insert "support".

Amendment No. 2

On page 1 of said measure, strike out lines 2 and 3, and insert "of Child Care Centers in California; and".

Amendment No. 3

On page 1, line 22, of said measure, strike out "on a permanent basis", and insert "and their support".

Amendments read, and adopted.

Resolution ordered reprinted, and re-engrossed.

Motion to Place Rush Order on Printing of Assembly Concurrent

Resolution No. 17

Mr. Geddes moved that a rush order be placed upon the printing of Assembly Concurrent Resolution No. 17.

Motion carried.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 46**

Mr. Dunn asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 46, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 46

By Mr. Dunn:

House Resolution No. 46

Relative to augmenting the funds of the Assembly Interim Committee on Public Education

Resolved by the Assembly of the State of California. That in addition to any money heretofore made available, the sum of four thousand dollars (\$4,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Public Education (created by House Resolution No. 242, 1949 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from said Contingent Fund and disbursed after certification by the chairman of the committee, upon warrants drawn by the State Controller on the State Treasurer.

Resolution read.

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

AYES—Beck, Bennett, Berry, Brady, Brown, Burke, Butters, Cloyd, Coats, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Doyle, Dunn, Elliott, Erwin, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lindsay, Maloney, McCallister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Thomas, Thompson, Tomlinson, Weber, and Yorty—50.

NOES—Grunsky, Hinckley, Kirkwood, Luckel, and Waters—5

RESOLUTIONS

The following resolutions were offered:

By Messrs. Burkhalter, Beck, Levering, Grant, and McMillan:

House Resolution No. 77

Relating to a survey and cost estimate by the Department of Public Works, Division of Highways, for a new State Highway from Route No. 2 to Route No. 60, in Los Angeles County

WHEREAS, The increasing flow of traffic in the area makes imperative the establishment of a new State Highway Route from State Highway Route No. 2 in the vicinity of Reseda Boulevard to State Highway Route No. 60 in the vicinity of Santa Monica and Sunset Boulevard; and

WHEREAS, It is desirable to establish the most feasible location of such highway route, due consideration being given to the relative cost of each possible location; now, therefore, be it

Resolved by the Assembly of the State of California. That the Department of Public Works, Division of Highways, is requested and directed to make a survey of the several possible locations of such proposed State Highway Route together with an estimate of the cost of acquisition and construction of each such location and to report to the Assembly not later than January 15, 1951; and, be it further

Resolved, That the Chief Clerk of the Assembly is requested to deliver copies of this resolution to the Department of Public Works, Division of Highways and to the California Highway Commission

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

By Messrs Kirkwood and Thompson:

House Resolution No. 78

Relative to a further investigation of the feasibility of a grade separation between State Highway Route 114 and the tracks of the Southern Pacific Railroad Company at Sunnyvale

WHEREAS, State Highway Route No. 114 crosses the tracks of the Southern Pacific Railroad Company at Sunnyvale at grade; and

WHEREAS, The crossing is very dangerous, State Highway Route No. 114 being the main artery between San Francisco and Santa Cruz; and

WHEREAS, More than 5,000 cars and more than 100 trains traverse the crossing daily; and

WHEREAS, Complications exist due to the fact that the highway crosses three train tracks and a main thoroughfare parallels the tracks necessitating stop signs and greatly increasing the traffic hazard; and

WHEREAS, There have been a number of deaths from accidents at this crossing, all but one of which have involved through traffic; now, therefore, be it

Resolved by the Assembly of the State of California. That the Public Utilities Commission, the Department of Public Works, Division of Highways, and the Southern Pacific Railroad Company be requested and directed to take further proceedings to investigate the feasibility of a separation of grade at the above described crossing and to report back to the Legislature not later than January 15, 1951; and be it further

Resolved, That the Chief Clerk of the Assembly be requested to send copies of this resolution to the Public Utilities Commission, the Department of Public Works Division of Highways, and the Southern Pacific Railroad Company.

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

By Messrs. Porter, Hollibaugh, Dills, Geddes, and Bennett:

House Resolution No. 79

Relating to the selection of a site for the new state college to be located in Orange County and the southeastern portion of Los Angeles County

WHEREAS, The Legislature, at its 1949 Regular Session, provided for the establishment of a state college, to be located in the area consisting of Orange County and the southeastern part of Los Angeles County, outside the City of Los Angeles (Chapter 4, Statutes of 1949); and

WHEREAS, It was the intention of the Legislature that said college be located in Orange County or the southeastern part of Los Angeles County, and not in the southern part of Los Angeles County; and

WHEREAS, A site in the City of Long Beach has been selected, after a hearing by the State Public Works Board; and

WHEREAS, It has come to the attention of this Assembly that thousands of interested citizens in the area concerned are dissatisfied with the selection; and

WHEREAS, It appears that other and more desirable sites are available and further hearings may reveal that a different site for the new state college is more suitable with regard to transportation and to population distribution in the area which the college is to serve; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Public Works Board be requested to hold a rehearing on the determination of the site for the state

college to be located in the area consisting of Orange County and southeastern Los Angeles County, outside the City of Los Angeles; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to the members of the State Public Works Board.

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

By Mr. Maloney:

House Resolution No. 80

Relative to the preparation and printing of a Summary Digest and Subject List

Resolved by the Assembly of the State of California, That the Legislative Counsel prepare in one volume a Summary Digest of statutes enacted and constitutional amendments proposed and a Subject List of all bills, constitutional amendments, joint and concurrent resolutions introduced at the 1949 First Extraordinary Session, the 1950 Budget Session, the 1950 First Extraordinary Session, and the 1950 Second Extraordinary Session of the Legislature, and that copies be distributed to all members of the Legislature as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly cause not exceeding 2,000 copies of this document to be printed, the cost thereof to be paid from the legislative printing appropriation.

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

By Mr. Coats:

House Resolution No. 81

Relative to the powers and duties of the Assembly Interim Committee on Elections and Reapportionment

Resolved by the Assembly of the State of California, That in addition to the powers and duties heretofore given and imposed upon the Assembly Interim Committee on Elections and Reapportionment (created by House Resolution No. 197, 1949 General Session), the said committee is hereby authorized and directed to ascertain, study and analyze all facts relating to, bearing upon or affecting election campaigns, with particular attention to methods of influencing the same by campaign contributions or otherwise and the prevention of corrupt practices in connection therewith, including but not limited to the operation, effect, administration, enforcement and needed revision of any and all laws bearing upon or related thereto, and to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

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

By Mr. Thomas:

House Resolution No. 82

Relating to the Harbor Freeway in the County of Los Angeles

WHEREAS, On April 5th, this Assembly adopted House Resolution No. 26 relating to the location of the Harbor Freeway in the County of Los Angeles; and

WHEREAS, Said House Resolution No. 26 requests the California State Highway Commission to investigate the advisability and feasibility of constructing the Harbor Freeway in a location along the right of way of the Pacific Electric Railway Company and along the route of the proposed Alameda Freeway; and

WHEREAS, There is neither a contemplated abandonment of a Pacific Electric Railway right of way nor a proposed Alameda Freeway; and

WHEREAS, After several years of study, engineers of the Los Angeles Metropolitan Area proposed a Parkway (Freeway) Plan which has been approved by the Los Angeles County Regional Planning Commission, the Los Angeles County Board of Supervisors, the Los Angeles City Planning Commission, the Los Angeles City Council, and many city councils of other cities in the area; and

WHEREAS, Said approved Freeway plan indicates the proposed location of the Harbor Freeway in the vicinity of Figueroa Street with other paralleling Freeways to be located in the vicinity of (1) the Los Angeles River (Los Angeles River Freeway), (2) Santa Fe Avenue (Long Beach Freeway), and (3) Crenshaw Boulevard (Crenshaw Freeway); and

WHEREAS, The Harbor Freeway, when completed, will provide a direct prolongation of the Arroyo Seco Parkway from the Los Angeles Metropolitan Area and

Civic Center to the Wilmington-San Pedro area, and a considerable portion of the contemplated direct Freeway route to the Los Angeles International Airport, and

WHEREAS, Rights of way have been secured and construction is under way on the Harbor Freeway from the Hollywood-Santa Ana Freeways to Olympic Boulevard; and

WHEREAS, Additional studies as proposed in House Resolution No. 26 can only result in unnecessary delay in the completion of the Harbor Freeway and the attendant suffering by the people of the existing intolerable traffic congestion; and

WHEREAS, In addition to the traffic facilities to be accomplished, much gainful employment will be provided both in the actual construction of the Harbor Freeway and in the moving of housing structures from the right of way and their ultimate rehabilitation on new sites; and

WHEREAS, Additional delay will increase the freeway cost due to increasing subdivision developments along the proposed route in the rural areas; and

WHEREAS, the Harbor Freeway has always rated a high priority necessary to relieve traffic congestion in the Los Angeles Metropolitan Area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California State Highway Commission, the California State Department of Public Works, the Los Angeles County Board of Supervisors, and the Los Angeles City Council be respectfully and urgently requested to complete, as soon as possible, the Harbor Freeway from Olympic Boulevard to its southerly terminus in the Wilmington-San Pedro Area, conforming in location as nearly as practicable, to the approved Freeway Plan; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission, the Director of the California State Department of Public Works, the members of the Board of Supervisors of the County of Los Angeles, and the members of the City Council of the City of Los Angeles.

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

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Concurrent Resolution No. 23: By Mr. Butters—Relative to requesting the California Highway Commission and the Department of Public Works to survey a highway route to the Colorado River in Imperial County.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 24: By Messrs. Kirkwood and Thompson—Relative to approving a certain amendment to the charter of the City of Santa Clara, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the third day of April, 1950.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 25: By Messrs. Meyers, Berry, McCarthy, George D. Collins, Brady, Gaffney, Beck, Coats, Condon, Connolly, Crichton, Crowley, Doyle, Dunn, Fletcher, Fleury, Geddes, Hagen, Hansen, Hoffman, Hollibaugh, Lewis, Lincoln, Maloney, McCollister, McMillan, Mrs. Niehouse, Messrs. Rumford, Thompson, Weber, and Yorty—Welcoming to California Malcolm R. Giles, Director General, Loyal Order of Moose.

Referred to Committee on Rules.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 121
FROM COMMITTEE CONTINUED**

Mr. Elliott asked for, and was granted, unanimous consent that his notice of motion to withdraw Assembly Bill No. 121 from the Committee on Governmental Efficiency and Economy, and have it placed upon the file, be continued until the next legislative day.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1950

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

Assembly Bill No. 5—An act to add Sections 1203.02 and 3053.5 to the Penal Code, to add Section 1767.2 to the Welfare and Institutions Code, and to amend Section 5517 of the Welfare and Institutions Code, relating to the use of alcoholic beverages by persons convicted of certain offenses and by sexual psychopaths;

Assembly Bill No. 105—An act to add Section 9906.2 to the Government Code, relating to influencing the legislative process;

And reports the same have been correctly enrolled, and presented to the Governor on the eleventh day of April, 1950, at 11 a.m.

GRUNSKY, Vice Chairman

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:

Assembly Bill No. 55

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

DUNN, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 71

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, April 11, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 72

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.

ANNOUNCEMENT

Mr. Stanley announced that the Committee on Municipal and County Government will postpone its meeting scheduled for 8 p.m., tonight, until 8 p.m., tomorrow night; and that Senate Bill No. 39 will be considered.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today upon adjournment—

Social Welfare. Subject: Senate Bill No. 45.

Conservation, Planning, and Public Works at desk of Mr. Weber to consider one bill.

Tomorrow, Wednesday, April 12th—

At 9.30 a.m.—

Rules.

At 8 p.m.—

Municipal and County Government. Subject: Senate Bill No. 39.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Dickey, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Barbara Allan of Sonora and Miss Edna Byrum of Stockton.

On request of Mr. Berry, the usual courtesies of the Assembly for this day were unanimously extended to Herbert E. Stuenkel, teacher of St. Paulus Lutheran School of San Francisco, and the following pupils: Jackie Sacco, Artie Le Van, Dale Halihan, Roberta Anderson, Werner Cordes, Charles Theiss, Ronald Weeks, Loren Taber, Frances Burke, Raul Paniagua, Diane Plumley, Frederick Nitchy, Charles Tooth, Faye Banigan, and Judith Otto.

On request of Messrs. Fleury and Moss, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Thelma Johnson, teacher of the Washington District School, and the following pupils: Floyd Davis, Isabelle Mateos, Vista Currie, Neva Aldridge, Mary Ann Bullock, Arlene Pennington, Julia Baishiki, Joan Stommel, David Housler, Harry Hamamoto, Henry Yasui, Saburo Suamaga, Eddie Bennetti, Makumi Masunaga, Masao Suyamaga, Edwin Tanaka, Michael Hernandez, Florence Wachtel, Muriel Wachtel, Rex Billingsly, Sarah Valedaro, Dwane Parker, Jack Rhoades, Stanley Davis, and Marie Richardson.

On request of Mr. Berry, the usual courtesies of the Assembly for this day were unanimously extended to Arthur E. Wittmer, teacher of the St. John's Lutheran School of San Francisco, and the following pupils: Arthur Wittmer, Jr., Carsten Hink, Roy Bischoff, Robert Brohm, Allan Kremer, Judith Daubner, Nancy McGuire, Jo Ann Schroeder, Monty Boswell, Gloria Rushing, Robert Heyer, Marianne Brohm, Michael Dotterweich, James Desmond, Herman Pelz, Kenneth Kremer, Gail Ferguson, Lois Asmussen, Dolores Elster, Marilyn Andrews, Margaret Burns, William Cannon, Arlene Haines, Frederick Bareis, Marlys Gerberding, Bruce Hoelter, and Bertram Erickson.

On request of Mr. Lowrey, the usual courtesies of the Assembly for this day were unanimously extended to Ray Fuller teacher of the Winters School and the following pupils: Henry Akao, Nancy Bailey, Bill Biasi, Clifford Birdwell, George Burket, Edith Cannon, Otis Constant, Susan Constant, Jerry Day, Peggy Evett, Lawrence Fulton, Darrell Harless, Margaret Humphrey, Marcia Long, Nina McAntosh, Frances

Martinez, Tony Martinez, Lloyd Mayes, Carol Lyn Merchant, Charles Morgan, Herman Perkins, Edwina Potter, Carl Ramos, Murdean Redmill, Antoinette Ruiz, Barbara Sattazahn, Ronald Snodgrass, Raymond Valadez, Carol Warren, Dorothy Watterson, and Eugene Weatherford.

On request of Mr. Brown, the usual courtesies of the Assembly for this day were unanimously extended to Carl Crippler of Modesto.

On request of Mr. Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to F. C. Swagerty, teacher of the Linden School, and the following pupils: Donald Lawley, Jimmy Morris, Bobby Johnson, Robert Patterson, Joyce Piacentine, Edna Jones, Dolores Moznott, Donald Goodnol, Jackson Smith, Bobby Wheaton, Harold Jones, Joy Stagnaro, Martha Metzler, Doris Wolf, Richard Zolezzi, Maxine Allen, Vera Barbagellata, Larry Billigmier, Harold Brown, Carol Clay, Sharon Coburn, Dorothy de Sarro, Charlotte Eilers, Beverly Boggiano, Patty Krenz, and Dian Lawrence.

On request of Mr. Coats, the usual courtesies of the Assembly for this day were unanimously extended to Donald Thieler, teacher of the Lincoln School of Yuba City, Mrs. Thomas Madden, Mrs. Thomas Miller, and Mrs. Clinton DeWitt, guests, and the following pupils: Nancy Miller, Marion Roberts, Patricia Spratt, Betty Nicholas, Arlene DeWitt, Richard Applegarth, Dolores Gould, Dwight Glentzer, Joan Madden, Kay Gardener, Maudie Thornsberry, Eldon Brown, Janice Stowell, Alta Stevenson, Alpha Journey, Harry King, Carl Van Horn, Johnny Boylan, Johnny Berry, Anthony Singh, Mickey Bailey, Donald Clarke, and Robert May.

On request of Messrs. Fleury, Moss, and Clarke, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Lowell Clarke and Mrs. Walter Bakken, accompanying Cub Scouts Den 3, El Dorado School, Linda Carol Clarke, Elizabeth Bakken, guests of the Scouts, and the following members: Michael Gorman, Michael Barnhart, Leon McClure, Kenneth Mellor, Sam Miller, William Clarke and Wendell Bakken.

ADJOURNMENT

At 4.23 p.m., on motion of Mr. Dickey, the Speaker pro Tempore declared the Assembly adjourned until 10 a.m., Wednesday, April 12, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FIFTH LEGISLATIVE DAY

THIRTY-EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Wednesday, April 12, 1950

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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyd, 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, Hagen, Hahn, Hansen, Hawkins, Hinekey, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Malone, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yoty, and Mr. Speaker—71.

Quorum present.

Names of Members Attending Meeting of Committee on Rules Placed Upon Morning Roll Call

By unanimous consent, the names of the following members, who are attending the meeting of the Committee on Rules, were ordered placed upon the morning roll call, and recorded as being present: Messrs Crichton, Crowley, Evans, Fletcher, Geddes, Hollibaugh, Thompson, Waters, Doyle, Dickey, members of committee; and Messrs Porter, Grant, Coats, Burkhalter, and Conrad.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Eternal God: May we realize today that we are representatives of the people not only in political matters, but also representative characters in our daily decorum. Representatives of the ideals of personal honor and blameless probity, and of the sobriety and temperance worthy of model citizens.

May our daily behaviour while we are away from home be as good as when we are at home so that we will do nothing that the home folks will regret.

May the places that we frequent be elevating, not inducing laxity, and may we spend more time on our knees than we do at the bar.

May the young people who look up to us as great men never think that we are common clay, and that we are truly models of behaviour for them to follow.—AMEN

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Hoffman, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Beck.

Mr. Clarke, on motion of Mr. Crichton.

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

Mr. Davis, on motion of Mr. Lowrey.

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

Mr. Lindsay, on motion of Mr. Cloyd

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. Levering.

Mr. Rosenthal, on motion of Mr. Beck

Mr. Silliman, on motion of Mr. Grunsky.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

STATE OF CALIFORNIA, DEPARTMENT OF JUSTICE
DIVISION OF NARCOTIC ENFORCEMENT
SAN FRANCISCO, April 10, 1950

*Hon. Sam L. Collins, Speaker
The State Assembly
Sacramento, California*

MY DEAR MR. COLLINS: I have noted with great gratification that the Assembly of the State of California has commended very highly, the Division of Narcotic Enforcement of the Department of Justice, and myself, "for the faithful and efficient service rendered to the people of the State of California," by the adoption of House Resolution No. 43, on the fifth day of April, 1950.

The personnel of this division join me in expressing sincere appreciation for the vote of confidence so graciously extended through this resolution. Our very best wishes to each and every Member of the Honorable Assembly.

Very truly yours,

W. R. CREIGHTON, Chief

By Speaker Sam L. Collins:

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

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO, CALIFORNIA, April 6, 1950

*Hon. Sam L. Collins
Speaker of the Assembly
State Capitol, Sacramento, California*

DEAR MR. SPEAKER: Transmitted herewith are several letters heretofore written to the Speaker, which cover recommendations concerning the completion of the reorganization of the Assembly.

As you know, beginning 1937 the Assembly has adopted from time to time, features of a comprehensive plan of reorganization submitted in 1939. It is my recommendation to the Speaker that these letters be printed in the Journal so that the last few steps that should be taken to complete the reorganization may come before the new House to be created in 1951.

In retiring from this House, it is my earnest recommendation that the work of completion be assigned to certain members in the new House and to appropriate committees. Experience has shown that amidst the confusion surrounding the Legislature, and the pressure of ordinary legislative business, unless there are certain members devoted to the support of such measures they will never be brought up. Of course the correct way is to assign by rule to properly constituted committees, preferably associated with the Committee on Rules, work of this nature so that it may be considered continually as a natural function of the Legislature.

The most important functions which should be adopted in order to complete the reorganization are as follows:

1. The members should support and accept the rules and serve on no more than three standing committees of the Legislature which have regular meeting periods;

2. That the Committees on Agriculture and Livestock and Dairies be consolidated into a committee to be named "Agriculture";

3. That the Committees on Public Health and Social Welfare be consolidated into a committee to be named "Public Health and Welfare";

4. The reorganization of the Rules Committee so as to include three subcommittees, namely, Legislative Organization, House Functions, and Legislative Procedure. The members of the Committee on Legislative Organization would serve as an interim committee and could meet jointly with a similar committee in the Senate Rules Committee.

Statistics for three consecutive bienniums of the Legislature which took cognizance of the request of the members for service on the above mentioned standing committees, show that the consolidation was feasible and desirable in order to get additional meeting periods available on the weekly schedule for heavily burdened committees such as Ways and Means and others. Representatives of the industries and professions affected will now support such consolidation at this time.

For the last eight years the writer has attempted to get these proposals to the floor of the House but has been unable to accomplish this. In fact, the whole reorganization of the Legislature, instead of being adopted as a comprehensive measure, took 13 years. The principal reason for this long and tedious accomplishment is that the organization recommended within the Rules Committee does not exist. Consequently there are no members of the Legislature who are assigned to such regular duties and such action as is taken is done by appointing special committees whose work is generally dissipated by lack of continuity and zeal.

As the final act of my service in this House I recommend to this body the continuation of the effort to accept these reforms.

Respectfully,

CHARLES M. WEBER

(COPY)

December 15, 1948

*Hon. Speaker of the House
and*

Hon. Randal F. Dickey, Chairman of Committee on Rules

HONORABLE SIRs:

Since 1937 the Assembly has been gradually completing the reorganization of the legislative process. The adoption of the amended standing rules of the Assembly by the House during the session of 1947 was an important step in the final reorganization of the Assembly, which left the reorganization plan in the following position:

- (a) The printed form of the rules was simplified by placing them in the categories which related to the functions of the House.

- (b) The rationalized reorganization of the standing committees, through consolidation and elimination of obsolete committees was again adopted.

- (c) The rule limiting the number of committees upon which each member may serve to three was adopted but not used during that session. Consequently, the conflicts in the schedule of committees were still in evidence, in spite of some restraint by the members in selecting their committee assignments.

In order to complete this reorganization, and, further, to eliminate the conflicts in the schedule of the meetings of the standing committees, it is necessary to enforce the rule limiting the number of committees upon which the member may serve to three, excepting for those members who serve on the Rules Committee, whose meetings are not scheduled. Most of the members have orally agreed, as a result of their experience in the last session, to such curtailment.

The present meetings scheduled for the standing committees divides the day into two periods, which permits an arrangement whereby the committees are scheduled to meet on Mondays, Tuesdays, Wednesdays, and Thursdays, leaving Fridays open for additional meetings when required. This was made possible by the above mentioned reorganization during the previous bienniums.

However, experience of the last session shows that it would be well to have additional open spaces in the schedule for heavily loaded committees, for example Ways and Means. This can be achieved by one or two further consolidations; for instance, Agriculture and Livestock and Dairies should be combined. This was acceptable to the present chairmen and may be found acceptable to many members who heretofore have served on a large number of committees and who are now conforming to the rule limiting the number of committees.

In setting up the schedule for the 1947 session, the possibility of this consolidation was considered, and an appropriate arrangement was made so that the meeting of Live Stock and Dairies followed the meeting of the Committee on Agriculture on the same day. Consolidation is recommended for adoption at this session.

A second consolidation to which consideration should be given is that of the Committee on Public Health and Social Welfare into a single committee on Public Health and Welfare. In this regard, I wish to call your attention to the desirability of having experienced members serve on both of these committees. The present trends and portents of legislation in these fields, in my opinion, point to the desirability of having the same experienced members serve on these committees. This would permit a consolidation of the committees, with the result that the intelligent work given by these members would strengthen legislation in these fields. This consolidation would give the additional space in the schedule, and add to the flexibility of the entire system. If this were accomplished, no further changes would be necessary in the schedule, excepting possibly some rearrangement of the meeting periods.

Further, experience shows that in the functioning of the House there are three elements which cannot be set aside because they are inherent in the legislative process, namely: Legislative organizations, house functions, and legislative procedure. It would seem to me that in order that these functions and duties be undertaken by the members, be established with three subcommittees; one on Legislative Organization, one on House Functions, and one on Legislative Procedure. The Chairman of Rules would be a member of each subcommittee, constituting five members.

I am having amendments drawn which, if adopted, would achieve these changes, and will submit them to you for discussion at an appropriate time.

May I express my appreciation to you gentlemen for the direct strides toward completing the reorganization of the House, made during your chairmanships in the past four years. It is my opinion that under your leadership the time is appropriate for these additional changes which will not disturb the concepts of the members, but, none-the-less, will have far reaching effect on the legislative process in years to come.

Respectfully yours,

CHARLES M. WEBER, Chairman
Committee on Legislative Procedure

(COPY)

February 1, 1949

Speaker of the Assembly

President Pro Tem of the Senate

Chairman of the Rules Committee of the Assembly

Chairman of the Rules Committee of the Senate

In the year 1942-1943 the Interim Committee on Legislative Organization of the Assembly, made a report on the procedure of research fact finding in the Legislative Branch of the Government. The report was formulated after consultation with experienced members in both houses and conference with Mr. Fred B. Wood, Legislative Counsel, Mr. Roland Vandegrift, Legislative Auditor, Mr. Joseph Beek, Secretary to the Senate, Mr. Arthur Ohnmus, Chief Clerk of the Assembly, and Mr. Paul Mason, Senate Parliamentarian, acting as secretary of the committee.

The committee recommended that a joint committee of both houses on organization and program be set up to determine methods of accomplishing the objectives of the report.

During the intervening years since the report was made, the increased activities of the interim committees of the Legislature, the breadth and depth of the subjects involving the development of our rapidly growing state have required the assistants to the committees that were qualified in the field of research. Therefore, at the present moment it is of great importance to the legislature to properly solve this problem by sound organization which would satisfy the requirements of the members of both houses. Such organization might proceed in a limited way. The report of the committee on legislative organization points out that "Since 1913, each interim committee, as well as the individual legislator, has had available the Legislative Counsel and his staff to assist it in its work; upon request, advising the committee as to the scope of its duties and powers, studying and reporting upon the state of the law on a given

subject, and putting the committee's recommendations into legislative bill form. This agency has been and is rendering very satisfactory service,"—which has served as a model for similar organization in the field of research.

Subsequent experience and recent conferences leads to the following recommendations to establish permanently the organization for research in the Legislature:

That a Committee on Legislative Organization be set up by each house, preferably as a Subcommittee of the Rules Committee and that each committee be empowered to meet when desired as a Joint Committee on Legislative Organization and Program;

That a Research Council be established consisting of the Legislative Counsel, the Legislative Auditor, and a Research Counselor, by concurrent resolution or statute along the lines suggested by the method which creates the Legislative Counsel.

The Research Council would function somewhat as follows:

A member or a committee would request from any or all of the members of the Research Council assistance;

The work according to its nature would be apportioned by the Research Council to anyone or all of them;

If in the opinion of the Research Council the work could not be accomplished within its organization, then outside aid from research agencies might be sought;

If the Research Council for any reason found itself unable to fulfill the request the member or the committee would further request either Committee on Legislative Organization of its own house or the joint committee on Organization and Procedure to consider the feasibility of the request and provide means for fulfilling it.

The Research Counselor, member of the Research Council might be selected in the beginning by the Legislative Counsel and the Legislative Auditor.

This suggested system has the advantage of satisfying those members who desire to work within their own house as well as those members who feel that the nature of their work should be considered by members of both houses. It should also satisfy those members who wish to maintain the confidential relationship in their requests for information as exemplified by the operations of the Legislative Counsel Bureau. It also permits a division of work within the definite fields of the two assisting agencies, namely, the Legislative Counsel in the field concerned with the making of the laws, the Legislative Auditor in the area concerned with the economy and operations of governmental agencies, and the new Research Counselor in the broad field not encompassed by the other two.

The recommended organization within each house, supplemented by joint action when necessary sets up a committee which would function as a Committee on Inter-House Relationships and also to bring to the individual members and the interim committees such information as has been or will be accumulated in the Research Council. This rather simple organization is well in accord with the experiences of the California State Legislature and brings forward the best of present methods and past experience to establish the procedure of research and fact finding necessary to support the Legislature in its complex and immense tasks.

Submitted herewith are copies of the report of the Committee on Legislation, 1943.

I am requesting the Legislative Counsel Bureau to draw such measures as are necessary to accomplish the objects set forth herein, so that upon reconvening in March the proper committees of both houses will be able to pass upon and amend these measures.

Respectfully,

CHARLES M. WEBER

CC: Legislative Counsel, F. B. Wood
Roland Vandegrift, Legislative Auditor
Assemblyman Richard Dolwig

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 146: By Mr. Sherwin—An act making an appropriation in augmentation of the appropriations in Item 120 of the Budget Act of 1949 and Item 113 of the Budget Act of 1950 for support of the State Board of Equalization, to take effect immediately.

Referred to Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Concurrent Resolution No. 17

And reports the same correctly re-engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 116

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred

Assembly Bill No. 145

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:

WEBER, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 11, 1950

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

Senate Concurrent Resolution No. 8

Senate Joint Resolution No. 7

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary**FIRST READING AND REFERENCE OF SENATE BILLS**

The following resolutions were read:

Senate Concurrent Resolution No. 8—Relative to commending the Pacific Southwest Area Council of Y.M.C.A.'s for sponsoring the Model Legislature.

Referred to Committee on Rules.

Senate Joint Resolution No. 7—Relative to memorializing the President of the United States, the Senate of the United States, and the Senate Committee on Interior and Insular Affairs, concerning statehood for Hawaii and Alaska.

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE**SECOND READING OF ASSEMBLY BILLS****Assembly Bill No. 144**—An act authorizing the sale of property in the County of Fresno and providing for the disposition and use of the proceeds from said sale.

Bill read second time, and ordered engrossed.

Assembly Bill No. 55—An act to amend Sections 16441 and 16443, and to add Article 6, comprising Sections 16501 to 16504 inclusive, to Chapter 3 of Division 8 of the Education Code, relating to the health supervision of public school children, to provide for facilities for detecting and treating children who display tendencies to commit sex offenses, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on March 29, 1950, strike out "16504", and insert "16503".

Amendment No. 2

In line 4 of the title of said bill, strike out ", to provide", and insert "and providing".

Amendment No. 3

In lines 6 and 7 of the title of said bill, strike out ", and declaring the urgency thereof, to take effect immediately".

Amendment No. 4

On page 2, line 7, of said bill, strike out "16504", and insert "16503".

Amendment No. 5

On page 2 of said bill, strike out lines 10 to 20, inclusive, and insert

"Article 6. Impaired Mental Health

16501. Upon the report of the principal of a school that a pupil shows evidence of impaired mental health and that a mental examination is desirable, the governing body of the school district may, with the written consent of the pupil's parent or guardian provide for the mental examination of said pupil.

The principal shall not be liable for damages or for any civil or criminal penalty for any report made in good faith in carrying out the provisions of this section."

Amendment No. 6

On page 2, line 22, of said bill, after "examination", insert ", as provided in Section 16501,".

Amendment No. 7

On page 2, lines 24 and 25, of said bill, strike out "abnormality", and insert "condition of impaired mental health".

Amendment No. 8

On page 2, line 26, of said bill, strike out "the abnormality", and insert "such condition".

Amendment No. 9

On page 2, line 32, of said bill, strike out "an abnormality", and insert "evidence of impaired mental health".

Amendment No. 10

On page 2, line 35, of said bill, strike out "abnormality", and insert "condition"

Amendment No. 11

On page 2, line 36, of said bill, strike out ", if made in writing,".

Amendment No. 12

On page 2, line 40, of said bill, strike out "abnormality", and insert "condition".

Amendment No. 13

On page 2 of said bill, strike out lines 47 to 51, inclusive; and strike out all of page 3

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 48—An act authorizing the sale of property in the County of Fresno and providing for the disposition and use of the proceeds from said sale.

Bill read second time, and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY CONCURRENT RESOLUTION NO. 13 BE STRICKEN FROM FILE

Mr. Levering asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 13 be ordered stricken from the file.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF ASSEMBLY BILLS**

Assembly Bill No. 116—An act to amend Sections 2181 and 2224 of, and to add Sections 2020.01 and 2188 5 to, the Welfare and Institutions Code, relating to aid to the aged in respect to the responsibility of relatives of recipients to contribute to their support and the payment and disposition of the contributions of such relatives.

Bill read third time.

Request for Unanimous Consent That Assembly Bill No. 116 Be Stricken From File

Mr. Morris asked for, and was granted, unanimous consent that Assembly Bill No. 116 be ordered stricken from the file.

THIRD READING OF SENATE BILLS

Senate Bill No. 15—An act to add Section 7043 to the Education Code, relating to the support of the Public School System, 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, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Cloved, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Dills, Dolwig, Elliott, Erwin, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Tomlinson, Weber, Yorty, and Mr. Speaker—55.

NOES—None.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Cloved, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Dills, Dolwig, Elliott, Erwin, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Tomlinson, Weber, Yorty, and Mr. Speaker—55.

NOES—None.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 72**

Mr. Burkhalter asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 72, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 72

By Mr. Burkhalter:

House Resolution No. 72

Relating to an investigation and report concerning the desirability and feasibility of a separation of grade between a certain thoroughfare in Burbank, Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Olive Street in Burbank, Los Angeles County, crosses the tracks of the Southern Pacific Company at grade; and

WHEREAS, The flow of traffic over this thoroughfare across such tracks constitutes a great and increasing hazard to the motoring public using this thoroughfare, now, therefore, be it

Resolved by the Assembly of the State of California, That the appropriate officers of the City of Burbank, the County of Los Angeles, the Southern Pacific Company, the Public Utilities Commission, and the Department of Public Works, Division of Highways, be requested to initiate proceedings for a separation of grade at the above described location and to report to the Assembly not later than January 15, 1951, 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 Burbank, the County of Los Angeles, the Department of Public Works, Division of Highways, and the Southern Pacific Company.

Resolution read, and adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP CONSIDERATION
OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 104**

Mr. Collier asked for, and was granted, unanimous consent that he be permitted to take up the consideration of Senate amendments to Assembly Bill No. 104, temporarily passed on file, at this time.

**CONSIDERATION OF SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 104**

Assembly Bill No. 104—An act to add Section 9906.1 to the Government Code, relating to influencing the legislative process.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 104?

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "No person shall", and insert "It shall be unlawful for any person to".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 104 by the following vote:

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Dill, Dolwig, Fleury, Gaffney, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Kilpatrick, Levering, Lewis, Lincoln, Lowrey, Luckel, McCollister, McMillan, Meyers, Morris, Moss, Porter, Rumford, Sherwin, Smith, Stanley, Tomlinson, and Yorty—45.

NOES—None.

Assembly Bill No. 104 ordered enrolled.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP CONSIDERATION
OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 110**

Mrs. Niehouse asked for, and was granted, unanimous consent that she be permitted to take up the consideration of Senate amendments to Assembly Bill No. 110, temporarily passed on file, at this time.

**CONSIDERATION OF SENATE AMENDMENTS TO
ASSEMBLY BILL NO. 110**

Assembly Bill No. 110—An act to add Sections 14238, 14259, and 14292 to the Health and Safety Code, relating to the financing of public works and improvements by fire protection districts and the levy of taxes to pay principal and interest of bonds issued by such districts, declaring the urgency of this act, to take effect immediately

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 110?

Amendment No. 1

On page 1 of the printed bill, after line 22, insert:

"SEC. 4. Section 14078.1 is added to said code, to read:

14078.1. Whenever the cost of construction of any public works and improvements or the cost of any repairs thereto exceeds the sum of one thousand five hundred dollars (\$1,500) the work shall be done by contract and let to the lowest responsible bidder after notice."

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mrs. Niehouse moved a call of the Assembly.

Motion carried. Time, 10.35 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Bennett, Brady, Burkhalter, Coats, Condon, Cooke, Crichton, Crowley, Dickey, Doyle, Dunn, Evans, Fletcher, Geddes, Hagen, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Maloney, McCarthy, Stewart, Thompson, Waters, and Weber—25.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY
UNANIMOUS CONSENT**

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Meyers 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 NOTICE OF MOTION
TO WITHDRAW ASSEMBLY BILL NO. 121 FROM COMMITTEE**

Mr. Elliott asked for, and was granted, unanimous consent that he be permitted to take up his notice of motion to withdraw Assembly Bill No. 121 from committee, temporarily passed on file, at this time.

MOTION TO WITHDRAW ASSEMBLY BILL NO. 121 FROM COMMITTEE

In compliance with a notice given on a previous day, Mr. Elliott moved that Assembly Bill No. 121 be withdrawn from the Committee on Governmental Efficiency and Economy, and be placed upon the file.

Motion Withdrawn

Mr. Elliott withdrew his motion, and asked for, and was granted, unanimous consent that said motion be ordered stricken from the file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 120

Mr. Smith asked for, and was granted, unanimous consent that he be permitted to take up the consideration of Senate amendments to Assembly Bill No. 120, temporarily passed on file, at this time.

CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL NO. 120

Assembly Bill No. 120—An act to amend Section 6550 of the Streets and Highways Code, relating to the Improvement Act of 1911, and declaring the urgency thereof.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 120?

Amendment No. 1

In line 2 of the title of the printed bill, strike out "the Improvement Act of 1911", and insert "public works and improvements".

Amendment No. 2

In line 3 of the title of said bill, after "thereof", insert ", to take effect immediately".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 120 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Coats, Collier, George D. Collins, Condon, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Doyle, Elbott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—63.

NOES—None.

Assembly Bill No. 120 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 17

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 17, temporarily passed on file, at this time.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to the creation of the Joint Legislative Committee on Child Care Centers.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hagen,

Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Thomas, Thompson, Tomlinson, Weber, and Yorty—52.

NOES—Butters, Hinckley, and Levering—3.

Resolution ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 83

WHEREAS, The Senate has adopted Senate Resolutions Nos. 29 and 30 authorizing the printing of a Supplement to the Annotated Constitution heretofore published and Mason's Manual, for the use of the Members of the Senate, now, therefore, be it

Resolved, That the Chief Clerk of the Assembly be and he is hereby directed to have printed a suitable number of copies of the Supplement to the Annotated Constitution and Mason's Manual, for use of the Members of the Assembly, the cost of such printing to be chargeable to legislative printing.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 83, 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, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Thomas, Tomlinson, Weber, and Yorty—59.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT THAT HOUSE RESOLUTIONS BE TEMPORARILY HELD AT DESK

Mr. Dickey asked for, and was granted, unanimous consent that House resolutions which have just been placed across the desk, reported from the Committee on Rules, be temporarily held at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 22

Assembly Concurrent Resolution No. 23

Assembly Concurrent Resolution No. 24

Assembly Concurrent Resolution No. 25

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, April 12, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 13

Assembly Joint 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, April 12, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Senate Concurrent Resolution No. 8

Senate Concurrent Resolution No. 10

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.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 69

House Resolution No. 80

House Resolution No. 78

House Resolution No. 82

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.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 77

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 Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 144

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 106—An act to amend Section 9906 of the Government Code, relating to influencing legislation;

Assembly Bill No. 117—An act to add Section 1523 to the Welfare and Institutions Code, relating to eligibility for aid to needy children;

Assembly Bill No. 128—An act to amend Sections 10 and 11 of the California Water District Act, relating to delinquent taxes and the redemption of property sold therefor;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of April, 1950, at 11 a. m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 33—An act to amend Section 3075 of the Welfare and Institutions Code, relating to the rules and regulations of the Department of Social Welfare in respect to aid to the needy blind and aid to partially self-supporting blind residents;

Assembly Bill No. 77—An act to amend Sections 14, 25, 26, 29, 35 2, 35.3, 45 5, and 45.7 of, and to add Section 39 2 to, and to repeal Section 36 3 of, the Community Redevelopment Act, relating to redevelopment;

Assembly Bill No. 97—An act to amend Sections 5181, 5241, 5242, 5254, 5835 2, and 6420 of, to add Sections 5226, 5260, and 5375 and Chapter 181 of Part 3 of Division 7 to, and to renumber Section 5135 (as added by Statutes of 1941, Chapter 79) of, the Streets and Highways Code, relating to public works and improvements, and declaring the urgency thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of April, 1950, at 11 a. m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 23—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined;

Assembly Bill No. 24—An act to amend Sections 3081 and 3470 of the Welfare and Institutions Code, relating to applications for aid to the blind;

Assembly Bill No. 30—An act to add Section 3000 to the Welfare and Institutions Code, relating to aid to needy blind persons, and the purpose of the laws relative thereto;

And reports that the same have been correctly enrolled, and presented to the Governor on the twelfth day of April, 1950, at 11 a.m.

GRUNSKY, Vice Chairman

RESOLUTIONS

The following resolution was offered:

By Messrs. Connolly, George D. Collins, McCarthy, Meyers, Maloney, Berry, and Brady:

House Resolution No. 84

Relative to the death of Milton Marks

WHEREAS, It is with a profound feeling of regret that the Members of the Assembly have learned of the death, on April 8, 1950, of Milton Marks, a former Assemblyman and prominent San Francisco attorney; and

WHEREAS, His death at the age of 57 came in the midst of an ever-active career, one in which he was hailed as an impartial labor lawyer, representing major unions as well as major employers; and

WHEREAS, Milton Marks was a graduate of Lowell High School in San Francisco and of University of California at Berkeley and began his law practice in San Francisco in 1915; and

WHEREAS, He was a Member of the Assembly of the State of California in 1916 and 1917, and from 1917 to 1925, as Assistant City Attorney for San Francisco, he spent most of his time in Sacramento as the city's legislative representative; and

WHEREAS, As a supervisor in San Francisco from 1925 to 1929 Milton Marks was largely responsible for the successful acquisition of street and highway improvements and introduced the resolution which inaugurated the city charter adopted in 1932; and

WHEREAS, Milton Marks not only was a great lawyer and legislator, earning the respect and admiration of all who knew him, but was also an active participant in community affairs, and was a Mason and a member of the Press and Commonwealth Clubs; and

WHEREAS, The City and County of San Francisco and the State of California have lost a truly great citizen and leader by the passing of Milton Marks; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby express their deep regret at the passing of Milton Marks and extend their sympathy to his widow, Olga, his son, Milton, his daughter, Eleanor, and his sister, Mrs. Ellis Sadlis; and be it further

Resolved, That when the Assembly adjourns this day it do so in respect to the memory of former Assemblyman Milton Marks; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to Mrs. Milton Marks, Mr. Milton Marks, Jr., Miss Eleanor Marks, and Mrs. Ellis Sadlis

Request for Unanimous Consent

Mr. Connolly asked for, and was granted, unanimous consent to take up House Resolution No. 84, at this time, without reference to committee or file

Resolution read, and adopted unanimously by a rising vote.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENT TO ASSEMBLY BILL NO. 110

At 11.05 a.m., on motion of Mrs. Niehouse, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Assembly concurred in Senate amendment to Assembly Bill No. 110 by the following vote:

AYES—Anderson, Babbage, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—61.

NOES—Beck, Hinckley, Lowrey, and Tomlinson—4.

Assembly Bill No. 110 ordered enrolled.

**Notice of Motion to Reconsider Concurrence in Senate Amendment to
Assembly Bill No. 110**

Mr. Lowrey gave notice that on the next legislative day he would move to reconsider the vote whereby the Assembly, on this day concurred in Senate amendment to Assembly Bill No. 110.

**MOTION THAT ASSEMBLY THIS DAY DO ADJOURN OUT OF
RESPECT TO FRANKLIN DELANO ROOSEVELT**

Mr. Beck moved that when the Assembly adjourns this day, it do adjourn out of respect to the memory of the late Franklin Delano Roosevelt, former President of the United States.

Mr. Geddes seconded the motion.

Motion carried unanimously.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
ASSEMBLY BILL NO. 127**

Mr. Yorty asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 127, temporarily passed on file, at this time.

Hon. Richard H. McCollister Presiding

At 11.12 a.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

CONSIDERATION OF ASSEMBLY BILL NO. 127

Assembly Bill No. 127—An act to add Sections 2506.1, 2506.2, and 2506.3 to the Welfare and Institutions Code, relating to county aid to indigent persons.

Bill read third time.

Speaker Presiding

At 11.17 a.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

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

AYES—Anderson, Berry, Burkhalter, George D. Collins, Condon, Cooke, Crowley, Dills, Doyle, Elliott, Evans, Fletcher, Gaffney, Hawkins, Kilpatrick, Lewis, McMillan, Niehouse, Porter, Rumford, Thomas, and Yorty—22

NOES—Babbage, Beck, Burke, Butters, Cloyed, Coats, Collier, Connolly, Conrad, Crichton, Dickey, Dolwig, Dunn, Erwin, Fleury, Geddes, Grunsky, Hagen, Hansen, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lincoln, Lipscomb, Lowrey, Luckel, McCarthy, McCollister, Moss, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, and Waters—38.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Concurrent Resolution No. 1—Relative to the Joint Rules of the Senate and the Assembly.

Resolution read.

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

AYES—Anderson, Babblage, Beck, Bennett, Berry, Brown, Burke, Butters, Caldecott, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hahn, Hansen, Hawkins, Himekley, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Yorty, and Mr. Speaker—62.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 50

Mr. Waters asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 50, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 50

By Mr. Waters:

House Resolution No. 50

Relative to the adoption of the Permanent Standing Rules of the Assembly for the 1950 First Extraordinary Session

Resolved by the Assembly of the State of California, That the following be, and same are, hereby adopted as the Permanent Standing Rules of the Assembly for the 1950 First Extraordinary Session.

PERMANENT STANDING RULES OF THE ASSEMBLY FOR
THE 1950 FIRST EXTRAORDINARY SESSION

SECTION 1

LEGISLATIVE ORGANIZATION

Assignment of Desks to Members

1. Members shall be assigned to desks by the Chief of the Bureau of Buildings and Grounds, subject to change by the Committee on Rules, and, as far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

Hours of Meeting

2. The session of Assembly shall be daily, beginning at 10 o'clock a.m. (Sundays excepted), unless otherwise ordered by a majority vote of the members present.

RULES

Adoption of Standing Rules

3. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

Suspension of Rules

4. Any standing rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present; provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

5. No standing rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly, and one day's notice must be given on the motion thereof.

Temporary Rules

6. The Committee on Rules may at any time report a temporary rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being.

Parliamentary Rules

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

STANDING COMMITTEES**Standing Committees**

8. For their convenient functioning and in furtherance of the thorough consideration of all bills on a given subject, the several standing committees of the Assembly are respectively grouped into the following categories:

A. LEGISLATURE:

Two committees to consider legislative organization, functions and procedure:

Committee on Rules

There is a Committee on Rules, No. 1, which shall act as an executive committee of the House having the following powers:

To recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

The Committee on Rules shall for the purpose of Joint Rule No. 2 be deemed to be the Rules Committee of the Assembly.

Committee on Legislative Procedure

There is a Committee on Legislative Procedure, No. 2, which shall have and exercise the following powers:

To be the Committee on Engrossment and Enrollment within the meaning of the Joint Rules. It shall be the duty of the Committee on Legislative Procedure to compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported

back in the order in which they were ordered engrossed. The report of the Committee on Legislative Procedure shall be in order at any time.

To assist the Speaker, upon his request, in recommending the reference of bills to the appropriate standing committees.

Twenty-five standing committees of the Assembly are hereby created, upon the several subjects, and numbered respectively, as follows:

1. Rules.
2. Legislative Procedure.
3. Conservation, Planning, and Public Works.
4. Fish and Game.
5. Governmental Efficiency and Economy.
6. Revenue and Taxation.
7. Ways and Means.
8. Education.
9. Crime and Correction.
10. Public Morals.
11. Public Health.
12. Social Welfare.
13. Civil Service and State Personnel.
14. Military Affairs.
15. Municipal and County Government.
16. Elections and Reapportionment.
17. Judiciary
18. Constitutional Amendments.
19. Agriculture.
20. Livestock and Dairies.
21. Public Utilities and Corporations
22. Manufacturing, Oil, and Mining Industry.
23. Industrial Relations
24. Finance and Insurance.
25. Transportation and Commerce.

Prior to the assignment of members to serve on the several standing committees, the Speaker shall consider the preferences of the members with regard to committee assignments, while keeping in view the practical necessity of making assignments so that members will not serve on more than one committee which meets at the same time, and the Speaker thereafter shall determine the number and members to serve on each standing committee. Upon publication in the Journal of the number of members on each standing committee, no further change in the number of members of the committee shall be made otherwise than by a majority vote of the elected membership of the Assembly.

No Member of the Assembly shall be a member of more than three standing committees except that upon appointment by the Speaker or the approval of the House a member may serve on four committees.

There shall be published weekly in the Assembly Weekly History during each session of the Legislature a chart showing the Rational Organization of the Standing Committees of the Assembly and showing Chairman and Vice Chairman, Number of Members, Time of Meeting, Room Number, Total Number of Measures, "referred" and "action pending," and a meeting schedule for each day of the week.

Motions to Change Membership or Numbers of Standing Committees

9. A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

SECTION 2

HOUSE FUNCTIONS

Duties of Assembly Officers

Duties of the Speaker

10. The Speaker shall possess the powers and perform the duties prescribed:

(a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees, and their respective chairmen and vice chairmen.

(f) To propose a schedule of meetings of standing committees

(g) To have general control and direction over the Journals, papers, and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole.

(i) To order the lobby and gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(l) The Speaker shall be ex officio member of all Assembly, joint, and interim committees with all of the rights and privileges of such membership, except the right to vote. In counting a quorum of any such committees, the Speaker shall not be counted as a member.

Duties of the Speaker Pro Tempore

11. The Speaker pro Tempore shall have the powers and perform the duties of the Speaker during his absence.

Duties of the Chief Clerk

12. The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications, and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matters as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches, and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache, or employee for incompetency or dereliction of duty, pending action by the Committee on Rules.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

(h) To certify to the Controller, pay rolls of members and attaches.

(i) To certify all requisitions upon the Controller for the payment of bills incurred by the Assembly.

(j) To order and sign for all documents and printing, subject to approval by the Speaker or the Chairman of the Committee on Rules.

Duties of the Sergeant-at-Arms

13. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Rules.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

Duties of the Chief Assistant Sergeant-at-Arms

13.5. The Chief Assistant Sergeant-at-Arms shall have the powers and perform the duties of the Sergeant-at-Arms during his absence.

Printing

Authority for Printing

14. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be itemized and rendered by the

State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed

15. Unless otherwise restricted by law or by Assembly rule, the style and form of all printing, the quality of paper to be used, the number of copies to be printed of each order, and the number of copies to be delivered to each member shall be decided by the Chief Clerk and approved by the Speaker or the Chairman of the Committee on Rules. All requests by members for additional copies of bills, documents, or other printed matter shall be referred to the Committee on Rules.

Printing Assembly History

16. The Chief Clerk shall cause to be printed and placed on each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measures since the issuance of the preceding Weekly History.

Printing of Maps

17. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Miscellaneous

Admission to Assembly Chamber

18. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Use of Assembly Chamber

19. The Assembly Chamber shall not be used for any public or private business other than legislative matters during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

Persons Admitted to Floor of the Assembly

20. No person other than members, officers, attaches, employees of the Legislature, former Members of the Legislature, and accredited members of the press shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted upon presentation of a guest card of said member countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated in the chairs in back of the rail in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members, nor stand in the rear of the Chamber while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the balcony shall be reserved for those holding guest cards.

Lobbying in the Assembly Chamber

21. All persons appearing or being, or desiring to appear or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption or defeat of any bill, measure, or resolution introduced in, pending before, or being considered by the Assembly or by any committee thereof, or for the purpose of soliciting the vote of any Member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation, or interest; and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses and the persons, corporations, or interest represented by them, shall be kept and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This rule shall not apply to members of either house of the Legislature, to elected state officers, or to individuals of the State of California appearing in their own interest or behalf who are not representing any group, organization, or corporation.

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

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session except those enumerated above; and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule. This rule cannot be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

Smoking in Assembly Chamber

22. Smoking may be prohibited temporarily during any session of the Assembly by a majority vote of the members present.

Fees for Witnesses

23. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of ten dollars (\$10) for each day such witness shall be required to appear, and the sum of five and one-half cents (\$0.05½) for each mile he shall travel in coming to and going from the place of examination.

Press Privileges

24. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks to accredited newspaper representatives authenticated by the standing committee of the Capitol Correspondents' Association; also the necessary rooms for the exclusive use of such accredited press representatives.

SECTION 3 LEGISLATIVE PROCEDURE

Speaker to Call Assembly to Order

25. The Speaker, or in his absence the Speaker pro Tempore, shall, at the hour appointed for meeting, call the Assembly to order. In the absence of both the Speaker and the Speaker pro Tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

The functions of the temporary chairman shall terminate upon return of the Speaker or Speaker pro Tempore.

Roll Call and Quorum

26. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered in the Journal. A majority of all the members elected to the Assembly shall constitute a quorum.

Order of Business

27. The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Introduction and Reference of Bills
6. Reports of Committees
7. Second Reading of Bills
8. Messages from the Governor
9. Messages from the Senate
10. Motions and Resolutions
11. Business on the Daily File
12. Announcements
13. Adjournment

Pledging Allegiance to the Flag

28. On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attaches, and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America.

Reading, Correcting and Approving Journals

29. a. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

b. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

c. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present.

Presentation of Petitions

30. Whenever petitions, memorials, or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Messages From the Governor

31. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by a recorded vote of two-thirds of the elected membership.

Messages From the Senate

32. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills accompanying such messages, which reference shall be entered in the Journal. Assembly bills which have been passed without amendment by the Senate shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills

Bills Defined

33. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided.

Introduction and Reference of Bills

34. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced. If any bill is introduced which does not contain the signature of such author or co-author, the same, on motion of the member whose name appears thereon without such signature, shall be stricken from the file by a recorded vote of a majority of the elected membership. In each legislative session, on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back from Z to A, and as each member's name is called, he may introduce one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk.

When received at the Clerk's desk it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are

appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

Reference of Bills to Committee

35. Immediately following its first reading, the Speaker shall refer each bill to a committee, unless upon a motion the Assembly, by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

Examining of Bills by Legislative Counsel Bureau

36. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly rule.

If, in the opinion of the Legislative Counsel, any correction made by him under the authority of this rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this rule, he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this rule for any period longer than two legislative days.

Standing Committee Functions

Standing Committee Rules

37. The Rules of the Assembly shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

A majority of the committee members present may order a call of the committee.

Meetings of Standing Committees

38. All standing committees shall meet at the hour and the place provided by schedule, unless otherwise ordered by the Assembly. No committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee, by a majority vote of its entire membership, shall order an executive session.

Committee Quorum

39. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business, including the adoption of any amendments to any bill. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

Bills Reported Back to Assembly

40. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule.

Reports of Committees

41. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

Signing Bills Out of Committee

42. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

Committee of the Whole

43. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. While sitting as such committee, persons other than members may address the committee. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered in the Journal except upon motion and a majority vote of the members present.

Committee on Ways and Means

44. The Committee on Ways and Means shall consider all bills to appropriate money, other than the contingent expenses of the Assembly.

Committee Expenditures

45. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly.

Effect of Adoption of These Rules

46. The adoption of the Standing Rules of the 1950 Regular Session shall not be construed as modifying or rescinding the Permanent Standing Rules of the Assembly for the 1949 Regular Session, nor as affecting in any way the status or powers of the interim committees created by those Rules.

Passage of Bills**Daily File**

47. There shall be printed an Assembly Daily File for each legislative day. The Committee on Rules shall have charge of the Daily File of the Assembly. The following listing shall constitute the order of the Daily File.

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

Record of Bills

48. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be endorsed upon such bill.

Second Reading of Bills

49. All bills shall be read the second time in the order of their appearance upon the second reading file. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

Committee Amendments

50. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

Amendments From the Floor

51. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present.

Before debate an extra copy of the proposed amendment must be delivered to the Clerk's desk and made available to the author of the bill. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon second or third reading shall be reprinted and re-engrossed. The Chief Clerk shall order printed not to exceed 1,000 copies of all amended bills.

Inactive File

52. Whenever a bill has been passed twice on third reading file, it shall forthwith be placed upon a special file to be known as the inactive file. When a bill has been placed on the inactive file, it may be returned to the third reading file by a request of the author; but the bill shall then be placed at the foot of the third reading file.

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

53. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

Bills Transmitted to the Senate

54. Upon the final passage of any bill if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Period Prior to Final Adjournment

55. See Joint Rule 23 for provisions governing bills considered during this period.

Concurrence in Senate Amendments

56. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

57. If the Assembly refuse to concur in Senate amendments to an Assembly bill, and when notified that the Senate has refused to concur in Assembly amendments to a Senate bill, the Speaker shall appoint a Committee of Three (3) on Conference, and the Chief Clerk shall immediately notify the Senate of the action taken by the Assembly and request the appointment of a like committee.

Committee on Conference

58. The Speaker, in appointing a Committee on Conference, shall select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

59. The Chairman of the Senate Committee on Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than four of the members constituting the Committee on Conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill. The presentation and consideration of any report of a Committee on Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such conference report by the Assembly shall be deemed the vote upon final passage of such bill.

Engrossing and Enrolling Bills

60. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 9503 of the Government Code, and in the order of time in which the same shall be acted upon by the Assembly.

Enrollment

61. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Sections 9508 and 9509 of the Government Code. The Committee on Legislative Procedure shall report both the day and the hour each enrolled bill is presented to the Governor, which report shall be entered in the Journal.

SECTION 4**PARLIAMENTARY PROCEDURE****Motions and Questions****Precedence of Motions During Debate**

62. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First*—To adjourn;
- Second*—To recess to a time certain;
- Third*—To lay on the table;
- Fourth*—For the previous question;
- Fifth*—To set as a special order;
- Sixth*—To postpone indefinitely;
- Seventh*—To refer or re-refer;
- Eighth*—To amend.

Questions of Order Decided Without Debate

63. All incidental questions of order, arising after a motion is made for any of the questions named in Rule 62 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

64. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and the member taking the appeal may give his reasons for making his appeal, and the Speaker shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal cannot be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question.

An appeal cannot be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

Speaker Explains Order of Business

65. The Speaker may, on his own motion or upon the motion of any Member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

To Adjourn

66. A motion to adjourn is not debatable and cannot be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken shall be entered in the Journal. A motion to adjourn must be adopted by a majority vote of the members present.

When a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. A statement shall not occupy more than two minutes and shall not be debatable.

To Recess to a Time Certain

67. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

68. A motion to lay on the table is not debatable and cannot be amended.

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint, or House resolution.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present.

The Previous Question

69. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

Motion to Set Special Order

70. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

71. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

Motion to Postpone Indefinitely

72. When a motion is made to postpone indefinitely any bill, motion, or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire elected membership, the main question shall not be acted upon again during the session.

Motion to Amend

73. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule, a motion to amend is in order during the second or third reading of any bill.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 68.

Amendment to Be Germane

74. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

Substitute Motion

75. A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

76. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

Constitution of Motions

77. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

Division of Questions

78. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly.

Withdrawal of Motions

79. After a motion is stated by the Speaker, or a bill, resolution, or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

Motion to Be Germane

80. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

Motion to Withdraw and Recall Bills

81. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference, and shall require a recorded vote of a majority of the elected members.

No bill or resolution shall be withdrawn from committee and placed upon the file except upon two days' notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken From File

82. A motion to strike from the file any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

Motion to Rescind Action and Expunge Record

83. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

Whenever any action of the Assembly is rescinded and its record ordered expunged, the record of the action expunged shall not appear in any form whatsoever, but the record of the proceedings on the motion to rescind and expunge shall appear in the Assembly Journal as and when printed. [Amended July 2, 1949, Assembly Journal page 5451.]

Reconsideration of Vote

84. Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so considered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the unfinished business file, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly.

Any member voting on any motion, amendment, concurrence, Assembly resolution or proposition other than a bill, constitutional amendment,

concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected membership, except that it shall require a two-thirds vote of the entire elected membership to reconsider the vote on any matter originally requiring a two-thirds vote for its passage or adoption.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

Call of Assembly

85. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly, and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call, which list of absentees shall be furnished to the Sergeant-at-Arms and printed in the Journal. Thereupon no members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches, or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent, and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call, the Assembly may consider and transact any matter of business by unanimous consent. No call of the Assembly shall be ordered on any matter while the Assembly is already under call. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered shall become the immediate order of business before the Assembly.

Resolutions

86. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

Motions and Resolutions

87. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly rule, any motion or resolution may be adopted by a majority vote of the members present.

Adjournment

88. Adjournment *sine die* shall be ordered by concurrent resolution.

Members' Decorum and Privileges**Order in Speaking to Questions**

89. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration. When two or more members rise at the same time, the Speaker shall designate the member who is entitled to the floor.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and five minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than five minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

Leave of Absence

90. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

Personal Privilege

91. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

Objection to Reading of Any Paper

92. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

Members Called to Order for Transgressing Rules

93. a. If any member transgresses the Rules of the Assembly, the Speaker shall, or any member may, call the offending member to order. The member so called to order shall immediately take his seat, until the Speaker without debate, shall have determined whether he is in order or not. Such decision by the Speaker shall be subject to an appeal to the Assembly.

b. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken

Members Voting

94. Every member in the Assembly Chamber when a roll call is required shall record his vote openly and without debate, unless the Assembly shall, by a majority vote of the members present, excuse him

The name of any member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed in the Journal, provided no such explanation shall exceed 50 words in length.

In addition of the entry of his name in the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker. Censure of a member as provided by this rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed in the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Ayes and Noes

95. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

Voting Not to Be Interrupted

96. When once begun, voting shall not be interrupted, except that before the vote is announced any member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote the Speaker shall inquire if all members have voted. Any member may move a call of the Assembly after the completion of the roll and prior to the final recording, but no member shall be allowed to change his vote, or have his vote recorded after the vote is announced.

Members at Clerk's Desk

97. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

Tie Vote

98. In case of an equal division, or tie vote, the question shall be lost.

"Two-thirds of the Entire Elected Membership" Defined

99. Wherever the words or figures, "two-thirds of the entire elected membership" appear in any rule, it shall mean 54 votes.

100. Pursuant to the powers vested in the Assembly Committee on Rules or the Assembly Legislative Process Committee, and during such times as the Assembly is not in session, the committee is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including repair, alteration, improvement and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol.

Resolution read.

Motion to Amend

Mr. George D. Collins moved the adoption of the following amendments:

Amendment No. 1

Rule Number 12.3 is hereby added, to read:

"12.3. The chairman of each standing committee shall maintain a Register in which all actions taken by the committee regarding each bill referred to the committee shall be entered under the proper bill number. There shall be entered in the Register the names of the members of the committee voting for and against any motion directly affecting the final disposition of each bill. Prior to final adjournment the committee Registers shall be delivered to the Chief Clerk by the chairman."

Amendment No. 2

Rule Number 12.4 is hereby added, to read:

"12.4. As soon as feasible after final adjournment, the Chief Clerk shall compile and publish a suitable number of copies of a record of action by the Assembly on bills introduced at the preceding session. The record shall include all Assembly bills introduced and all Senate bills transmitted by the Senate to the Assembly during the session. The record shall include the following information:

- (1) Bill number and names of authors.
- (2) A brief digest of the bill, using the digests theretofore prepared by the Legislative Counsel so far as feasible.
- (3) Final action, if any, by each Assembly Committee to which the bill is referred, listing the names of the members of committee voting for and against such action.
- (4) Final action, if any, regarding the bill taken on the floor of the Assembly, listing the names of the members voting for and against such action."

Amendments read.

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

AYES—Coats, George D. Collins, Cooke, Elliott, Evans, Fletcher, Hawkins, Lowrey, Luckel, and Moss—10.

NOES—Babbage, Berry, Brown, Burke, Butters, Cloyd, Collier, Connolly, Conrad, Crichton, Crowley, Dickey, Dolwig, Doyle, Erwin, Fleury, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Kilpatrick, Levering, Lincoln,

Lipscomb, Maloney, McCollister, Morris, Niehouse, Porter, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—42.

The question being on the adoption of House Resolution No. 50.

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

AYES—Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Cloyed, Coats, Collier, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Erwin, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Thompson, Waters, Weber, Yorty, and Mr. Speaker—61.

NOES—George D. Collins and Elliott—2.

NOTE—On April 13, 1950, the above Rules were corrected by unanimous consent; and on April 14, 1950, they were adopted, as corrected, by unanimous consent. *See* Assembly Journal, pages 1076 and 1133.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 71

Mr. Crowley asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 71, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 71

By Mrs. Niehouse. Messrs. Crowley, and Cooke:

House Resolution No. 71

Relative to the creation of the Assembly Interim Committee on Social Welfare

WHEREAS, The increasing volume and cost of social legislation designed to aid and assist the aged, blind, and other needy or handicapped citizens requires a careful study to be made of all facts relating thereto; and

WHEREAS, It is necessary that the Assembly be fully informed as to all facts relating to or bearing upon the above, in order that it may intelligently consider any needed expansion, modification, or other change in the law relating to the above which may be necessary to the welfare of the people of this State; now, therefore, be it

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

1. The Assembly Interim Committee on Social Welfare is hereby created and authorized and directed to ascertain, study and analyze all facts relating to social welfare, including but not limited to aid to orphans and other needy children, child care centers, and aid to aged, indigent or blind persons, and 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation.

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof. The chairman shall be appointed by the Speaker. 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 commencement of the 1951 Regular Session, with authority to file its final report not later than the twentieth legislative day of that 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 of 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.

5. The committee has the following additional powers and duties:

(a) To select 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 subpoenas, 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

6 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 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.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure, as printed in the Assembly Journal for April 6, 1950, at pages 864-865, on page 865, in the paragraph numbered "6", first line, strike out "fifteen thousand dollars (\$15,000)", and insert "ten thousand dollars (\$10,000)".

Amendment read, and adopted.

Consideration of Further Amendments

Motion to Amend

Mr. Geddes moved the adoption of the following amendment:

Amendment No. 1

In the resolution, as printed in Assembly Journal for April 6, 1950, on page 864, in the paragraph numbered "1", after "needy children," strike out "*child care centers*,".

Amendment read, and adopted.

Consideration of House Resolution No. 71, As Amended

By Mrs. Niehouse, Messrs. Crowley, and Cooke:

House Resolution No. 71

Relative to the creation of the Assembly Interim Committee on Social Welfare

WHEREAS, The increasing volume and cost of social legislation designed to aid and assist the aged, blind, and other needy or handicapped citizens requires a careful study to be made of all facts relating thereto; and

WHEREAS, It is necessary that the Assembly be fully informed as to all facts relating to or bearing upon the above, in order that it may intelligently consider any needed expansion, modification, or other change in the law relating to the above which may be necessary to the welfare of the people of this State; now, therefore, be it

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

1 The Assembly Interim Committee on Social Welfare is hereby created and authorized and directed to ascertain, study and analyze all facts relating to social welfare, including but not limited to aid to orphans and other needy children, and aid to aged, indigent or blind persons, and 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 to report thereon to the Assembly, including in the reports its recommendations for appropriate legislation

2. The committee shall consist of five Members of the Assembly appointed by the Speaker thereof. The chairman shall be appointed by the Speaker. 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 commencement of the 1951 Regular Session, with authority to file its final report not later than the twentieth legislative day of that 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 of 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.

5. The committee has the following additional powers and duties:

- (a) To select 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 subpoenas, 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.

6 The sum of ten thousand dollars (\$10,000) 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.

Resolution read, as amended.

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

AYES—Anderson, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Coats, Collier, Condon, Connolly, Cooke, Crichton, Crowlev, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lowrey, Maloney, McColister, McMillan, Meyers, Morris, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, Thompson, Weber, and Yorty—45.
NOES—Babbage, Butters, Caldecott, Conrad, Erwin, Grunsky, Hansen, Hineckley, Hoffman, Kirkwood, Levering, Lincoln, Lipscomb, Luckel, McCarthy, Sherwin, Smith, Tomlinson, and Waters.—19.

ANNOUNCEMENT

Mr. Dickey announced that the Senate will reconvene at 4.30 p.m., today, for the purpose of taking action relating to the tobacco tax, and that the Assembly, if it wishes to adjourn by Friday, will be in session this afternoon for the purpose of taking all possible action on matters now pending.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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. 3—An act to amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives

And appointed Senators Weybriet, Ward, and Watson 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. 3

The Speaker announced the appointment of Mrs. Niehouse, Messrs. Kilpatrick, and Levering as a Committee on Conference concerning Senate Bill No. 3.

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

The following resolution was offered :

Assembly Concurrent Resolution No. 26: By Mr. Waters—Relative to the Joint Interim Committee on Interstate Cooperation.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered :

By Mr. Crowley :

House Resolution No. 85

Relative to congratulating and commending Mrs. Lillian McClure

WHEREAS, Mrs. Lillian McClure, Assistant to the Chief, Division for the Blind, State Department of Social Welfare, has capably and faithfully served the needy blind men and women of California for the past 20 years; and

WHEREAS, Mrs. McClure's continuous state service in the Division for the Blind, State Department of Social Welfare, has provided a desirable continuity in this State's social welfare programs for the blind;

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

1. The Assembly extends greetings and commendation to Mrs. Lillian McClure upon the completion of 20 years' service in behalf of this State's needy blind men and women.

2. The Clerk of the Assembly is hereby requested to send a copy of this House resolution to Mrs. McClure.

Resolution read, and ordered referred to the Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Concurrent Resolution No. 23

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolution ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Joint Resolution No. 13

Assembly Joint Resolution No. 14

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolutions ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 136—An act relating to licenses to conduct horse racing meetings at which wagering on the results of horse races is permitted, to provide for the licensing of such meetings and for fees for such licenses in the event that the provisions of law applicable thereto should be finally determined to be unconstitutional, void, or otherwise inoperative, and in such event to validate all licenses issued and all apportionments of racing dates awarded prior to such final determination and for the foregoing purposes to amend Section 19480 and to amend and renumber Sections 19480.5, 19481, 19482, 19483, 19484, 19485, 19485 1, 19486, 19487, 19488, 19489, and 19490 of the Business and Professions Code, relating to horse racing meetings, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the twelfth day of April, 1950, at 12 m.

GRUNSKY, Vice Chairman

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP REPORT OF COMMITTEE ON CONFERENCE CONCERNING ASSEMBLY BILL NO. 74

Mr. Kirkwood asked for, and was granted, unanimous consent that he be permitted to take up the Report of the Committee on Conference concerning Assembly Bill No. 74, temporarily passed on file, at this time.

CONSIDERATION OF REPORT OF COMMITTEE ON CONFERENCE CONCERNING ASSEMBLY BILL NO. 74

By unanimous consent, the report of the Committee on Conference concerning Assembly Bill No. 74 was ordered printed in the Assembly Journal of yesterday, Tuesday, April 11, on pages 972, 973 and 974, with action deferred upon said report until today. Consideration of this report, at this time, includes minor changes in proposed amendments as previously printed by unanimous consent.

Report of Committee on Conference

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 11, 1950

MR. SPEAKER: The Committee on Conference concerning:

Assembly Bill No. 74—An act to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906 1, 9906 5, 9909, 9910, and 9911 to, the Government Code, relating to influencing the legislative process consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill be further amended as follows:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on April 5, 1950, after "Sections", insert "9900,".

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. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1. Section 9900 of the Government Code is amended to read:

9900. When used in this chapter

(a) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution.

(b) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(c) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(d) The term "Clerk" means the Chief Clerk of the Assembly of the State of California or such other person as the most recent Rules of the Assembly then designate, and the term "Secretary" means the Secretary of the Senate [.] of the State of California or such other person as the most recent Rules of the Senate then designate.

(e) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either house of the Legislature, and includes any other matter which may be the subject of action by either house.

(f) The term "political committee" includes any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and

vice presidential electors, or any duly authorized committee or subcommittee of a political party whether national, state, or local.

SEC. 15. Section 9901 of said code is amended to read: "

Amendment No. 3

On page 2, line 19, of said bill, after "month", insert "succeeding a month during any part of which the Legislature was in session and at other times during the year between the first and tenth day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year"

Amendment No. 4

On page 3 of said bill, between lines 10 and 11, insert "He shall also state at the same time and in the same manner the name and address of each person, whether registered under this section or not, who is to receive or to whom he has promised any portion of the compensation or fee which he receives or has been promised for his services in attempting to influence legislation or approval or veto thereof by the Governor."

Amendment No. 5

On page 3 of said bill, strike out lines 14 to 16, inclusive, and insert "person so registering shall, so long as his activity continues, file with the Clerk and Secretary between the first and tenth day of each calendar month succeeding a month during any part of which the Legislature was in session and at other times during the year between the first and tenth day of the month next following the close of each calendar quarter, provided that the statement filed in January shall be cumulative for the next preceding calendar year, a report under oath of all compensation received by him attributable to influencing legislation or approval or veto thereof by the Governor and of all".

Amendment No. 6

On page 3, line 17, of said bill, after "him", insert ", exclusive of bona fide expenditures for his personal sustenance, lodging, travel, office expense, and purely clerical assistance,".

Amendment No. 7

On page 3, line 18, of said bill, strike out "is", and insert "or quarter, as the case may be, in".

Amendment No. 8

On page 3, line 20, of said bill, after "purposes", insert "; the name and address of each registered or unregistered person not stated at the time of registering or in a previous report who is to receive or to whom he has promised any portion of the compensation or fee which he receives or has been promised for carrying on his work".

Amendment No. 9

On page 3, line 41, of said bill, after "legislation", insert ", not to a person when representing a bona fide church solely for the purpose of protecting the public right to practice the doctrines of such church".

Amendment No. 10

On page 3, line 41, of said bill, after the period, insert "The provisions of this chapter applicable to persons registered under this section are applicable to all persons, whether registered or not, who receive or who have been promised any compensation or other thing of value for services rendered by any person registered under this section in attempting to influence legislation or approval or veto thereof by the Governor and are applicable to all such persons who receive or who have been promised any portion of the compensation or fee which a person registered under this section receives or has been promised for such services "

Amendment No. 10A

On page 4, line 28, of said bill, after "of", insert "the foregoing sections of"

Amendment No. 10B

On page 4, line 31, of said bill, after "requirement", insert "of the foregoing sections".

Amendment No. 11

On page 5, line 43, of said bill, strike out "unduly"

Amendment No. 12

On page 7 of said bill, between lines 2 and 3, insert

"SEC. 12. This act shall be known and may be cited as the Erwin Act of 1950 "

MAYO
BURNS
REGAN

ERWIN
HAWKINS
KIRKWOOD

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Kilpatrick, Kirkwood, Levering, Lincoln, Lipscomb, Luckel, McCarthy, McCollister, McMillan, Meyers, Niehouse, Porter, Rufford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—59

NOES—Coats, George D. Collins, Hagen, Lowrey, and Moss—5.

Request for Unanimous Consent That Names Be Placed Upon Roll Call on Report of Committee on Conference Concerning Assembly Bill No. 74

Messrs. Burkhalter, Yorty, and Tomlinson asked for, and were granted, unanimous consent, that their names be placed upon the roll call on the report of the Committee on Conference concerning Assembly Bill No. 74, and that they be recorded as voting, "Aye."

CONSIDERATION OF DAILY FILE (RESUMED)

UNFINISHED BUSINESS (RESUMED)

MOTION TO RECONSIDER REFUSAL TO CONCUR IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 103

In compliance with a notice given on a previous day, Mr. Collier moved that the vote whereby the Assembly refused to concur in Senate amendments to Assembly Bill No. 103 be reconsidered.

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

AYES—Beck, Burke, Butters, Caldecott, Collier, Condon, Conrad, Cooke, Grunsky, Hagen, Hahn, Hunkley, Kirkwood, Lowrey, McCarthy, McCollister, Moss, Rufford, Sherwin, Stanley, Waters, and Weber—22

NOES—Berry, Brady, Burkhalter, Cloyd, Coats, George D. Collins, Connolly, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Erwin, Evans, Fletcher, Gaffney, Grant, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lincoln, Lipscomb, McMillan, Meyers, Niehouse, Porter, Smith, Stewart, Thomas, Tomlinson, Yorty, and Mr. Speaker—37.

Appointment of Committee on Conference Concerning Assembly Bill No. 103

The Speaker announced the appointment of Messrs. Collier, Connolly, and Burkhalter as a Committee on Conference concerning Assembly Bill No. 103.

RECESS

At 12.18 a.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

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Education, to which was referred:
Senate Bill No. 47

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

DUNN, Chairman

Above reported bill ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Concurrent Resolution No. 22

Assembly Concurrent Resolution No. 24

Assembly Concurrent Resolution No. 25

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported resolutions ordered on file for adoption.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 28

Assembly Bill No. 31

Assembly Bill No. 32

Assembly Bill No. 45

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day rescinded its action whereby it adopted the Conference Report concerning Assembly Bill No. 74 on April 11, 1950**Assembly Bill No. 74**—An act to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906.1, 9906.5, 9909, 9910, and 9911 to the Government Code, relating to influencing the legislative process

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day, subsequent to rescinding its action whereby it adopted a Conference Committee report concerning Assembly Bill No. 74, submitted on April 11, 1950, adopted a report of the Committee on Conference concerning Assembly Bill No. 74, submitted on this day, April 12, 1950.**Assembly Bill No. 74**—An act to amend Sections 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906.1, 9906.5, 9909, 9910, and 9911 to the Government Code, relating to influencing the legislative process.

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Assembly Bill No. 74 ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 20

Assembly Bill No. 129

Assembly Bill No. 143

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Concurrent Resolution No. 11

Assembly Concurrent Resolution No. 18

Assembly Joint Resolution No. 8

Assembly Joint Resolution No. 10

Assembly Joint Resolution No. 11

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 80

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

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

Above bill ordered to unfinished business file.

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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

Assembly Bill No. 49

Assembly Bill No. 124

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

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

Above bills ordered to unfinished business file.

**NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 133
FROM COMMITTEE**

Mr. Elliott gave notice that on the second legislative day he would move to withdraw Assembly Bill No. 133 from the Committee on Ways and Means, and have it placed upon the file.

MEMBER EXCUSED

At 3.06 p.m., Mr. Butters asked for, and was granted, unanimous consent that Mr. Erwin be excused, for the balance of the legislative day, because of illness.

**REASON FOR ABSENCE OF MEMBERS ORDERED
NOTED IN THE JOURNAL**

Speaker Sam L. Collins ordered that it be noted in the Journal that the reason for the absence of Messrs. Beek, Smith, and Dickey from the Assembly Chamber, at this time, is for the purpose of attending a meeting of the State Building and Allocation Board.

BILLS CONSIDERED, OUT OF ORDER, BY UNANIMOUS CONSENT

The following bills and resolutions were ordered considered, out of order, by unanimous consent:

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 24

Assembly Concurrent Resolution No. 24—Relative to approving a certain amendment to the charter of the City of Santa Clara, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the third day of April, 1950.

Resolution read.

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

AYES—Anderson, Berry, Brady, Brown, Burke, Butters, Cloyd, Coats, Conolly, Conrad, Cooke, Crichton, Dickey, Dills, Dolwig, Doyle, Elliott, Fleury, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh,

Kirkwood, Lincoln, Lindsay, Lowrey, Luckel, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Sherwin, Stanley, Stewart, Thomas, Thompson, Weber, and Mr. Speaker—47.

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 23

Assembly Concurrent Resolution No. 23—Relative to requesting the California Highway Commission and the Department of Public Works to survey a highway route to the Colorado River in Imperial County.

Resolution read, and adopted unanimously.

Resolution ordered transmitted to the Senate

MEMBER EXCUSED

At 3.12 p.m., Mr. Thompson asked for, and was granted, unanimous consent that Mr. Kirkwood be excused, for the balance of the legislative day, because of legislative business elsewhere.

FURTHER CONSIDERATION OF BILLS AND RESOLUTIONS, (OUT OF ORDER, BY UNANIMOUS CONSENT)

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 22

Assembly Concurrent Resolution No. 22—Relative to the establishment of a thorough and coordinated program of research and experimentation in all phases of agricultural aviation.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT REASON FOR ABSENCE OF MEMBERS BE NOTED IN THE JOURNAL

Mr. Brown asked for, and was granted, unanimous consent that it be noted in the Journal that the following members have been delayed in their attendance in the Assembly Chamber this afternoon because they have been present in the meeting of the Committee on Judiciary: Messrs. Brady, Babbage, Brown, Caldecott, Waters, Connolly, Grunsky, Tomlinson, Smith, Bennett, and Dolwig.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 13

Assembly Joint Resolution No. 13—Relative to the repeal of the federal excise tax on automobiles.

Resolution read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Morris moved a call of the Assembly.

Motion carried. Time, 3.22 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Babbage, Bennett, Brown, Burkhalter, Caldecott, George D. Collins, Condon, Connolly, Conrad, Crowley, Dickey, Dolwig, Dunn, Evans, Fletcher, Kilpatrick, Levering, Lewis, Lindsay, Lipscomb, Maloney, McCarthy, Stewart, Tomlinson, and Yorty—25.

**PROCEEDINGS UNDER CALL OF THE ASSEMBLY
BY UNANIMOUS CONSENT**

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Coats 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 BILLS AND RESOLUTIONS,
(OUT OF ORDER, BY UNANIMOUS CONSENT)**

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 25

Assembly Concurrent Resolution No. 25—Welcoming to California Malcolm R. Giles, Director General, Loyal Order of Moose.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Senate Bill No. 6

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.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER. Your Committee on Rules, to which was referred:

House Resolution No. 85

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

DICKEY, Chairman

**CONSIDERATION OF HOUSE RESOLUTION NO. 85
(BY UNANIMOUS CONSENT)**

By Mr. Crowley:

House Resolution No. 85

Relative to congratulating and commending Mrs. Lillian McClure

WHEREAS, Mrs. Lillian McClure, Assistant to the Chief, Division for the Blind, State Department of Social Welfare, has capably and faithfully served the needy blind men and women of California for the past 20 years; and

WHEREAS, Mrs. McClure's continuous state service in the Division for the Blind, State Department of Social Welfare, has provided a desirable continuity in this State's social welfare programs for the blind;

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

1 The Assembly extends greetings and commendation to Mrs. Lillian McClure upon the completion of 20 years' service in behalf of this State's needy blind men and women.

2. The Clerk of the Assembly is hereby requested to send a copy of this House resolution to Mrs. McClure.

Resolution read, and adopted unanimously.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 47—An act to amend Sections 5048, 5050, 5059, 5061, 5065, 5072, and 5073 of the Education Code, relating to school district public works, declaring the urgency thereof to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 6—An act to amend Section 290 of the Penal Code, relating to registration of sex offenders and sexual psychopaths.

Bill read second time.

Motion to Amend

Mr. Smith moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 2, of the printed bill, as amended in the Senate on March 31, 1950, strike out "sheriff of such county, except that in a"; and strike out lines 3 and 4, and insert "chief of police of the city in which he resides or the sheriff of the county if he resides in an unincorporated area."

Amendment No. 2

On page 3, line 2, of said bill, strike out "penal institution", and insert "jail, prison, school, road camp, or other institution".

Amendment No. 3

On page 3, line 9, of said bill, strike out "warden or superintendent of the institution", and insert "official in charge of the place of confinement".

Amendment No. 4

On page 3, line 10, of said bill, strike out "warden or superintendent", and insert "official".

Amendment No. 5

On page 3, line 14, of said bill, strike out "warden or superintendent", and insert "official in charge of the place of confinement or hospital".

Amendment No. 6

On page 3, line 18, of said bill, strike out "warden or superintendent", and insert "official in charge of the place of confinement or hospital".

Amendment No. 7

On page 3 of said bill, strike out lines 19, 20, and 21, and insert "person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release."

Amendment No. 8

On page 3, line 33, of said bill, after "report", insert "within three days".

Amendment No. 9

On page 3 of said bill, strike out lines 36, 37, and 38, and insert "person, and shall send two copies to the State Bureau of Criminal Identification and Investigation, which bureau, in turn, shall forward one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon his discharge, parole, or release."

Amendment No. 10

On page 3, line 44, of said bill, strike out "sheriff", and insert "registering law enforcement agency".

Amendment No. 11

On page 3 of said bill, strike out lines 46 to 48, inclusive, and insert "tigation."

Amendment No. 12

On page 4 of said bill, strike out lines 8 to 18, inclusive, and insert "If any person required to register hereunder changes his residence address he shall inform, in writing within ten days, the law enforcement agency with whom he last registered of his new address. The law enforcement agency shall, within three days after receipt of such information, forward it to the State Bureau of Criminal Identification and Investigation. The State Bureau of Criminal Identification and Investigation shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence."

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

**FURTHER PROCEEDING UNDER CALL OF THE ASSEMBLY DISPENSED
WITH ON ASSEMBLY JOINT RESOLUTION NO. 13**

At 3.55 p.m., on motion of Mr. Morris, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and Assembly Joint Resolution No. 13 refused adoption by the following vote:

AYES—Anderson, Bennett, Berry, Brady, Burke, Burkhalter, Collier, Crichton, Crowley, Dills, Doyle, Elliott, Fletcher, Grant, Hahn, Hawkins, Hoffman, Hollibaugh, Levering, Luckel, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Thomas, Thompson, Weber and Yorty—30.

NOES—Babbage, Beck, Brown, Butters, Caldecott, Cloyd, Coats, Conrad, Cooke, Dolwig, Fleury, Gaffney, Geddes, Grunsky, Hagen, Hansen, Hineckley, Lincoln, Lipscomb, Lowrey, McCarthy, Moss, Rumford, Sherwin, Smith, Stanley, Stewart, Tomlinson, and Waters—29.

**FURTHER CONSIDERATION OF BILLS AND RESOLUTIONS,
(OUT OF ORDER, BY UNANIMOUS CONSENT)**

CONSIDERATION OF HOUSE RESOLUTION NO. 77

By Messrs. Burkhalter, Beck, Levering, Grant, and McMillan:

House Resolution No. 77

Relating to a survey and cost estimate by the Department of Public Works, Division of Highways, for a new State Highway from Route No. 2 to Route No. 60, in Los Angeles County

WHEREAS, The increasing flow of traffic in the area makes imperative the establishment of a new State Highway Route from State Highway Route No. 2 in the vicinity of Reseda Boulevard to State Highway Route No. 60 in the vicinity of Santa Monica and Sunset Boulevard; and

WHEREAS, It is desirable to establish the most feasible location of such highway route, due consideration being given to the relative cost of each possible location; now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Public Works, Division of Highways, is requested and directed to make a survey of the several possible locations of such proposed State Highway Route together with an estimate of the cost of acquisition and construction of each such location and to report to the Assembly not later than January 15, 1951; and, be it further

Resolved, That the Chief Clerk of the Assembly is requested to deliver copies of this resolution to the Department of Public Works, Division of Highways and to the California Highway Commission.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

In the measure as printed in the Assembly Journal for April 11, 1950, at pages 977 and 978; on page 978, in the first "Resolved" clause, line 2, strike out "and directed".

Amendment read, and adopted.

House Resolution No. 77 ordered temporarily passed on file.

COMMUNICATIONS

By the Chief Clerk:

A communication from the Department of Public Works of the State of California by Gordon Zander, Principal Hydraulic Engineer, relative to a water hearing to be held by the Division of Water Resources in Sacramento for the period of May 15th to May 19th, inclusive, and requesting use of Capitol Building accommodations, was received, and ordered referred to the Committee on Rules.

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

Mr. Sherwin 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:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA

OFFICE OF LEGISLATIVE COUNSEL

SACRAMENTO 2, CALIFORNIA, April 8, 1950

*Hon. Marvin Sherwin**Assembly Chamber*

OATH OF OFFICE—No. 1220

DEAR MR. SHERWIN:

Question

You have asked whether it is legally feasible to amend or supplement the law of perjury in this State to provide that any person who, at the time he takes the constitutional oath of office, advocates or is a member of any organization that espouses activities destructive to government, is guilty of perjury or is guilty of a crime entailing the same punishment as does perjury.

Opinion

It is our opinion that legislation may be enacted to accomplish, in certain instances, the objects outlined above. In our analysis, we will discuss the extent to which the law of perjury may be supplemented and the various legal problems to be considered in the enactment of such legislation.

Analysis

(1) *May the language of the constitutional oath be varied to include a statement of present or past conduct?*

Section 3, Article XX of our Constitution provides:

"Sec 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation;

" 'I do solemnly swear (or affirm, as the case may be,) 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 -----, according to the best of my ability.'

"And no other oath, declaration, or test, shall be required as a qualification for any office or public trust."

In *Cohen vs. Wright* (1863), 22 Cal 293, at 310, the court in discussing the above provision of the Constitution said:

"In our judgment it was not intended to limit the action of the Legislature to the particular set form of words used in the Constitution, and it is clearly within their power to prescribe any form, so that they do not go beyond the intent, object, and meaning of the Constitution."

It should be noted that the court recognized only the power of the Legislature to prescribe such additional words as "do not go beyond the intent, object, and meaning of the Constitution."

The oath as prescribed by Section 3, Article XX relates to future conduct,

"I will support the Constitution * * *".

and

"I will faithfully discharge the duties * * *".

The court in *Cohen vs Wright*, supra, by dictum expressed a doubt as to the validity of portions of a supplemental oath for attorneys which related to present and past conduct but did not hold those portions of the oath invalid. While the courts have not refuted that dictum, we believe that to vary the language of the constitutional oath to relate to present or past conduct would be to require another oath and hence contravene the provisions of Section 3, Article XX.

(2) *Assuming that the constitutional oath may not be substantially altered by statute, may the elements of the crime of perjury be supplemented to include the taking of the constitutional oath by a person who is a member of an organization that espouses activities destructive of government?*

The following sections now appear in the Penal Code:

"118. Every person who, having taken an oath that he will testify, declare, depose, or certify truly before any competent tribunal, officer, or person, in any of the cases in which such an oath may by law be administered, wilfully and contrary to such oath, states as true any material matter which he knows to be false, is guilty of perjury."

"119. The term 'oath', as used in the last two sections, includes an affirmation and every other mode authorized by law of attesting the truth of that which is stated."

"120. So much of an oath of office as relates to the future performance of official duties is not such an oath as is intended by the two preceding sections"

In the annotated edition of the 1872 Penal Code, Section 120 was followed by a note by the California Code Commission to the effect that the definition of perjury can not properly include the violation of the oath of office by misconduct in the office.

In order to find a person guilty of perjury it must be established that he, while under oath, stated as true a material matter which he knew to be false.

Assuming that the perjury laws were applicable to the oath of office, we believe that a person who took the constitutional oath of office with no intent to fulfill his promise would be stating as true a material matter which he knew to be false and would be guilty of perjury. However, proving such a crime requires the proof of a person's state of mind at the time he took the oath. The possible difficulties in proving the person's state of mind raises the question as to whether that proof could be aided by establishing presumptions.

The Legislature in establishing a presumption or in changing the burden of proof has considerable latitude. However, it is "essential that there shall be some rational connection between the fact proved and the ultimate fact presumed, and that the inference of one fact from proof of another shall not be so unreasonable as to be a purely arbitrary mandate." *Mobile, Jackson & Kansas City Railroad Co. vs. Turnipseed* (1910) 219 U. S. 35, 43.

Thus each presumption must be considered in the light of the facts to be proven and their relationship to the ultimate fact presumed therefrom, in this case, its relationship to the ultimate fact that the individual misrepresented his state of mind when he took the oath of office.

It is our opinion that the courts would find a rational connection between the facts proved and the ultimate fact where the presumption arose upon proof that the person engaged in *unlawful* subversive activities shortly before and after the taking of the oath.

Likewise, we believe that the courts would probably find a rational connection between the facts proved and the ultimate fact if the presumption arose upon proof that the person, before and after the taking of the oath, engaged in certain defined subversive activities, which are *not themselves unlawful*, but which *could be made unlawful*.

On the other hand, we believe it extremely doubtful that the courts would sustain a presumption which arose upon proof that the person, before and after taking the oath, engaged in certain subversive activities, which are *not themselves unlawful*, and which *could not be made unlawful*.

A statute might also be enacted to provide that a person would be presumed to have misrepresented his state of mind and did not intend to fulfill the terms of the oath, if it were proven that he was a member of a subversive organization at the time he took the oath.

In order to connect the facts proved with the ultimate fact in such cases, two successive presumptions must be made. From the facts proved, the membership in an organization which is subversive, it would have to be presumed that the person knew of and subscribed to the subversive objectives of the organization. From that presumed fact it would have to be presumed that, because of his beliefs, the person had no intent to fulfill his promises at the time he took the oath of office. This results in a presumption being based upon another presumption, which courts have generally agreed cannot be upheld. A presumption must be based upon a fact or facts, not on a presumption. *Puckhaber vs. Southern Pacific Railroad Company* (1901) 132 Cal. 363, 366.

The foregoing discussion indicates that the use of statutory presumptions is limited and suggests that the legal feasibility of defining a new crime should be considered.

(3) *What are the constitutional limitations to be considered in the enactment of a statute declaring it a crime for certain persons to take the constitutional oath?*

Any statute prohibiting certain persons from taking the constitutional oath must not impose, directly or indirectly, any "oath, declaration or test" other than the oath authorized by our State Constitution (Sec. 3, Art. XX).

Another limitation upon such a statute is that it must not contravene the due process clause of the Fourteenth Amendment of the Constitution of the United States.

The due process clause first requires that the means adopted be reasonably necessary and appropriate for the accomplishment of a legitimate object falling within the domain of the police power *Buchanan vs. Warley* (1917) 245 U. S. 60.

The apparent object of a statute which would prohibit certain persons from taking the constitutional oath is to prevent disloyal persons from holding certain high offices. While it seems clear that such an object is within the domain of the police power, this limitation of the due process clause requires that the means adopted be reasonably necessary and

appropriate, which can be determined only upon consideration of each particular statute.

The due process clause also requires that the statute be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties and be couched in such terms that are not so vague that men of common intelligence must necessarily guess its meaning and differ as to its application. *Whitney vs. California* (1934) 274 U. S. 357. The requirement that the statute be explicit, can be met, we believe, by employing language now used in similar statutes. For example, Section 18200 of the Government Code provides:

“A person shall not be knowingly employed by any state agency or court who either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition, or treason against the Government of the United States or of this State * * *.”

Section 2540.4 of the Elections Code provides:

“Notwithstanding any other provisions of this code, no party shall be recognized * * * which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the Government of the United States or of this State.”

(See *Communist Party vs. Peek* (1942), 20 Cal. 2d 536 at 551.)

A statute employing such language could be directed against any person (a) because of his membership in any organization engaged in subversive activities or (b) because of his own subversive activities. The legal feasibility of the two types of statutes is discussed below.

(4) *Is it legally feasible to enact a statute making it illegal for any member of an organization engaged in subversive activities to take the constitutional oath?*

We are of the opinion that such a statute would contravene the provisions of Section 3, Article XX, of the Constitution of California which provides that “no other oath, declaration, or test shall be required as a qualification for any office or public trust.”

We base our conclusion on the belief that a statute in attaching a penalty to the taking of the constitutional oath while a member of a subversive organization indirectly imposes a “test” as a qualification for public office.

In *Attorney General vs. Detroit Common Council* (1885), 58 Mich. 213, the court stated that “test,” as used in Section 2, Article XVI of the Michigan Constitution, includes inquiries into party affiliation or religious opinions. This section, like Section 3, Article XX of our State Constitution prescribes an oath of office and provides that no other oath, declaration, or test shall be required.

In *Rogers vs. City of Buffalo* (1888), 3 N.Y.S. 671, the court stated that the provisions of Section 1, Article XIII of the Constitution of New York describing the form of oath to be taken by officers and providing a similar limitation was evidently intended to prevent the sub-

jection of an official to any ordeal to ascertain his political, religious, or social views.

We are not aware of any California cases defining the scope of "test" as used in Section 3, Article XX. However, in *Bradley vs. Clark* (1901), 133 Cal. 196, the court, in considering a Purity of Electors Law which required as a prerequisite to office that the successful candidate file a sworn statement relating to campaign expenses, stated at page 201:

"Had our Constitution merely declared, as some do, that no other 'test' than the one prescribed should be exacted of an officer elect, it might then be argued with some force that it had reference to such tests, in their nature religious, as those required by the act of Charles II, directed against Roman Catholics and dissenters, which remained a blot upon the English statute-books until 1828. But the Constitution has designedly said, not alone that no other test should be required, but that no other 'oath or declaration' should be exacted. This language leaves as the only matter for determination the single question, whether this act does impose an oath or test substantially differing from that prescribed by the Constitution. (*Cohen vs. Wright*, 22 Cal. 294.) That it does prescribe a substantially different oath, in addition to that made exclusive by the language of the Constitution, the very reading of the section makes manifest. But, in holding that the Legislature may not prescribe this additional oath upon a successful candidate as a prerequisite to his right to take office, and as an additional qualification to those enunciated by the Constitution, we do not mean to be understood as saying that the Legislature may not with propriety provide that a candidate shall forfeit his office for the doing of any of the inhibited acts, or for the failure to do any of the required acts set forth in the Purity of Elections Act. The Legislature would have the undoubted power to require an officer elect to file just such a statement as the law now prescribes, and to provide that for a failure so to do he should forfeit his office, or his right to office; but, under the strict mandate of the Constitution, it has no right to exact this different and additional oath or affirmation before the taking of office, as a prerequisite thereto. So much, therefore, of the act as requires the candidate to support his statement by the above-quoted oath as a prerequisite to the right to take office is void."

In view of the above, we are of the opinion that the courts would hold that Section 3, Article XX, prohibits the disqualification of persons from public office by imposing a penalty upon them for taking the constitutional oath while a member of an organization which was engaged in subversive activities. Since the taking of the oath is required to qualify for certain offices, it would appear that a statute imposing such a penalty would constitute a "test," contravening Section 3, Article XX.

Even assuming that the courts did not consider such a requirement a "test" in contravention to Section 3, Article XX, it is doubtful whether a court would find that the means adopted were reasonably necessary and appropriate for the accomplishment of the object of the statute. (See *De Jonge vs. Oregon* (1937), 299 U. S. 353)

(5) *Is it legally feasible to enact a statute making it illegal for any person who is engaged in any subversive activities to take the constitutional oath of office?*

As indicated in Question (3), a statute to prohibit certain classes of persons from taking the constitutional oath in effect imposes additional qualifications for public office, which generally the Legislature may do. However, the Legislature in defining qualifications for office or a particular office may not prescribe arbitrary tests *Barker vs. People* (1824) 3 Cowen (N. Y.) 686.

While we are not aware of any decision in which the point has been specifically considered, we believe that a distinction may be made between a statute which would prohibit the taking of a constitutional oath by any person engaging in any lawful activity and a statute directed against any person engaging in any unlawful activity.

We believe that the courts would consider arbitrary any statute which would disqualify from public office any person because of his lawful activities

On the other hand, Section 11, Article XX of the State Constitution provides that laws shall be made to exclude from office persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. Pursuant to this section, the Legislature has enacted Section 1021 of the Government Code to provide:

“A person is disqualified from holding any office upon conviction of designated crimes as specified in the Constitution and laws of the State.”

It is to be noted that criminal syndicalism is not one of the “designated crimes as specified in the Constitution and laws of the State.” However, since a conviction for criminal syndicalism, like a conviction for any of the enumerated crimes in Section 11 of Article XX, is a reflection upon the fitness for office of the person convicted, we are of the opinion that the crime of criminal syndicalism comes within the provision of Section 11 of Article XX which provides that laws shall be passed to exclude from office persons convicted of “other high crimes.”

If this is so, it follows then that the Legislature may enact legislation to bar from office persons who have been convicted of criminal syndicalism or any other high crime which properly falls within the scope of Section 11, Article XX, of our State Constitution.

Very truly yours,

DEW L
FRED B. WOOD, Legislative Counsel
BY DELBERT E. WONG, Deputy

**FURTHER CONSIDERATION OF BILLS AND RESOLUTIONS,
(OUT OF ORDER, BY UNANIMOUS CONSENT)**

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to commending the Pacific Southwest Area Council of Y.M.C.A.'s for sponsoring the Model Legislature.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO 10

Senate Concurrent Resolution No. 10—Relative to congratulating the Veterans of Foreign Wars on their “Loyalty Day” program

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT THAT LETTER BE
PRINTED IN THE JOURNAL**

Mr. Geddes asked for, and was granted, unanimous consent that the following letter be ordered printed in the Journal, in 10 point type:

LETTER OF TRANSMITTAL

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO, CALIFORNIA, March 20, 1950

To My Fellow Legislators:

RE: ITEM 113, BUDGET BILL
BUDGET, PAGE 341, LINES 28 TO 73

You will recall that last year, without a dissenting vote, we passed Assembly Bill No. 2027 to assure accurate determination of county assessment ratios to improve the basis for allocating school funds as well as the apportionment of property taxes

An appropriation of \$217,347 is included in Item 113 of the Budget Bill to carry out the purposes of this act which is now Chapter 1466, Statutes of 1949. This expenditure has the endorsement of the Legislative Auditor, who has said:

"The progress of these surveys and the determination of assessment ratios in the counties, as well as a state average assessment ratio, is of extreme importance to the State." (*Analysis of Budget Bill*, page 206.)

Expressing the fear that the law is a threat to home rule, county assessors have asked that no provision be made for determination of assessment ratios as contemplated under the new code sections. Because the purpose and effect of Chapter 1466 have apparently been misunderstood, as one of its authors, I have prepared the attached explanatory statement for distribution with "The Assessors' Newsletter," issued by the State Board of Equalization for the information of county assessors.

I believe that you will find what I have said to the assessors of interest in deciding the course of action to be taken upon the appropriation requested by the Board of Equalization and endorsed by the Director of Finance and Legislative Auditor. As you will gather from reading the enclosure, I am convinced that we have acted wisely in passing this legislation and that we should now make whatever fiscal provision may be required to enable the board to perform its duties thereunder.

Sincerely,

ROBERT C. KIRKWOOD

**INTERCOUNTY EQUALIZATION IN CALIFORNIA
WHAT THE NEEDS ARE AND HOW THE 1949 LAW MEETS THEM**

By ROBERT C. KIRKWOOD
Assemblyman, Santa Clara County

So much has been said recently about intercounty equalization that the subject, as well as the tempers of those who discuss it, is wearing

thin. As one of the authors of Assembly Bill No. 2027 (now Chapter 1466, Statutes of 1949), I believe, however, that some basic considerations may have been overlooked in the course of what has been said. These are so important, that, at the risk of some repetition, I should like to review them briefly with my friends, the County Assessors.

School Funds Affected Adversely

When Assemblyman Francis Dunn and I introduced this bill last year, we did so because of strong representations made to us, as members of the Committee on Education, that fair distribution of state funds to schools was being affected adversely by differences in assessment ratios as between counties. As hearings were held on the measure, it became obvious that, if these assertions were true, lack of intercounty equalization was producing other inequities requiring corrective legislative action.

Four Major Purposes Served

In the light of all of the discussion, it is generally agreed that intercounty equalization is needed for at least four major purposes. Summarized, these are:

1. *Fair allocation of State-collected funds when they are distributed on the basis of assessed values* (example, assistance to impoverished school districts);

2. *Fair application of limits on tax rates and debts when these are in terms of assessed values* (example, a district tax rate limit of 75 cents per hundred dollars);

3. *Fair apportionment of tax burdens when property in different counties is taxed for support of the same district* (example, property in a joint school district);

4. *Fair application of tax rates when property in the several counties is assessed partly by the county assessors and partly by a state agency* (example, application of the same tax rates to the parts of the roll prepared respectively by the county assessor and the State Board of Equalization).

Assessors' Viewpoint Considered

As these points were brought out in the legislative hearings, the bill was amended to cover all of them. I am deeply indebted for assistance generously given by county assessors in drafting these amendments which served to perfect the provisions of the act that is now Chapter 1466.

It should be added, however, that, during the hearings, you assessors maintained that no serious lack of intercounty equalization exists, so that the needs above outlined are being met. I respect your views and admire your achievements in property tax administration. At the same time, I think that you will agree with me when I say that, in fairness to all concerned, the soundest course is to provide by law for thorough surveys that will develop the facts.

That is why, I am convinced, Assembly Bill No. 2027 passed in both houses of the Legislature without a single "No" vote. No one should construe this as indicating any lack of confidence in the work that has been done by county assessors. On the contrary, the real purpose of the bill is to demonstrate that you are doing good jobs and to make it possible for you to continue to perform your duties in accordance with your best judgment, *without* requiring your assessments to be changed in order to achieve intercounty equalization.

Bill Promotes Home Rule

Thus, the bill promotes home rule. *It leaves undisturbed the assessment ratio in each county as that results from the work of the county assessor.* At the same time, it provides procedures by which all of the major objectives of intercounty equalization can be realized with minimum disturbance of local practices.

These new methods should prove of value to everyone concerned with property tax administration. Until enactment of Chapter 1466, the only way to accomplish intercounty equalization, except as that was achieved by the assessors themselves, was for the State Board of Equalization to raise or lower the assessments on the local rolls of the counties affected.

Unsatisfactory Method Replaced

All of us can agree that that method was unsatisfactory. Assessors disliked it because it disturbed their work and caused friction with taxpayers. The state board disliked taking such action for much the same reasons; also, because taxpayers blamed the board for higher taxes that all too often followed higher assessments. Taxpayers disliked the process because it meant higher taxes when tax rates were not cut in the same proportion that the assessment ratios were increased.

So objectionable has the old type of intercounty equalization been that it has fallen into disuse. There have been no such orders during the past 12 years. The Legislative Auditor, with whom many were in agreement, informed us that, as a result, the needs of intercounty equalization have not been met. Only when surveys such as are contemplated under Chapter 1466 have been made, will it be possible to determine what the facts are.

If these studies establish that there is little difference between the assessment ratios in the several counties, persistent assertions to the contrary will be put at rest. If some variations of consequence are disclosed, action can be taken under Chapter 1466 to make calculations that will accomplish all of the major purposes of intercounty equalization. *This action need not, however, involve any changes in the assessments that you have made.* Home rule will be preserved—something that could not have been done under intercounty equalization procedure prior to its modification by this bill.

How Chapter 1466 Meets Equalization Needs

All four of the major objectives of intercounty equalization, as I have enumerated them, will be met by Chapter 1466 as explained in the following paragraphs. Thus (1) state funds will be allocated fairly, (2) rate limits will be made equitable, (3) joint district taxes will be equalized, and (4) local and state assessments will be equalized *without* any disturbance whatever of local assessment practices. This is how these results will be accomplished:

(1) State Funds Allocated Fairly

By ascertaining what would have been the valuation of the property in a district had it been assessed at the average level for all districts, that valuation can be used for state apportionments, putting the districts on the same basis in qualifying for state funds *without* requiring them to be assessed exactly alike. (Sections 2001, 2002, 2003, Revenue and Taxation Code.)

Illustration: If property in a county (and district) is assessed, on an average, at 30 percent of market value, while the average for all counties (and districts) is 45 percent, and if the total assessed value for that district is \$950,000, this total will be adjusted to \$1,375,000 (by one-half to bring it up from 30 percent to 45 percent; $\frac{1}{2}$ of 30% = 15%; 30% + 15% = 45%) This will be done *only* for the purpose of determining district eligibility for state funds on the basis of its need and there will be *no* change in your assessments in the district.

(2) Rate Limits Made Equitable

By adjusting tax rate limits upward or downward to the extent that the ratio of the assessments to which they apply is lower or higher than the state average, all districts will be on the same basis in regard to these limits, *without* the necessity of changing the assessed values to conform to a state-wide average. (Section 2005, Revenue and Taxation Code.)

Illustration: If property in a county (and district) is assessed, on an average, at 30 percent of market value, in contrast to a 45 percent state-wide average, a tax rate limit of \$0.75 per \$100 of assessed value would be adjusted to \$1.125 in the district, since the values there would have to be raised one-half to be on the average basis ($\frac{1}{2}$ of 30% = 15%; 30% + 15% = 45%). By raising the tax rate applied to those values one-half ($\frac{1}{2}$ of \$0.75 = \$0.375; \$0.75 + \$0.375 = \$1.125), the same result is attained, *without* disturbing the assessments.

(3) Joint District Taxes Equalized

By computing the market value of the taxable property in that part of each county included in a joint district, the proportion of the taxable wealth of the entire district represented by the property in the different counties may be readily determined. The expense of the district may be spread accordingly, so that all taxpayers will be treated alike, regardless of whether there are differences in the county assessment ratios. *Yet, there will be no occasion to change your assessments.* (Section 2004, Revenue and Taxation Code.)

Illustration: A joint district contains property in County A and County B. That in County A is assessed for \$600,000; in County B, for \$400,000. Property in County A is assessed at 30 percent of market value; in County B, at 40 percent. This means that the market value of the taxable property in County A is \$2,000,000; in County B, \$1,000,000, or two-thirds and one-third respectively of the district value. If the district is to raise \$3,600, the property in County A should be taxed for \$2,400; that in County B, for \$1,200. On a \$600,000 assessment in County A, the rate would be \$0.40 per \$100; in County B, \$0.30

Without these adjustments, the rate would have been \$0.36 throughout the district, which means the taxpayers in County B would have their tax increased 20 percent to make up for the lower assessments in County A, while taxpayers in County A would get an undeserved 10 percent cut in their taxes. This unfair result will be avoided under Chapter 1466, *without* changing your assessments.

(4) Local and State Assessments Equalized

By using the same assessment ratio for state-assessed property in your county as you do for locally assessed property, the state board can assure fair application of the same tax rate to both kinds of property

without changing your assessments to make them conform to a statewide average. (Section 757, Revenue and Taxation Code.)

Illustration: If the county assessor in County A assesses property at 30 percent of market, while it is assessed at 50 percent in County B and at an average of 45 percent throughout the State, the assessment of State assessed property can be adjusted to the local ratios, 30 percent in County A, 50 percent in County B, etc., achieving equalization *without* requiring any change in local assessments. This will produce equality in tax treatment for local and State-assessed property with minimum effort.

Results Clearly in Public Interest

All of these results are so thoroughly fair and desirable that their achievement is clearly in the public interest. I hope that, in the light of what I have said, you will share my confidence that the State Board of Equalization and its staff may be relied upon to carry out the legislative intent, first, by ascertaining what county assessment ratios are, and, second, if the findings require, by taking the steps that I have indicated to assure tax equity, *without* interfering with county home rule by changing your assessments.

UNFINISHED BUSINESS (OUT OF ORDER, BY UNANIMOUS CONSENT)

CONSIDERATION OF SENATE AMENDMENTS (RESUMED)

Assembly Bill No. 124—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 124?

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "1950-51 Fiscal Year", and insert "1949-50 and 1950-51 Fiscal Years".

Amendment No. 2

On page 1 of said bill, strike out lines 20 to 23, inclusive, and insert "SEC. 3. In the event that the duties of the Chief Clerk of the Assembly under this chapter are transferred to another officer this act shall, upon the effective date of such transfer, cease to be effective."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 124 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Cloved, Coats, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Himekley, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Stewart, Thomas, Tomlinson, Weber, and Mr. Speaker—54
NOES—None.

Assembly Bill No. 124 ordered enrolled.

Assembly Bill No. 49—An act to amend Sections 73 and 2121 of the Streets and Highways Code, relating to the relinquishment of portions of state highways to counties.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 49?

Amendment No. 1

On page 1, line 17, of the printed bill, as amended in Assembly March 27, 1950, strike out "30", and insert "90".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 49 by the following vote:

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, Hawkins, Hineckley, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Stanley, Thomas, Tomlinson, Weber, and Mr. Speaker—54.
NOES—None.

Assembly Bill No. 49 ordered enrolled.

Assembly Bill No. 80—An act to amend Sections 3083 and 3471 of the Welfare and Institutions Code, relating to aid to the blind, including aid to the needy blind and aid to partially self-supporting blind residents, in respect to determination of blindness.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 80?

Amendment No. 1

On page 1 of the printed bill, after line 18, insert "and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neuropsychiatry,".

Amendment No. 2

On page 2, line 22, of said bill, after "claimed by the applicant", insert "and whenever such physician skilled in the diseases of the eye shall recommend a further examination by a physician skilled in neuropsychiatry,".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 80 by the following vote:

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyed, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hineckley, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Tomlinson, Weber, Yorty, and Mr. Speaker—58.
NOES—None.

Assembly Bill No. 80 ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Mr. Dickey:

House Resolution No. 86

MR. SPEAKER: Your Committee on Rules respectfully begs to report that it has carefully considered the applications for the various positions and desires to submit the following resolution:

Resolved. That the following named persons be and they are hereby appointed to the positions hereinafter set forth as provided by law, with the compensation set opposite their respective names payable weekly, and the Controller is hereby directed to draw his warrants in favor of the respective persons in the said amounts and the State Treasurer is hereby directed to pay the same:

Commencing April 10, 1950 *Per day*

Peter J. Gaffney, Page.....	\$3 00
Edward M. Gaffney, Page.....	3 00

Resolved further, That the above named persons be and they are hereby stricken from the roll upon completion of work on April 11, 1950.

Commencing April 10, 1950 *Per day*

Mary Lou Cecchettiini, Page.....	\$3 00
----------------------------------	--------

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 86, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Tomlinson, Weber, Yorty, and Mr. Speaker—58.

NAYS—None.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Ways and Means Subject: Assembly Bill No. 133.

At 2.30 p.m.—

Education. Subject: Senate Bill No. 47.

At 2.45 p.m.—

Judiciary Subject: Senate Bills Nos 6 and 24.

At 8 p.m.—

Municipal and County Government. Subject: Senate Bill No. 39.

Tomorrow, Thursday, April 13th, at 9 30 a.m. —

Rules.

**REQUEST FOR UNANIMOUS CONSENT THAT SECOND REPORT
BE PRINTED IN JOURNAL**

Mr. Dolwig asked for unanimous consent that the Second Report of the Interim Fact-Finding Committee on Tideland Reclamation and Development in Northern California, Related Traffic Problems, and Relief of Congestion on Transbay Crossings, dated April 12, 1950, be ordered printed in the Journal, in 10-point type; be printed as a separate document; and that 500 copies be printed.

Request ordered referred to the Committee on Rules.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred.

Second Report of the Interim Fact-Finding Committee on Tideland Reclamation and Development in Northern California, Related Traffic Problems and Relief of Congestion on Transbay Crossings dated April 12, 1950;

Has had the same under consideration, and reports the same back with the recommendation: Report be printed in the Assembly Journal in 10-point type; be printed as a separate document, and that 500 copies be printed

DICKEY, Chairman

Report read, and adopted.

SECOND REPORT OF THE INTERIM FACT-FINDING COMMITTEE ON TIDELAND RECLAMATION AND DEVELOPMENT IN NORTHERN CALIFORNIA, RELATED TRAFFIC PROBLEMS AND RELIEF OF CONGESTION ON TRANSBAY CROSSINGS

April 12, 1950

MEMBERS OF THE COMMITTEE

GEORGE D. COLLINS, JR.	EDWARD M. GAFFNEY
ARTHUR H. CONNOLLY, JR.	ERNEST R. GEDDES
RANDAL F. DICKEY	ROBERT I. MCCARTHY
FRANCIS DUNN, JR.	JOHN F. THOMPSON

RICHARD J. DOLWIG, Chairman
T. T. McCROSKY, Planning Consultant
O. H. AMMANN, Consulting Engineer
OLE SINGSTAD, Consulting Engineer
FLORENZ TREU, Executive Secretary

Letter of Transmittal

ASSEMBLY, CALIFORNIA LEGISLATURE, April 12, 1950

*Hon. Sam L. Collins**Speaker of the Assembly**State Capitol**Sacramento, California*

MR SPEAKER. Pursuant to H. R. 44, H. R. 147, H. R. 244, H. R. 262, and H. R. 286, your Committee on Tideland Reclamation and Development in Northern California, Related Traffic Problems and Relief of Congestion on Transbay Crossings herewith files its Second Report Dealing With the Relief of Congestion on Transbay Crossings and recommendations relative to the three phase plan recommended by this committee in its First Report of June 24, 1949.

Since its First Report of June 24, 1949, the following hearings have been held and reports submitted:

1. July 7, 1949—Hearings before Subcommittee to the Committee on Armed Services, United States Senate.

2. July 9, 1949—Post-hearing statement to the Subcommittee of the Committee on Armed Services, United States Senate, by T. T. McCrosky, O. H. Ammann, and Ole Singstad, Consultants to the Interim Committee on Tidelands and Transbay Crossings.

3. October 5, 1949—Report of Division of San Francisco Bay Toll Crossings in answer to First Report of Interim Committee on Tidelands and Transbay Crossings.

4. October 14, 1949—Interim Committee on Tidelands and Transbay Crossings hearing on cantilever structure on Bay Bridge, safety measures, and the Reber Plan.

5. October 27, 1949—Committee Consultants Report in answer to Division of San Francisco Bay Toll Crossings Report of October 5, 1949.

6. November 1, 1949—Toll Bridge Authority meeting, Preliminary Report on Proposal for Construction of Additional Approaches to the San Francisco-Oakland Bay Bridge.

7. November 2, 1949—Interim Committee on Tidelands and Transbay Crossings hearing on safety measures for Bay Bridge, and alterations and approaches plan for the Bay Bridge.

8. November 9, 1949—Toll Bridge Authority meeting, Division of San Francisco Bay Toll Crossings statement in reply to Committee Consultants Report of October 27, 1949.

9. December 8-16 1949—Hearings of the Subcommittee of the Committee on Public Works, United States Senate, on Transbay Crossings, Water Problems, and the Reber Plan.

Respectfully submitted for the committee,

RICHARD J. DOLWIG, Chairman

Second Report of the Interim Fact-Finding Committee on Tideland Reclamation and Development in Northern California, Related Traffic Problems and Relief of Congestion on Transbay Crossings—April 12, 1950

COMMITTEE PLAN

The Assembly Interim Committee on Tideland Reclamation and Development in Northern California, Related Traffic Problems, and Relief of Congestion on Transbay Crossings began a series of hearings and studies on traffic problems and relief of congestion on transbay crossings in April 1949. It employed three consulting engineers, all outstanding men in their respective fields, to report on the technical aspects of the problems from the engineering, economic and regional planning standpoints.

As a result of this study the committee recommended, in June of 1949, the discontinuance of all plans to build a parallel span and immediate adoption of a three phase plan to overcome the critical situation relative to the location of a second transbay crossing. The three phases consisted of the following:

1. Immediate reconstruction of the lower deck of the San Francisco-Oakland Bay Bridge by removal of Key System rails to provide two additional vehicular lanes.
2. Earliest possible start on plans and specifications of a four lane southern crossing between San Francisco and Alameda at a location between 16th or Army Streets in San Francisco and Fifth or Main Streets in Alameda, whichever is the most beneficial to communities concerned.
3. Immediate consideration of cantilever construction of additional lanes on the outside of the present Bay Bridge to be built after completion of a southern crossing. Two lanes in each direction.

The Division of San Francisco Bay Toll Crossings, at the request of the California Toll Bridge Authority, made a thorough and comprehensive study of this plan and issued a report in October of 1949. As a result of their study, the division came to the conclusion that the plan is technically feasible and that it can be carried out at a cost of construction not differing materially from the estimates presented by our consulting engineers.

**THE PLAN FOR APPROACHES AND ALTERATIONS FOR
THE BAY BRIDGE**

On October 15, 1949 a plan for approaches and alterations to the Bay Bridge was suggested by the Bay Area Council to the California Toll Bridge Authority. The authority requested that the Division of San Francisco Bay Toll Crossings make a study of this plan and report on it to the authority. This plan, now recommended by the Division of San

Francisco Bay Toll Crossings for immediate construction involves the following items and costs:

West side of bay

22d Street Approach -----	\$8,019,000
Webster Street Tube -----	12,662,000
Eastshore Highway north of Distribution Structure -----	3,280,000
	<hr/>
	\$23,961,000
	say \$24,000,000

East side of bay

Main and Beal Streets downtown ramps -----	\$5,272,000
Embarcadero connection to south of Market Street	6,000,000
Bayshore Freeway between 4th and 8th Streets---	9,000,000
Bridge ramp between San Francisco anchorage and 4th Street -----	1,038,000
	<hr/>
	\$24,000,000

This total of \$48,000,000 added to the necessary costs of the retirement of the outstanding bonds, repayment of amount due the State, and the increasing of the reserve funds held for the new bond issue, becomes \$100,000,000.

It appears that many of these approaches are logical appurtenances of the Parallel Bridge and present bridge and bear little significant relationship to the Southern Crossing. Also, many of the approaches were earlier planned as parts of the program of State Highway Department financing, and are now improperly and illogically transferred to toll revenue financing.

According to Mr. Tudor's testimony before this committee on November 2, 1949, approximately \$40,000,000 of the \$48,000,000 is being expended on approaches that would serve primarily the existing bridge or a Parallel Bridge.

In the Division Report of October, 1949, it is clearly stated that "additional tubes under the Oakland Estuary to relieve congestion in the Posey Tube will not be available for about ten years." Yet Mr. Tudor has included the Webster Street Tube in his Approaches and Alterations System of November 1, 1949, and in Section VIII under Conclusions, states—it "can be financed and construction started during the fore part of 1950 providing no unforeseen difficulties arise." "It will provide badly needed approaches to the existing bridge on both sides of the bay at the earliest possible moment."

We are at a loss to understand why this tube has become such an essential part of the present approaches plan after having been abandoned for over seventeen years, although provided for in the original bridge plan and in the Dickey Highway Bill passed by the Legislature and signed by the Governor for that purpose and therein made possible.

Since the California Toll Bridge Authority is considering additional approaches to the Bay Bridge, the authority should also consider the immediate completion of those approaches which were part of the origi-

nal Bridge Plan and Approaches of December 15, 1932, which included the Alameda Webster Street Tube.

It is difficult for this committee to understand the adoption of such inconsistent viewpoints and reasoning except from the standpoint that this approaches and alterations system has been designed as a means of adding \$100,000,000 to the present indebtedness of the Bay Bridge in order that it can not become toll free before a parallel bridge can be built.

This expenditure of \$100,000,000 for additional approaches will not relieve the traffic congestion on the Bay Bridge. This is confirmed by Mr. Tudor in his statement on page 19 of his Preliminary Report to Department of Public Works on Alterations and Approaches to the San Francisco-Oakland Bay Bridge" that "it will not be possible to increase the capacity sufficiently to more than give some temporary relief to present congestion. It will certainly not be possible to increase the capacity sufficiently to defer the urgent need for another crossing."

This committee has recommended a plan which can be instituted immediately and will materially relieve this traffic congestion problem. According to the Division of San Francisco Bay Toll Crossings Report of October 1949 on our plan, their consultants, Cloverdale and Colpitts estimated that on the present 25 cent toll it can be financed at present and completed in 1952.

PHASE I OF COMMITTEE PLAN

The immediate reconstruction of the lower deck of the San Francisco-Oakland Bay Bridge by removal of the Key System rails will provide two additional lanes for mixed vehicular traffic. With a minimum amount of reconstruction the space now occupied by the tracks would be converted into a one-way roadway with two lanes at least twelve feet wide each. The existing roadway would be narrowed from 31 feet to 29 feet or less, giving sufficient room for two lanes, with the possibility of also creating space for stalled vehicles in turn-out bays.

Thus, because the present roadway on the lower deck affords capacity for safe operation of only one lane in each direction, the vehicular capacity of the lower deck would be doubled, and the total annual comfortable capacity of the bridge for vehicular traffic would be increased from about 27,000,000 to 33,000,000 vehicles.

The traffic safety of the lower deck would be made equal to that of any modern high-speed highway. Mixed passenger automobile, truck, and bus traffic would, with these provisions, be entirely permissible. Thus, the lower deck would be more effectively utilized, and the upper deck, which has already reached comfortable capacity, would be considerably relieved.

After the reconstruction of the lower deck of the Bay Bridge, we find that the estimated traffic will at all times during the carrying out of the rest of the construction program, and for the next fifty years, remain well within comfortable capacities of the roadways provided in the plan.

The cost of this phase of the committee's plan is \$41,793,675 including construction and real estate, outstanding bonds, and repayment of debt to the State. This figure is less than half of the proposed expenditure recommended by the Division of San Francisco Bay Toll Crossings for their approaches and alterations system.

The division's newly evolved proposal for \$100,000,000 refinancing to pay for \$48,000,000 of approach improvements and \$5,000,000 of other improvements to the bridge proper will admittedly defer the southern crossing financing by five to six years, and the financing of the parallel bridge, if ever approved by Congress, by two to three years.

REBER PLAN AND NORTH BAY CROSSING STUDIES

The study of the Reber Plan is now being undertaken by this committee and upon its completion our consulting engineers, headed by Mr. John L. Savage, will make recommendations as to its feasibility from an economic and engineering standpoint. In view of the time element involved in this committee's study of the Reber Plan and the investigation of a North Bay Crossing as provided by Item 245.1 of the Budget Act of 1950 of the State of California, the traffic congestion in the Bay Area and on the Bay Bridge in particular, is a problem of immediacy and action must be taken at once. Because of these two important studies the committee does not now recommend the immediate consideration of Phases II and III of our plan. With the immediate start of Phase I and during its construction, there will be sufficient time for these studies and investigations to be completed and the recommendations as to their feasibility will have been made. At that time a further determination can be made relative to Phases II and III as recommended by this committee.

CONCLUSION

The critical problem of the Bay Area is to provide, as soon as possible and at minimum cost, additional traffic lanes across the bay. This can be accomplished most quickly and at least expense by increasing the capacity of the existing bridge. This urgency demands a constructive solution now and action should not be delayed another two or three years.

RECOMMENDATION

Therefore, this committee recommends to the California Toll Bridge Authority that immediate steps be taken for the reconstruction of the lower deck of the San Francisco-Oakland Bay Bridge by removal of the Key System rails to provide two additional vehicular lanes, including the conversion of trains to busses as set forth in the First Report of the Interim Fact-Finding Committee on Tideland Reclamation and Development in Northern California, Related Traffic Problems and Relief of Congestion on Transbay Crossings on June 24, 1949, and a Report to Department of Public Works on Additional Toll Crossings of San Francisco Bay by the Division of San Francisco Bay Toll Crossings in October, 1949

GEORGE D. COLLINS, JR., Member
ARTHUR H. CONNOLLY, JR., Member
RANDAL F. DICKEY, Member
FRANCIS DUNN, JR., Member
EDWARD M. GAFFNEY, Member
ERNEST R. GEDDES, Member
ROBERT I. MCCARTHY, Member
JOHN F. THOMPSON, Vice Chairman
RICHARD J. DOLWIG, Chairman

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Messrs. Fleury and Moss, the usual courtesies of the Assembly for this day were unanimously extended to Ernest Oliver, Mrs. Irene Cloughley, teachers of the H. C. Muddox School, and the following pupils: George Aaron, Joseph Binford, Leo Chavez, Leland Corker, Dick Foster, James Hamilton, Arnold Hernandez, James Johnson, Elmer Martin, Vernon Northrup, Ray Paris, Ruben Perez, Darrell Valine, Leland Waltermier, George Welch, Carl Beck, Patricia Baldwin, Joan Brown, Irma Cooper, Virginia Dagen, Monette Florian, Lupe Galvez, Joann Jackson, Dorothy Jones, Bernice Lee, Phyllis Northrup, Shirley Rand, Darlene Ross, Dona Smith, Betty Traffenstedt, and Marie Watkins.

On request of Messrs. Weber and Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Max Barber, Harry Tramain, and Milton Callas, teachers of the Stockton College, and the following pupils: Bob Brown, Jerry Gillespie, Richard Knight, Doris Amoguis, Bob Mindenhall, Louise Joseph, Lorraine Oneta, Bob Henninger, Bertha Miller, Velda Wood, Phyllis Kaiser, Nancy May, June Parnell, Barbara Bainbridge, Ed Batt, Bob Buckwalter, Joann Whitherow, Jerry Brown, Reba Grimes, Celestine Mackey, Mary Lavarato, Bob Martinez, Kreutzer Garman, Bob Heil, Neisha Bradshaw, Donna Woodruff, Phyllis Dillingham, Everette Holmes, Barbara Durkee, Constance Gormson, Ervin Hoffman, John Ramirez, Don Church, Josephine Tenio, Bob Rauzi, Joan Mercado, Theo Thornton, Meredith Surrell, Nadelyn Dremulas, Judith Baskind, Dan Clark, Mary Thompson, and Kathryn Gill.

On request of Mr. Crowley, the usual courtesies of the Assembly for this day were unanimously extended to C. A. Jacobs and Lloyd Vallier, teachers of the Dixon School, and the following pupils: Steve Bartok, Roger Brown, Jackson Brown, Jim Bulhert, Douglas Cagle, Frank Carothers, Glenda Chenoweth, James Dunlap, Patsy Dunn, Irwin Firchow, Betty Graham, Patsie Hammons, Sandra Lawrence, Carroll Miller, Ellen Ann Parker, Shirley Parkhurst, Arline Pedrick, Charlotte Peters, Johnny Prather, Phyllis Priddy, Elaine Reis, Ivan Rioux, Carolyn Saltzen, Myron Whiting, Dixie Logan, John Simpson, Jerry A'Day, Tommy Allen, Mildred Bottoms, Richard Caldwell, Enuna Cox, Curtis Eames, James Everett, Farrell Funston, Gloria Greco, Harry Johnson, Marjorie Johnson, Billy Jones, Orlando Marin, Lee Pierce, Pat Ruth, Georgia Tamplen, Letha Thompson, Lorraine Venetti, Florence Wadsworth, Douglas Warren, Bernice White, and Tommy Bacon.

On request of Mr. Coats, the usual courtesies of the Assembly for this day were unanimously extended to Dan Woodard, teacher of the Tierra Buena School of Sutter County; Mr. Tay, Mrs. Liston, Mrs. Kiebert, and Mrs. Weber, parents, and the following pupils: Alice Singh, Jimmie Nicholas, Harry Chand, Cecil Don, Gino Garcia, Stephen Lee, Thorestein Sartin, Neal Arnoldy, Tony Alvarez, Georgina Perrucci, Noreen Hillam, Karen Kiebert, Mattie Cummings, Dorthy Stone, Gene Tay, Eddie Liston, Carolyn Weber, Patricia Warner, Phyllis Webb, Ruby Tankersley, Raymond Vessell, and Nora Linardos.

On request of Mr. Meyers and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended

to the following seminarians of the Maryknoll, Jr , Seminary at Mountain View, California; Frank Thomas Foster of Phoenix, Arizona, Jerry Gayle Sims of Los Angeles, Leslie Thomas Rogers of Hayward, and Matthew Thomas Gaffney of San Francisco

ADJOURNMENT

At 4.11 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 a.m., Thursday, April 13, 1950, out of respect to the memory of the late Milton Marks of San Francisco, a former Assemblyman; and the late Franklin Delano Roosevelt, former President of the United States.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SIXTH LEGISLATIVE DAY
THIRTY-NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, April 13, 1950

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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—71.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Divine Love: May we come together again in the spirit of goodwill and cheerful good nature toward all humanity and all creation.

Lift up before us the vision of the Beauty of Brotherhood and the power of friendship, the power of a friendly and kindly spirit that makes all hearts one.

Let the tender bonds of sympathy that have been formed in this noble place subdue all unhappy sentiments and enhance the general harmony.

When differences of opinion arise, may we respect others' beliefs, cherish the most kindly regard toward one another, and by our differences grow in the spirit of charity and toleration—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Crowley, further reading of the Journal of the previous legislative day was dispensed with.

**MOTION THAT MEMBERS BE GRANTED LEAVES OF
ABSENCE FOR THE DAY**

Mr. Levering moved that Messrs. Reagan and Huyck be granted leaves of absence for the day, and that they waive their per diems

Mr. Dickey seconded the motion.

Point of Order

Mr. Sherwin arose to the following point of order: That Mr. Gaffney is not in order, because excuses for illness are not presently before the House.

Ruling by Speaker

Speaker Sam L. Collins ruled the point of order well taken.

Substitute Motion

Mr. Doyle moved that all members desiring to be excused for the day be made to first state the legislative business necessitating a reason for being excused.

Motion Ruled Not In Order

Speaker Sam L. Collins ruled the motion not in order.

Substitute Motion

Mr. Babbage moved that the motion by Mr. Levering be laid upon the table.

Mr. Caldecott seconded the motion.

Motion Withdrawn

Mr. Dickey withdrew his second.

Mr. Levering withdrew his motion.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 27: By Mr. Dickey—Relative to the adjournment sine die of the 1950 First Extraordinary Session of the Legislature of the State of California.

Resolution read.

**Request for Unanimous Consent That Assembly Concurrent Resolution
No. 27 Be Amended**

Mr. Dickey asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 27 be amended to show that time for adjournment on Friday, be at 5 p.m., instead of 12 noon.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 27, as amended, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 27

Assembly Concurrent Resolution No. 27—Relative to the adjournment sine die of the 1950 First Extraordinary Session of the Legislature of the State of California.

Resolution read, as amended.

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

AYES—Anderson, Babbage, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, George D. Collins, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipcomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, Waters, Weber, Yorts, and Mr. Speaker—61.

NOES—None

Resolution ordered printed, and transmitted to the Senate.

**Motion to Place Rush Order on Printing of Assembly Concurrent
Resolution No. 27**

Mr. Dickey moved a rush order be placed upon the printing of Assembly Concurrent Resolution No. 27.

Motion carried.

APPRECIATION EXPRESSED

Mr. Maloney expressed, on behalf of John Partridge of Vallejo, a guest, former Comptroller of the Junior Statesmen of America, appreciation to the Assembly for the use, recently, of the Assembly Chamber by the California Junior Statesmen for a meeting.

MEMBERS EXCUSED

At 10.22 a.m. Mr. Dunn asked for, and was granted, unanimous consent that Messrs. Price and Erwin be excused, for the balance of the legislative day, because of illness.

**MOTION TO EXPUNGE RECORD, AND RESCIND ACTION ON MOTION
TO GRANT LEAVES OF ABSENCE**

Mr. Dunn moved to expunge the record, and rescind the action whereby the Assembly, on this day, moved to grant leaves of absence to Messrs. Reagan and Huyck.

Motion died for lack of a second

**REQUEST FOR UNANIMOUS CONSENT THAT REASON FOR ABSENCE
OF MR. LOWREY BE NOTED**

Mr. Beck asked for, and was granted, unanimous consent that it be noted in the Journal that Mr. Lowrey is not asking for an excuse, but is absent temporarily from the Assembly Chamber for the purpose of attending to legislative duties elsewhere

RESOLUTIONS

The following resolutions were offered:

By Mr. Burkhalter:

House Resolution No. 87

Relating to an investigation and report concerning the desirability and feasibility of a separation of grade between a certain thoroughfare in Burbank, Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Magnolia Boulevard in Burbank, Los Angeles County, crosses the tracks of the Southern Pacific Company at grade; and

WHEREAS, The flow of traffic over this thoroughfare across such tracks constitutes a great and increasing hazard to the motoring public using this thoroughfare; now, therefore, be it

Resolved by the Assembly of the State of California, That the appropriate officers of the City of Burbank, the County of Los Angeles, the Southern Pacific Company, the Public Utilities Commission, and the Department of Public Works, Division of Highways, be requested to initiate proceedings for a separation of grade at the above described location and to report to the Assembly not later than January 15, 1951; 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 Burbank, the County of Los Angeles, the Department of Public Works, Division of Highways, and the Southern Pacific Company.

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

By Mr. Dickey:

House Resolution No. 88

Relative to the Standing Rules of the Assembly

Resolved by the Assembly of the State of California, That a new rule, to be numbered 125, be added to the Standing Rules of the Assembly for the 1950 First Extraordinary Session of the Legislature, to read as follows:

125 Pursuant to subdivision (d) of Section 9900, Government Code, as amended by Assembly Bill No. 74 of this session, the Legislative Auditor is hereby designated as the person embraced by the definition of "Clerk" set forth in that section.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 88, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Conrad, Cooke, Crichton, Crowley, Dickey, Dills, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkle, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Waters, Weber, Yorty, and Mr. Speaker—62

NOES—None

COMMUNICATIONS

By Speaker Sam L. Collins:

A communication from Clifford E. Peterson, Commissioner of the California Highway Patrol, Sacramento, expressing appreciation for the confidence of the Assembly in the California Highway Patrol, as expressed in House Resolution No. 25, adopted April 5, 1950, was received, and ordered noted in the Journal.

By the Chief Clerk:

A communication from Mrs. Muriel Glass Sperry, expressing appreciation to the Members of the Assembly for adoption of a House resolution pertaining to recognition of the respect in which her father, the late Frank S. Glass, was held, was received, and ordered noted in the Journal.

By the Chief Clerk:

A communication from Mrs. Gregory Harrier, of Berkeley, acknowledging receipt of, and expressing appreciation for, a House resolution adopted by the Assembly in respect to the memory of her father, the late Frank S. Glass, was received, and ordered noted in the Journal.

RESOLUTIONS

The following resolution was offered:

By Messrs Geddes, Morris, Burke, Gaffney, and Brady:

House Resolution No. 89

Relating to the commendation of Eleanor K. Donoghue

WHEREAS, Eleanor K. Donoghue was responsible for the compilation of the Index published with the Assembly Journal for the 1949 Regular Session; and

WHEREAS, Members who have had occasion to use this Index have found it most complete and accurate; now, therefore, be it

Resolved by the Assembly of the State of California, That the commendation of this Assembly be extended to Eleanor K. Donoghue for a job well done; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a copy of this resolution to Eleanor K. Donoghue.

Request for Unanimous Consent

Mr. Geddes asked for, and was granted, unanimous consent to take up House Resolution No. 89, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

REPORTS OF STANDING COMMITTEES**Committee on Municipal and County Government**

ASSEMBLY CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER Your Committee on Municipal and County Government, to which was referred:

Senate Bill No. 39

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

STANLEY, Chairman

Above reported bill ordered re-referred to Committee on Ways and Means.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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, April 13, 1950

MR. SPEAKER Your Committee on Rules, to which was referred:

Letter from Department of Public Works dated April 11, 1950, requesting accommodations for public hearing in the Capitol Building,

Has had the same under consideration, and reports the same back with the recommendation. Refer to the State Capitol Committee

DICKEY, Chairman

Report read, and adopted.

Above mentioned communication ordered referred to the State Capitol Committee.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER Your Committee on Ways and Means, to which was referred
Assembly Bill No. 146

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.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 146—An act making an appropriation in augmentation of the appropriations in Item 120 of the Budget Act of 1949 and Item 113 of the Budget Act of 1950 for support of the State Board of Equalization, to take effect immediately

Bill read second time, and ordered engrossed.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER Your Committee on Legislative Procedure has examined:
Assembly Bill No. 55

And reports the same correctly re-engrossed

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day passed

Assembly Bill No. 36

Assembly Bill No. 132

Assembly Bill No. 142

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

Above bills ordered enrolled

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Senate Concurrent Resolution No. 1

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

SENATE CHAMBER, SACRAMENTO, April 12, 1950

MR. SPEAKER I am directed to inform your honorable body that the Senate appointed Senators Regan, Burns, and Donnelly as a Committee on Conference concerning:

Assembly Bill No. 103—An act to add Sections 9906.3, 9906.6, 9906.7, 9906.8, and 9906.9 to the Government Code, relating to influencing the legislative process.

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

SENATE CHAMBER, SACRAMENTO, April 12, 1950

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

Senate Bill No. 15

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

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 90

Resolved, That the 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 the First Extraordinary Session of the Legislature of 1950; and shall have charge of indexing, correcting, comparing and proofreading, and otherwise preparing the Journal and the Final History of the Assembly of the First Extraordinary Session of the Legislature of 1950; such indexing, correcting, comparing, and proofreading of the Assembly Journals and Final History 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 the First Extraordinary Session of 1950. 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 1950, 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; an index to all measures introduced; 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, the 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 Chief Clerk is hereby authorized to employ such help as may be necessary to complete the aforesaid work of the Assembly and the same shall be compensated at a rate per diem not greater than that allowed them during the time the Legislature is in session; provided, however, that no compensation shall be allowed except for services actually performed in Sacramento, and the Chief Clerk is hereby directed to keep an accurate attendance record of all attaches so employed and certified by him to the State Controller as being entitled to compensation; 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 until the said work has been completed, 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. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 90, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Dickey:

House Resolution No. 91

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 two thousand five hundred dollars (\$2,500), in favor of Arthur A. Ohmhus, 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 1950 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. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 91, 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, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hunkley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipsecomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Waters, Yorty, and Mr. Speaker—63.

NOES—None.

By Mr. Dickey:

House Resolution No. 92

Resolved, That the 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. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 92, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mrs. Niehouse:

House Resolution No. 93

Relative to thanking Speaker pro Tempore Thomas A. Maloney for his services to this Assembly

WHEREAS, Assemblyman Thomas A. Maloney has served through the 1943, 1945, 1947, 1948, 1949, and 1950 sessions of the Legislature as Speaker pro Tempore of this Assembly and has efficiently and courteously discharged the duties of his office; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this House express to Thomas A. Maloney their appreciation of the services he has so well performed.

Request for Unanimous Consent

Mrs. Niehouse asked for, and was granted, unanimous consent to take up House Resolution No. 93, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

Speaker Pro Tempore Presiding

At 10 37 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Hon. Richard H. McCollister, Presiding

At 10.38 a.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

By Mr. Hawkins:

House Resolution No. 94

Relative to expressing appreciation to Speaker Sam L. Collins for his services to this Assembly

WHEREAS, Assemblyman Sam L. Collins has served as presiding officer of this House throughout the 1947, 1948, and 1949 Sessions of the Legislature and has again, during the 1950 Sessions, demonstrated his ability as the presiding officer of this Assembly; and

WHEREAS, Sam L. Collins has performed his duties and exercised his powers as Speaker of this House with intelligence and with impartiality and has assisted the members in completing their legislative business, now, therefore, be it

Resolved by the Assembly of the State of California, That a vote of thanks is hereby extended to Sam L. Collins for his services to this Assembly.

Request for Unanimous Consent

Mr. Hawkins asked for, and was granted, unanimous consent to take up House Resolution No. 94, at this time, without reference to committee or file.

Resolution read, and adopted unanimously by a rising vote.

Speaker Pro Tempore Presiding

At 10.43 a m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

By Mr. Dickey :

House Resolution No. 95

Resolved, That the thanks of the Members of this Assembly are extended to each and every officer, employee, and attache of this House for the splendid services they have performed during the 1950 Sessions of the Legislature

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 95, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

Request for Unanimous Consent That Name Be Placed Upon House Resolution No. 96 As Co-Author

Mr. Morris asked for, and was granted, unanimous consent that his name be placed upon House Resolution No. 96, as a co-author.

By Messrs. Evans, Hahn, and Morris :

House Resolution No. 96

WHEREAS, The people of the State of California are much interested in efficiency and economy, especially in our freeway program; and

WHEREAS, At the present time there is no check by the representatives of the people, namely, the Legislature of California, in regard to the expenditures of public funds necessary for the purchase of rights of way and construction of freeways in California; and

WHEREAS, There has been considerable criticism of the expensive rights of way and routes in the freeway program; now, therefore, be it

Resolved, That the Joint Assembly and Senate Committee on Highways, Bridges and Roads be requested to make a thorough study of this subject and make recommendations for future legislation so that the Legislature will audit and check the funds of the Highway Commission in the freeway program

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 Concurrent Resolution No. 28: By Messrs. Geddes, Doyle, Burke, and Hollibaugh—Relative to the introduction of bills at the request of state agencies during the 1951 General Session of the Legislature.

Referred to Committee on Rules.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: The Committee on Conference concerning:

Senate Bill No. 4—An act to amend Sections 2163 and 2163.2 of the Welfare and Institutions Code, to add Section 2163.8 thereto, and to repeal Section 2163.6 thereof, relating to personal property qualifications for aid to the aged, 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

In line 2 of the title of the printed bill, as amended in the Assembly on April 5, 1950, strike out "to add Section 2163.8 thereto,".

Amendment No. 2

In line 3 of the title of said bill, after "relating to", insert "aid to the aged, including"

Amendment No. 3

In line 4 of the title of said bill, strike out "for aid to the aged.", and insert "therefor."

Amendment No. 4

On page 1, lines 8 and 9, of said bill, strike out "one thousand five hundred dollars (\$1,500)", and insert "one thousand two hundred dollars (\$1,200)"

Amendment No. 5

On page 1 of said bill, strike out line 11, and insert

"No aid under this chapter shall be granted or paid to any married person living with a spouse who is also an applicant for or recipient of aid under this chapter, if the combined value of the personal property of both spouses, less all encumbrances of record, exceeds two thousand dollars (\$2,000)."

For".

Amendment No. 6

On page 2 of said bill, strike out lines 8 to 12, inclusive, and insert

"SEC. 4. No item of aid to the aged for the months of April, May, June, and July, 1950, disbursed by any county in accordance with the rules of the State Social Welfare Board fixing standards of eligibility therefor, shall thereafter be disallowed by the State or any officer or agency thereof, or charged to or against the county in the computation and payment of state assistance to the county for any future period of time."

WEYBRET
WATSON
DILLINGER

Senate Committee on Conference

MALONEY
LEVERING
KILPATRICK

Assembly Committee on Conference

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Butkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Goddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Tomlinson, and Yorty—65.

NOES—None

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: The Committee on Conference concerning.

Senate Bill No. 3—An act to amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives 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 3 of the printed bill, as amended in the Assembly on April 10, 1950, strike out lines 15 to 48, inclusive, and on page 4, strike out lines 1 to 26, inclusive, and insert

RELATIVES' CONTRIBUTION SCALE										
A. Net monthly income of responsible relatives in family	B. Number of persons dependent upon income									
	1	2	3	4	5	6	7	8	9	10 and over
C. Maximum required monthly contributions										
200 or under --	0	0	0	0	0	0	0	0	0	0
201- 225 -----	5	0	0	0	0	0	0	0	0	0
226- 250 -----	10	0	0	0	0	0	0	0	0	0
251- 275 -----	15	0	0	0	0	0	0	0	0	0
276- 300 -----	20	0	0	0	0	0	0	0	0	0
301- 325 -----	25	5	0	0	0	0	0	0	0	0
326- 350 -----	30	10	0	0	0	0	0	0	0	0
351- 375 -----	35	15	5	0	0	0	0	0	0	0
376- 400 -----	40	20	10	0	0	0	0	0	0	0
401- 425 -----	45	25	15	5	0	0	0	0	0	0
426- 450 -----	50	30	20	10	0	0	0	0	0	0
451- 475 -----	55	35	25	15	5	0	0	0	0	0
476- 500 -----	60	40	30	20	10	0	0	0	0	0
501- 525 -----	65	45	35	25	15	5	0	0	0	0
526- 550 -----	70	50	40	30	20	10	0	0	0	0
551- 575 -----	75	55	45	35	25	15	5	0	0	0
576- 600 -----	80	60	50	40	30	20	10	0	0	0
601- 625 -----	85	65	55	45	35	25	15	5	0	0
626- 650 -----	90	70	60	50	40	30	20	10	0	0
651- 675 -----	95	75	65	55	45	35	25	15	5	0
676- 700 -----	100	80	70	60	50	40	30	20	10	0
701- 725 -----	105	85	75	65	55	45	35	25	15	5
726- 750 -----	110	90	80	70	60	50	40	30	20	10
751- 775 -----	115	95	85	75	65	55	45	35	25	15
776- 800 -----	120	100	90	80	70	60	50	40	30	20
801- 825 -----	125	105	95	85	75	65	55	45	35	25
826- 850 -----	130	110	100	90	80	70	60	50	40	30
851- 875 -----	135	115	105	95	85	75	65	55	45	35
876- 900 -----	140	120	110	100	90	80	70	60	50	40
901- 925 -----	145	125	115	105	95	85	75	65	55	45
926- 950 -----	150	130	120	110	100	90	80	70	60	50
951- 975 -----	155	135	125	115	105	95	85	75	65	55
976-1000 -----	160	140	130	120	110	100	90	80	70	60
1001-1025 -----	165	145	135	125	115	105	95	85	75	65
1026-1050 -----	170	150	140	130	120	110	100	90	80	70
1051-1075 -----	175	155	145	135	125	115	105	95	85	75
1076-1100 -----	180	160	150	140	130	120	110	100	90	80
1101-1125 -----	185	165	155	145	135	125	115	105	95	85
1126-1150 -----	190	170	160	150	140	130	120	110	100	90
1151-1175 -----	195	175	165	155	145	135	125	115	105	95

The maximum required monthly contribution of responsible relatives in one family where the net monthly income is over one thousand one hundred seventy-five dollars (\$1,175) shall be the amount computed by entering the column of maximum required monthly contribution appropriate to number of persons dependent upon income as shown in the Relatives' Contribution Scale for a net monthly income of one thousand one hundred fifty-one dollars (\$1,151) to one thousand one hundred seventy-five dollars (\$1,175) and then adding to the required monthly contribution

thus ascertained an additional sum of five dollars (\$5) contribution for each and every bracket of twenty-five dollars (\$25) net income over and above one thousand one hundred seventy-five dollars (\$1,175), the same as if the Relatives' Contribution Scale were extended by brackets of twenty-five dollars (\$25) net income in Column A, with corresponding step by step increases of five dollars (\$5) monthly contribution in each column under B. and C."

WEYBRET
WATSON
WARD

Senate Committee on Conference

LEVERING
KILPATRICK
NIEHOUSE

Assembly Committee on Conference

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Diekey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Huckleby, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, Weber, and Yorty—67.

NOES—None.

RESOLUTIONS

The following resolution was offered:

By Mr. Doyle:

House Resolution No. 97

In tribute to the Reverend Torrance Phelps

WHEREAS, During this 1950 Regular Session and 1950 First Extraordinary Session of the Legislature, the Reverend Torrance Phelps, Chaplain of the Assembly, has, by his prayers each morning, brought to this body valuable inspiration, and has reminded the members of their obligation not only to their God but to their fellow men, to the State, and the Nation; and

WHEREAS, His intellectual attainments have compelled the admiration of all within his hearing and have won the personal regard of all the members; now, therefore, be it

Resolved, That the Chief Clerk of the Assembly be and he is hereby authorized and instructed to have printed 500 copies of a booklet containing the prayers offered in the Assembly at these sessions; that he send five copies to each Member of the Assembly and to the members of the press; and that he transmit the remainder to the Reverend Torrance Phelps together with an engrossed copy of this resolution.

Request for Unanimous Consent

Mr. Doyle asked for, and was granted, unanimous consent to take up House Resolution No. 97, 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, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Connolly, Conrad, Crichton, Crowley, Davis, Diekey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Lewis, Lindsay, Lipscomb, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Thomas, and Weber—55.

NOES—None.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 133 FROM COMMITTEE CONTINUED

Mr. Elliott asked for, and was granted, unanimous consent that his notice of motion to withdraw Assembly Bill No. 133 from the Committee on Ways and Means, and have it placed upon the file, be continued until the next legislative day.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL
NO. 48 IN LIEU OF ASSEMBLY BILL NO. 144**

Mr. Crichton asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 48, out of order, in lieu of Assembly Bill No. 144, at this time.

CONSIDERATION OF SENATE BILL NO. 48

Senate Bill No. 48—An act authorizing the sale of property in the County of Fresno and providing for the disposition and use of the proceeds from said sale.

Bill read third time, and ordered temporarily passed on file

**CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS (RESUMED)**

Assembly Bill No. 55—An act to amend Sections 16441 and 16443, and to add Article 6, comprising Sections 16501 to 16504 inclusive, to Chapter 3 of Division 8 of the Education Code, relating to the health supervision of public school children, to provide for facilities for detecting and treating children who display tendencies to commit sex offenses, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Diekey, Dills, Dolwig, Doyle, Dunn, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hineckley, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lindsay, Lipsecomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Thomas, Tomlinson, Weber, and Yorty—60

NOES—None.

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 14—Relative to memorializing the Director of the United States Fish and Wildlife Service to establish a continuous waterfowl season for the Counties of Modoc, Lassen, Siskiyou, Del Norte, and Shasta.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Connolly, Crichton, Crowley, Davis, Diekey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hineckley, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipsecomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thomas, Weber, and Yorty—61

NOES—None

Resolution ordered transmitted to the Senate.

**CONSIDERATION OF HOUSE RESOLUTION NO. 77, AS AMENDED
IN THE ASSEMBLY ON APRIL 12, 1950**

By Messrs. Burkhalter, Beck, Levering, Grant, and Miller :

House Resolution No. 77

Relating to a survey and cost estimate by the Department of Public Works, Division of Highways, for a new State Highway Route from Route No. 2 to Route No. 60, in Los Angeles County.

WHEREAS, The increasing flow of traffic in the area makes imperative the establishment of a new State Highway Route from State Highway Route No. 2 in the vicinity of Reseda Boulevard to State Highway Route No. 60 in the vicinity of Santa Monica and Sunset Boulevard ; and

WHEREAS, It is desirable to establish the most feasible location of such highway route, due consideration being given to the relative cost of each possible location ; now, therefore, be it

Resolved by the Assembly of the State of California. That the Department of Public Works, Division of Highways, is requested to make a survey of the several possible locations of such proposed state highway route together with an estimate of the cost of acquisition and construction of each such location and to report to the Assembly not later than January 15, 1951 ; and, be it further

Resolved, That the Chief Clerk of the Assembly is requested to deliver copies of this resolution to the Department of Public Works, Division of Highways and to the California Highway Commission.

Resolution read, as amended, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 78

By Messrs. Kirkwood and Thompson :

House Resolution No. 78

Relative to a further investigation of the feasibility of a grade separation between State Highway Route 114 and the tracks of the Southern Pacific Railroad Company at Sunnyvale

WHEREAS, State Highway Route No. 114 crosses the tracks of the Southern Pacific Railroad Company at Sunnyvale at grade, and

WHEREAS, The crossing is very dangerous, State Highway Route No. 114 being the main artery between San Francisco and Santa Cruz ; and

WHEREAS, More than 5,000 cars and more than 100 trains traverse the crossing daily, and

WHEREAS, Complications exist due to the fact that the highway crosses three tram tracks and a main thoroughfare parallels the tracks necessitating stop signs and greatly increasing the traffic hazard ; and

WHEREAS, There have been a number of deaths from accidents at this crossing, all but one of which have involved through traffic ; now, therefore, be it

Resolved by the Assembly of the State of California. That the Public Utilities Commission, the Department of Public Works, Division of Highways, and the Southern Pacific Railroad Company be requested and directed to take further proceedings to investigate the feasibility of a separation of grade at the above described crossing and to report back to the Legislature not later than January 15, 1951 ; and be it further

Resolved, That the Chief Clerk of the Assembly be requested to send copies of this resolution to the Public Utilities Commission, the Department of Public Works, Division of Highways, and the Southern Pacific Railroad Company

Resolution read, and adopted.

CONSIDERATION OF HOUSE RESOLUTION NO. 82

By Mr. Thomas :

House Resolution No. 82

Relating to the Harbor Freeway in the County of Los Angeles

WHEREAS, On April 5th, this Assembly adopted House Resolution No. 26 relating to the location of the Harbor Freeway in the County of Los Angeles ; and

WHEREAS, Said House Resolution No. 26 requests the California State Highway Commission to investigate the advisability and feasibility of constructing the Harbor Freeway in a location along the right of way of the Pacific Electric Railway Company and along the route of the proposed Alameda Freeway ; and

WHEREAS, There is neither a contemplated abandonment of a Pacific Electric Railway right of way nor a proposed Alameda Freeway; and

WHEREAS, After several years of study, engineers of the Los Angeles Metropolitan Area proposed a Parkway (Freeway) Plan which has been approved by the Los Angeles County Regional Planning Commission, the Los Angeles County Board of Supervisors, the Los Angeles City Planning Commission, the Los Angeles City Council, and many city councils of other cities in the area; and

WHEREAS, Said approved Freeway plan indicates the proposed location of the Harbor Freeway in the vicinity of Figueroa Street with other paralleling Freeways to be located in the vicinity of (1) the Los Angeles River (Los Angeles River Freeway), (2) Santa Fe Avenue (Long Beach Freeway), and (3) Crenshaw Boulevard (Crenshaw Freeway); and

WHEREAS, The Harbor Freeway, when completed, will provide a direct prolongation of the Arroyo Seco Parkway from the Los Angeles Metropolitan Area and Civic Center to the Wilmington-San Pedro area, and a considerable portion of the contemplated direct Freeway route to the Los Angeles International Airport; and

WHEREAS, Rights of way have been secured and construction is under way on the Harbor Freeway from the Hollywood-Santa Ana Freeways to Olympic Boulevard; and

WHEREAS, Additional studies as proposed in House Resolution No. 26 can only result in unnecessary delay in the completion of the Harbor Freeway and the attendant suffering by the people of the existing intolerable traffic congestion; and

WHEREAS, In addition to the traffic facilities to be accomplished, much gainful employment will be provided both in the actual construction of the Harbor Freeway and in the moving of housing structures from the right of way and their ultimate rehabilitation on new sites; and

WHEREAS, Additional delay will increase the freeway cost due to increasing subdivision developments along the proposed route in the rural areas; and

WHEREAS, The Harbor Freeway has always rated a high priority necessary to relieve traffic congestion in the Los Angeles Metropolitan Area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California State Highway Commission, the California State Department of Public Works, the Los Angeles County Board of Supervisors, and the Los Angeles City Council be respectfully and urgently requested to complete, as soon as possible, the Harbor Freeway from Olympic Boulevard to its southerly terminus in the Wilmington-San Pedro Area, conforming in location as nearly as practicable, to the approved Freeway Plan; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission, the Director of the California State Department of Public Works, the members of the Board of Supervisors of the County of Los Angeles, and the members of the City Council of the City of Los Angeles

Resolution read.

Motion to Amend

Mr. Thomas moved the adoption of the following amendments:

Amendment No. 1

Strike out the first, second, and third "Whereas" clauses of the measure, as printed on pages 979 and 980 of the Assembly Journal for April 11, 1950

Amendment No. 2

Strike out the eighth "Whereas" clause of the measure.

Amendments read.

House Resolution No. 82 ordered temporarily passed on file

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 47—An act to amend Sections 5048, 5050, 5059, 5061, 5065, 5072, and 5073 of the Education Code, relating to school district public works, declaring the urgency thereof to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Babbage, Beck, Berry, Brady, Brown, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stewart, Thomas, Tomlinson, Weber, and Yorty—57.

NOES—Stanley—1.

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

AYES—Babbage, Beck, Berry, Brady, Brown, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Luckel, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stewart, Thomas, Tomlinson, Weber, and Yorty—57.

NOES—Stanley—1.

Bill ordered transmitted to the Senate.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 80**

Mr. Brady asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 80, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 80

By Mr. Maloney:

House Resolution No. 80

Relative to the preparation and printing of a Summary Digest and Subject List

Resolved by the Assembly of the State of California, That the Legislative Counsel prepare in one volume a Summary Digest of statutes enacted and constitutional amendments proposed and a Subject List of all bills, constitutional amendments, joint and concurrent resolutions introduced at the 1949 First Extraordinary Session, the 1950 Budget Session, the 1950 First Extraordinary Session, and the 1950 Second Extraordinary Session of the Legislature, and that copies be distributed to all Members of the Legislature as soon as possible after printing; and be it further

Resolved, That the Chief Clerk of the Assembly cause not exceeding 2,000 copies of this document to be printed, the cost thereof to be paid from the legislative printing appropriation.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinkley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Maloney, McCarthy, McCollister, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, Weber, and Yorty—62.

NOES—None.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP FURTHER
CONSIDERATION OF SENATE BILL NO. 48**

Mr. Crichton asked for, and was granted, unanimous consent that he be permitted to take up further consideration of Senate Bill No. 48, temporarily passed on file, at this time.

FURTHER CONSIDERATION OF SENATE BILL NO. 48

Senate Bill No. 48—An act authorizing the sale of property in the County of Fresno and providing for the disposition and use of the proceeds from said sale.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Lewis, Lincoln, Lindsay, Luckel, Maloney, McCarthy, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, Tomlinson, and Yorty—61.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO STRIKE ASSEMBLY BILL NO. 144 FROM FILE

Messrs. Crichton and Hansen asked for, and were granted, unanimous consent that Assembly Bill No. 144 be ordered stricken from the file.

CONSIDERATION OF DAILY FILE (RESUMED)**THIRD READING OF SENATE BILLS (RESUMED)**

Senate Bill No. 6—An act to amend Section 290 of the Penal Code, relating to registration of sex offenders and sexual psychopaths.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Berry, Brady, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Coats, Collier, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hinckley, Hoffman, Hollibaugh, Kirkwood, Levering, Lewis, Lincoln, Luckel, Maloney, McCarthy, McColhster, McMullan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thomas, and Yorty—59.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 82

Mr. Thomas asked for, and was granted, unanimous consent that he be permitted to take up further consideration of House Resolution No. 82, temporarily passed on file, at this time.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 82

By Mr. Thomas:

House Resolution No. 82

Relating to the Harbor Freeway in the County of Los Angeles

WHEREAS, On April 5th, this Assembly adopted House Resolution No. 26 relating to the location of the Harbor Freeway in the County of Los Angeles; and

WHEREAS, Said House Resolution No. 26 requests the California State Highway Commission to investigate the advisability and feasibility of constructing the Harbor Freeway in a location along the right of way of the Pacific Electric Railway Company and along the route of the proposed Alameda Freeway; and

WHEREAS, There is neither a contemplated abandonment of a Pacific Electric Railway right of way nor a proposed Alameda Freeway; and

WHEREAS, After several years of study, engineers of the Los Angeles Metropolitan Area proposed a Parkway (Freeway) Plan which has been approved by the Los Angeles County Regional Planning Commission, the Los Angeles County Board of Supervisors, the Los Angeles City Planning Commission, the Los Angeles City Council, and many city councils of other cities in the area; and

WHEREAS, Said approved Freeway plan indicates the proposed location of the Harbor Freeway in the vicinity of Figueroa Street with other paralleling Freeways to be located in the vicinity of (1) the Los Angeles River (Los Angeles River Freeway), (2) Santa Fe Avenue (Long Beach Freeway), and (3) Crenshaw Boulevard (Crenshaw Freeway); and

WHEREAS, The Harbor Freeway, when completed, will provide a direct prolongation of the Arroyo Seco Parkway from the Los Angeles Metropolitan Area and Civic Center to the Wilmington-San Pedro area, and a considerable portion of the contemplated direct Freeway route to the Los Angeles International Airport; and

WHEREAS, Rights of way have been secured and construction is under way on the Harbor Freeway from the Hollywood-Santa Ana Freeways to Olympic Boulevard; and

WHEREAS, Additional studies as proposed in House Resolution No. 26 can only result in unnecessary delay in the completion of the Harbor Freeway and the attendant suffering by the people of the existing intolerable traffic congestion; and

WHEREAS, In addition to the traffic facilities to be accomplished, much gainful employment will be provided both in the actual construction of the Harbor Freeway and in the moving of housing structures from the right of way and their ultimate rehabilitation on new sites; and

WHEREAS, Additional delay will increase the freeway cost due to increasing subdivision developments along the proposed route in the rural areas; and

WHEREAS, The Harbor Freeway has always rated a high priority necessary to relieve traffic congestion in the Los Angeles Metropolitan Area; now, therefore, be it

Resolved by the Assembly of the State of California. That the California State Highway Commission, the California State Department of Public Works, the Los Angeles County Board of Supervisors, and the Los Angeles City Council be respectfully and urgently requested to complete, as soon as possible, the Harbor Freeway from Olympic Boulevard to its southerly terminus in the Wilmington-San Pedro Area, conforming in location as nearly as practicable, to the approved Freeway Plan; and be it further

Resolved. That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission, the Director of the California State Department of Public Works, the members of the Board of Supervisors of the County of Los Angeles, and the members of the City Council of the City of Los Angeles.

Resolution read.

**Further Consideration of Amendments by Mr. Thomas
Motion to Amend**

Mr. Thomas moved the adoption of the following amendments:

Amendment No. 1

Strike out the first, second, and third "Whereas" clauses of the measure, as printed on pages 979 and 980 of the Assembly Journal for April 11, 1950

Amendment No. 2

Strike out the eighth "Whereas" clause of the measure.

Amendments read, and adopted.

House Resolution No. 82 ordered temporarily passed on file.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 69**

Mr. Evans asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 69, temporarily passed on file, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 69

By Mr. Evans:

House Resolution No. 69

Relative to augmenting funds of the Assembly Interim Committee on Public Utilities and Corporations

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available, the sum of ten thousand dollars (\$10,000), 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 Public Utilities and Corporations (created by House Resolution No. 264, 1949 Regular Session) and its members and for any charges, expenses, or claims it may incur under said resolution, to be paid from 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—Anderson, Bennett, Berry, Brady, Brown, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Collier, Condon, Connolly, Davis, Dieker, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Lewis, Lincoln, Lindsay, Lipcomb, Maloney, McCollister, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thomas, and Yorty—46
 NOES—Levering and Luckel—2.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 141

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

Above bill ordered enrolled

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined

Assembly Bill No. 20—An act to add Article 1a to Chapter 1, Division 1, of the Agricultural Code, to provide for the acquisition of land and the construction and equipment of buildings, offices, and facilities for use of the Department of Agriculture and other state and official agricultural agencies;

Assembly Bill No. 28—An act to amend Section 3472 of the Welfare and Institutions Code, relating to aid to partially self-supporting blind residents;

Assembly Bill No. 31—An act to amend Section 3447 of the Welfare and Institutions Code, relating to aid to the partially self-supporting blind;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1950, at 11 a m

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Legislative Procedure has examined

Assembly Bill No. 32—An act to add Section 3451 to the Welfare and Institutions Code, relating to eligibility for aid to partially self-supporting blind residents;

Assembly Bill No. 45—An act to add Sections 2201 and 3090.5 to the Welfare and Institutions Code, relating to public assistance, including aid to the aged and aid to the needy blind, in respect to recipients who have removed from one county to another county within the State, and declaring the urgency thereof, to take effect immediately;

Assembly Bill No. 49—An act to amend Sections 73 and 2121 of the Streets and Highways Code, relating to the relinquishment of portions of state highways to counties;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1950, at 11 a m

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 80—An act to amend Sections 3083 and 3471 of the Welfare and Institutions Code, relating to aid to the blind, including aid to the needy blind and aid to partially self-supporting blind residents, in respect to determination of blindness;

Assembly Bill No. 104—An act to add Section 9906.1 to the Government Code, relating to influencing the legislative process;

Assembly Bill No. 120—An act to amend Section 6550 of the Streets and Highways Code, relating to public works and improvements, 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 thirteenth day of April, 1950, at 11 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 124—An act to add Section 9909 to the Government Code, relating to registration of legislative representatives, and making an appropriation, declaring the urgency hereof, to take effect immediately;

Assembly Bill No. 129—An act to add Sections 3.1, 3.2, and 3.3 to, the Los Angeles County Flood Control Act, relating to the Los Angeles County Flood Control District and authorizing the establishment of zones therein to reclaim, acquire and import water, and to spread the same and cause it to percolate into the soil, and to levy special taxes therefor;

Assembly Bill No. 143—An act to amend Section 11d of the Municipal Court Act of 1925, relating to credit for prior public service and annual salary increments based on such service, for officers and attaches of municipal courts in cities and counties of the fifth class;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1950, at 11 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Joint Resolution No. 8—Relative to the tidelands and submerged lands adjacent to the coast of California;

Assembly Joint Resolution No. 10—Memorializing Congress to grant former owners of Camp Beale lands first right to purchase such lands if and when the lands are sold;

Assembly Joint Resolution No. 11—Relative to memorializing Congress to appropriate sufficient sums of money to continue the activities of the Bureau of Indian Affairs in California;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the thirteenth day of April, 1950, at 11 a.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Concurrent Resolution No. 11—Commending Judge J. O. Moncur on his services to the judiciary;

Assembly Concurrent Resolution No. 18—Relative to leaves of absence from the State of Members of the Senate and Assembly;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the thirteenth day of April, 1950, at 11 a.m.

GRUNSKY, Vice Chairman

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 82

Mr. Thomas asked for, and was granted, unanimous consent that he be permitted to take up further consideration of House Resolution No. 82, temporarily passed on file, at this time.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 82

By Mr. Thomas:

House Resolution No. 82

Relating to the Harbor Freeway in the County of Los Angeles

WHEREAS, After several years of study, engineers of the Los Angeles Metropolitan Area proposed a Parkway (Freeway) Plan which has been approved by the Los Angeles County Regional Planning Commission, the Los Angeles County Board of Supervisors, the Los Angeles City Planning Commission, the Los Angeles City Council, and many city councils of other cities in the area; and

WHEREAS, Said approved Freeway plan indicates the proposed location of the Harbor Freeway in the vicinity of Figueroa Street with other paralleling Freeways to be located in the vicinity of (1) the Los Angeles River (Los Angeles River Freeway), (2) Santa Fe Avenue (Long Beach Freeway), and (3) Crenshaw Boulevard (Crenshaw Freeway); and

WHEREAS, The Harbor Freeway, when completed, will provide a direct prolongation of the Arroyo Seco Parkway from the Los Angeles Metropolitan Area and Civic Center to the Wilmington-San Pedro area, and a considerable portion of the contemplated direct Freeway route to the Los Angeles International Airport; and

WHEREAS, Rights of way have been secured and construction is under way on the Harbor Freeway from the Hollywood-Santa Ana Freeways to Olympic Boulevard; and

WHEREAS, In addition to the traffic facilities to be accomplished, much gainful employment will be provided both in the actual construction of the Harbor Freeway and in the moving of housing structures from the right of way and their ultimate rehabilitation on new sites; and

WHEREAS, Additional delay will increase the freeway cost due to increasing subdivision developments along the proposed route in the rural areas; and

WHEREAS, The Harbor Freeway has always rated a high priority necessary to relieve traffic congestion in the Los Angeles Metropolitan Area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California State Highway Commission, the California State Department of Public Works, the Los Angeles County Board of Supervisors, and the Los Angeles City Council be respectfully and urgently requested to complete, as soon as possible, the Harbor Freeway from Olympic Boulevard to its southerly terminus in the Wilmington-San Pedro Area, conforming in location as nearly as practicable, to the approved Freeway Plan; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission, the Director of the California State Department of Public Works, the members of the Board of Supervisors of the County of Los Angeles, and the members of the City Council of the City of Los Angeles.

Resolution read, as amended.

Consideration of Further Amendments to House Resolution No. 82**Motion to Amend**

Mr. Hahn moved the adoption of the following amendments:

Amendment No. 1

In the first '*Resolved*' paragraph, in line 5, strike out "Olympic Boulevard to its southerly terminus in the".

Amendment No. 2

In the first "*Resolved*" paragraph, strike out the last comma in line 5, and insert "to Los Angeles in a route which will involve the removal of as few homes as possible."

Amendment No. 3

In the first "*Resolved*" paragraph, strike out lines 6 and 7 to the semicolon after "Plan".

Amendments read, and adopted.

Consideration of House Resolution No. 82, as Amended

By Mr. Thomas:

House Resolution No. 82

Relating to the Harbor Freeway in the County of Los Angeles

WHEREAS, After several years of study, engineers of the Los Angeles Metropolitan Area proposed a Parkway (Freeway) Plan which has been approved by the Los Angeles County Regional Planning Commission, the Los Angeles County Board of

Supervisors, the Los Angeles City Planning Commission, the Los Angeles City Council, and many city councils of other cities in the area; and

WHEREAS, Said approved Freeway plan indicates the proposed location of the Harbor Freeway in the vicinity of Figueroa Street with other paralleling Freeways to be located in the vicinity of (1) the Los Angeles River (Los Angeles River Freeway), (2) Santa Fe Avenue (Long Beach Freeway), and (3) Crenshaw Boulevard (Crenshaw Freeway); and

WHEREAS, The Harbor Freeway, when completed, will provide a direct prolongation of the Arroyo Seco Parkway from the Los Angeles Metropolitan Area and Civic Center to the Wilmington-San Pedro area, and a considerable portion of the contemplated direct Freeway route to the Los Angeles International Airport; and

WHEREAS, Rights of way have been secured and construction is under way on the Harbor Freeway from the Hollywood-Santa Ana Freeways to Olympic Boulevard; and

WHEREAS, In addition to the traffic facilities to be accomplished, much gainful employment will be provided both in the actual construction of the Harbor Freeway and in the moving of housing structures from the right of way and their ultimate rehabilitation on new sites; and

WHEREAS, Additional delay will increase the Freeway cost due to increasing subdivision developments along the proposed route in the rural areas; and

WHEREAS, The Harbor Freeway has always rated a high priority necessary to relieve traffic congestion in the Los Angeles Metropolitan Area, now, therefore, be it

Resolved by the Assembly of the State of California, That the California State Highway Commission, the California State Department of Public Works, the Los Angeles County Board of Supervisors, and the Los Angeles City Council be respectfully and urgently requested to complete, as soon as possible, the Harbor Freeway from Wilmington-San Pedro Area to Los Angeles in a route which will involve the removal of as few homes as possible; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit copies of this resolution to the members of the California State Highway Commission, the Director of the California State Department of Public Works, the members of the Board of Supervisors of the County of Los Angeles, and the members of the City Council of the City of Los Angeles.

Resolution read, as amended, and adopted.

PERMANENT STANDING RULES OF THE ASSEMBLY ORDERED CORRECTED AND REPRINTED BY UNANIMOUS CONSENT

By unanimous consent, the Permanent Standing Rules of the Assembly were ordered corrected to conform with the Standing Rules as they appear in the pamphlet entitled "Joint Rules of the Senate and Assembly for the 1949 Regular Session (as amended) and Standing Rules of the Assembly for the 1948 and 1949 Regular Session (as amended) and that the Rules, as further amended, at this session, be included and be reprinted to read as follows:

PERMANENT STANDING RULES OF THE ASSEMBLY FOR THE 1950 FIRST EXTRAORDINARY SESSION

SECTION 1

LEGISLATIVE ORGANIZATION

Assignment of Desks to Members

1. Members shall be assigned to desks by the Chief of the Bureau of Buildings and Grounds, subject to change by the Committee on Rules, and, as far as possible, he shall conform to the requests of members, giving due consideration to their seniority in point of service in the Assembly.

Hours of Meeting

2. The session of Assembly, prior to the constitutional recess, shall be daily, beginning at 10 o'clock a m. (Sundays excepted), unless otherwise ordered by a majority vote of the members present.

Following the constitutional recess, the Assembly shall meet promptly at 9 30 o'clock a.m., daily (Sundays excepted), unless otherwise ordered by a majority vote of the members present.

RULES

Adoption of Standing Rules

3. The adoption of the Standing Rules shall require an affirmative recorded vote of a majority of the entire elected membership. When once adopted, such Standing Rules shall remain in effect, unless suspended or amended as provided in these Rules.

Suspension of Rules

4. Any standing rule of the Assembly may be suspended temporarily by a vote of two-thirds of the members present; provided, that such temporary suspension shall apply only to the matter under immediate consideration, and in no case shall it extend beyond an adjournment.

Amending Standing Rules

5. No standing rule of the Assembly shall be amended except by an affirmative recorded vote of a majority of the entire elected membership of the Assembly, and one day's notice must be given on the motion thereof.

Temporary Rules

6. The Committee on Rules may at any time report a temporary rule. Upon adoption by an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly, such temporary rule shall have the effect, for the time being, of a standing rule. If such temporary rule shall be in conflict with a standing rule, it shall supersede such standing rule only for the time being.

Parliamentary Rules

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

STANDING COMMITTEES

Standing Committees

8. For their convenient functioning and in furtherance of the thorough consideration of all bills on a given subject, the several standing committees of the Assembly are respectively grouped into the following categories:

A. LEGISLATURE:

Two committees to consider legislative organization, functions and procedure:

Committee on Rules

There is a Committee on Rules, No. 1, which shall act as an executive committee of the House having the following powers:

To recommend the appointment of all attaches and employees of the Assembly not otherwise provided for by statute. It shall have authority to suspend, with or without pay, any such attache or employee for incompetency or dereliction of duty, pending final action by the Assembly.

The Committee on Rules shall for the purpose of Joint Rule No. 2 be deemed to be the Rules Committee of the Assembly.

Committee on Legislative Procedure

There is a Committee on Legislative Procedure, No. 2, which shall have and exercise the following powers:

To be the Committee on Engrossment and Enrollment within the meaning of the Joint Rules. It shall be the duty of the Committee on Legislative Procedure to compare all bills, ordered or considered engrossed by the Assembly, with the engrossed copies thereof; and, before they pass out of the possession of the Assembly, see that the engrossed bill is a true copy of the original, with such amendments as may have been made thereto; and said committee shall see that all engrossed bills are reported back in the order in which they were ordered engrossed. The report of the Committee on Legislative Procedure shall be in order at any time.

To consider and report on bills introduced after the constitutional recess.

To assist the Speaker, upon his request, in recommending the reference of bills to the appropriate standing committees.

Twenty-five standing committees of the Assembly are hereby created, upon the several subjects, and numbered respectively, as follows:

1. Rules.
2. Legislative Procedure.
3. Conservation, Planning, and Public Works.
4. Fish and Game.
5. Governmental Efficiency and Economy.
6. Revenue and Taxation.
7. Ways and Means.
8. Education.
9. Crime and Correction.
10. Public Morals.
11. Public Health.
12. Social Welfare.
13. Civil Service and State Personnel.
14. Military Affairs.
15. Municipal and County Government.
16. Elections and Reapportionment.
17. Judiciary.
18. Constitutional Amendments.
19. Agriculture.
20. Livestock and Dairies.
21. Public Utilities and Corporations.
22. Manufacturing, Oil, and Mining Industry.
23. Industrial Relations.
24. Finance and Insurance.
25. Transportation and Commerce.

Prior to the assignment of members to serve on the several standing committees, the Speaker shall consider the preferences of the members with regard to committee assignments, while keeping in view the practical necessity of making assignments so that members will not serve on more than one committee which meets at the same time, and the Speaker thereafter shall determine the number and members to serve on each standing committee. Upon publication in the Journal of the number of members on each standing committee, no further change in the number of members

of the committee shall be made otherwise than by a majority vote of the elected membership of the Assembly.

No Member of the Assembly shall be a member of more than three standing committees except that upon appointment by the Speaker or the approval of the House a member may serve on four committees.

There shall be published weekly in the Assembly Weekly History during each session of the Legislature a chart showing the Rational Organization of the Standing Committees of the Assembly and showing Chairman and Vice Chairman, Number of Members, Time of Meeting, Room Number, Total Number of Measures, "referred" and "action pending," and a meeting schedule for each day of the week.

Motions to Change Membership or Numbers of Standing Committees

9. A motion proposing to increase or diminish the membership of a standing committee or the number of standing committees, shall not be considered until the same shall have been referred to and approved by the Committee on Rules.

SECTION 2

HOUSE FUNCTIONS

Duties of Assembly Officers

Duties of the Speaker

10. The Speaker shall possess the powers and perform the duties prescribed:

(a) To preserve order and decorum; he may speak to points of order in preference to the other members, rising from his chair for that purpose.

(b) To decide all questions of order subject to appeal to the Assembly by any member. On every appeal, he shall have the right to assign his reason for his decision.

(c) To have general direction over the Assembly Chamber and rooms set aside for the use of the Assembly, including the rooms for use by members as private offices.

(d) To name any member to perform the duties of the Speaker, but such substitutions shall not extend beyond adjournment.

(e) To appoint the membership of all standing and special committees, and their respective chairmen and vice chairmen.

(f) To propose a schedule of meetings of standing committees.

(g) To have general control and direction over the Journals, papers, and bills of the Assembly.

(h) To act as Chairman of the Committee of the Whole.

(i) To order the Lobby and Gallery cleared whenever he shall deem it necessary.

(j) To assign desks to properly accredited newspaper representatives.

(k) To authenticate by his signature, when necessary, or when required by law, all bills, memorials, resolutions, orders, proceedings, writs, warrants, and subpoenas issued by order of the Assembly.

(l) The Speaker shall be ex officio member of all Assembly, joint, and interim committees with all of the rights and privileges of such membership, except the right to vote. In counting a quorum of any such committees, the Speaker shall not be counted as a member.

Duties of the Speaker pro Tempore

11. The Speaker pro Tempore shall have the powers and perform the duties of the Speaker during his absence.

Duties of the Chief Clerk

12. The duties of the Chief Clerk shall be as follows:

(a) To have charge of and supervise all clerical business and printing of the Assembly.

(b) To see that the Journals, other publications, and records of the Assembly are properly kept.

(c) To refuse to permit any records or papers to be taken from the desk or out of his custody, except upon duly signed receipts from persons authorized.

(d) To read or allow his assistants to read from the desk only such matters as the Speaker of the Assembly shall direct.

(e) To have general supervision over all clerks, attaches, and employees, and to be responsible for their official acts and their performance of and regular attendance upon their duties.

(f) To suspend temporarily any clerk, attache, or employee for incompetency or dereliction of duty, pending action by the Committee on Rules.

(g) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

(h) Before the commencement of any regular session of the Legislature the Chief Clerk of the Assembly may mail to each member a blank form on which the member may indicate his committee preferences. Accompanying such blank shall be mailed a stamped envelope addressed to the Chief Clerk of the Assembly for returning such form. After their receipt, all such communications shall be delivered to the Chairman of the Interim Committee on Legislative Organization, if such a committee has been created, who shall deliver them to the Speaker immediately upon the organization of the Assembly.

(i) To certify to the Controller, pay rolls of members and attaches.

(j) To certify all requisitions upon the Controller for the payment of bills incurred by the Assembly.

(k) To order and sign for all documents and printing, subject to approval by the Speaker or the Chairman of the Committee on Rules.

12.5 Pursuant to subdivision (d) of Section 9900, Government Code, as amended by Assembly Bill No. 74 of this session, the Legislative Auditor is hereby designated as the person embraced by the definition of "Clerk" set forth in that section.

Duties of the Sergeant-at-Arms

13. The duties of the Sergeant-at-Arms shall be as follows:

(a) To attend the Assembly during its session, preserve order, announce all official messengers, and serve all processes issued by authority of the Assembly and directed by the Speaker; he shall receive his actual expenses for himself or for an assistant when executing any such process.

(b) To see that no person is admitted to the Assembly Chamber except in accordance with the provisions of these Rules.

(c) To have general supervision over the Assistant Sergeants-at-Arms and be responsible for their official acts and their performance of and regular attendance upon their duties.

(d) To suspend temporarily any Assistant Sergeant-at-Arms for incompetency or dereliction of duty, pending action by the Committee on Rules.

(e) To execute all commands of the Speaker.

(f) To perform all other duties pertaining to his office as prescribed by law or Assembly rule.

Duties of the Chief Assistant Sergeant-at-Arms

13.5. The Chief Assistant Sergeant-at-Arms shall have the powers and perform the duties of the Sergeant-at-Arms during his absence.

Printing

Authority for Printing

14. The State Printer shall not charge any printing or other work to the Assembly other than provided by law or Assembly rule, except upon a written order signed by the Chief Clerk of the Assembly and countersigned by the Chairman of the Committee on Rules or by the Speaker, and delivered to him prior to beginning such printing or work. All invoices for printing furnished the Assembly shall be itemized and rendered by the State Printer within 30 days after completion of said printing. When necessary, the Chief Clerk may order certain printed matter completed in advance of its regular order by the issuance of a rush order.

Printing Style, Form and Amount to Be Printed

15. Unless otherwise restricted by law or by Assembly rule, the style and form of all printing, the quality of paper to be used, the number of copies to be printed of each order, and the number of copies to be delivered to each member shall be decided by the Chief Clerk and approved by the Speaker or the Chairman of the Committee on Rules. All requests by members for additional copies of bills, documents, or other printed matter shall be referred to the Committee on Rules.

Printing Assembly History

16. The Chief Clerk shall cause to be compiled and printed during the constitutional recess a Legislative Handbook and a Semi-Final Assembly History, together with an index, setting forth a complete History showing all actions on bills, constitutional amendments, concurrent, joint, and House resolutions prior to the constitutional recess.

During the remainder of the session, the Chief Clerk shall cause to be printed and placed upon each member's desk prior to convening on Monday of each week, a complete History showing all actions taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening between the issuance of such Weekly History, there shall be printed a Daily Supplemental History showing only actions taken upon any measure since the issuance of the preceding Weekly History.

Printing of Maps

17. Maps or charts accompanying documents other than bills shall not be printed without special authority from the Assembly by a majority vote of its entire elected membership.

Miscellaneous

Admission to Assembly Chamber

18. Persons admitted to the Assembly Chamber, other than members and attaches, shall not be permitted to stand in the Lobby in the rear of the Assembly Chamber while the Assembly is in session, but shall be required to occupy the seats provided for them.

Use of Assembly Chamber

19. The Assembly Chamber shall not be used for any public or private business other than legislative matters during the sessions of the Legislature, except by consent of a majority of the entire elected membership of the Assembly.

Persons Admitted to Floor of the Assembly

20. No person other than members, officers, attaches, employees of the Legislature, former Members of the Legislature, and accredited members of the press shall be admitted to the floor of the Assembly during any session of the Assembly; provided, that a guest of any member shall be admitted upon presentation of a guest card of said member countersigned by the Speaker, such guest card being valid only on the legislative day for which it was issued.

All guests shall be seated only in the chairs in back of the rail in the rear of the Assembly Chamber and shall not be permitted to sit at the desks of the members nor stand in the rear of the Chamber while the Assembly is in session. No person other than an accredited newspaper representative shall be permitted to sit at the press desks. A special section in the Balcony shall be reserved for those holding guest cards; provided, that none of the above-mentioned persons in this rule shall engage in influencing the passage or defeat of legislation in the Assembly Chamber.

Lobbying in the Assembly Chamber

21. All persons appearing or being, or desiring to appear or be, at or in the Assembly Chamber, or at or in any committee room of the Assembly for the purpose of advocating the adoption or defeat of any bill, measure, or resolution introduced in, pending before, or being considered by the Assembly or by any committee thereof, or for the purpose of soliciting the vote of any Member of the Assembly upon any such bill, measure, or resolution, shall register with the Sergeant-at-Arms his name and address, together with a statement of the person or persons, corporation or corporations, or interest represented by or intended to be represented by him, and shall file with the Sergeant-at-Arms his written authority to represent such person, corporation, or interest; and thereupon the Sergeant-at-Arms shall issue to such person a certificate that he has so registered in conformity with this rule, which certificate shall be exhibited to the chairman of a committee upon request. A complete record of all persons so registered, together with their respective addresses and the persons, corporations, or interest represented by them, shall be kept and preserved by the Sergeant-at-Arms, and shall be open at all times to public inspection.

This rule shall not apply to members of either house of the Legislature, to elected state officers, or to individuals of the State of California

appearing in their own interest or behalf who are not representing any group, organization, or corporation.

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

No person engaged in presenting to the Assembly or its committees any business, or claim, or legislation, shall be permitted to engage in such business in the Assembly Chamber, or be permitted on the floor of the Assembly at any time while the Assembly is in session except those enumerated above; and any person transgressing this rule shall be removed from the floor of the Assembly and be debarred from the privilege of the floor during the remainder of the entire session. The Speaker is charged with the enforcement of this rule. This rule cannot be suspended except by a two-thirds vote of the entire elected membership of the Assembly.

Smoking in Assembly Chamber

22. Smoking may be prohibited temporarily during any session of Assembly by a majority vote of the members present.

Fees for Witnesses

23. Each witness summoned to appear before the Assembly or any of its committees shall receive the sum of ten dollars (\$10) for each day such witness shall be required to appear and the sum of five and one-half cents (\$0.05½) for each mile he shall travel in coming to and going from the place of examination.

Press Privileges

24. Newspaper correspondents desiring Assembly press cards and privileges shall make written application to the Speaker. The Assembly by a majority vote of the members present may revoke any press card.

The Speaker shall assign the Assembly press desks to accredited newspaper representatives authenticated by the Standing Committee of the Capitol Correspondents' Association; also the necessary rooms for the exclusive use of such accredited press representatives.

SECTION 3

LEGISLATIVE PROCEDURE

Speaker to Call Assembly to Order

25. The Speaker, or in his absence the Speaker pro Tempore, shall, at the hour appointed for meeting, call the Assembly to order. In the absence of both the Speaker and the Speaker pro Tempore, the Chief Clerk, or his assistant, shall call the Assembly to order, whereupon a temporary chairman shall be elected from among the members to preside.

The functions of the temporary chairman shall terminate upon return of the Speaker or Speaker pro Tempore.

Roll Call and Quorum

26. Before proceeding with the business of the Assembly, the roll of the members shall be called, and the names of those present shall be entered in the Journal. A majority of all the members elected to the Assembly shall constitute a quorum.

Order of Business

27. The order of business of the Assembly shall be as follows:

1. Roll Call
2. Prayer by the Chaplain
3. Reading of the Previous Day's Journal
4. Presentation of Petitions
5. Introduction and Reference of Bills
6. Reports of Committees
7. Second Reading of Bills
8. Messages from the Governor
9. Messages from the Senate
10. Motions and Resolutions
11. Business on the Daily File
12. Announcements
13. Adjournment

Pledging Allegiance to the Flag

28. On each Monday morning during the session, following the prayer by the Chaplain, the Members of the Assembly and its officers, attaches, and employees present in the Assembly Chamber shall pledge their allegiance to the Flag of the United States of America.

Reading, Correcting and Approving Journals

29. a. The reading of the Journal of the previous day may be dispensed with on motion by a majority of the members present.

b. All Journals of the Assembly shall be corrected by the Minute Clerk and delivered by him to the Chief Clerk within seven calendar days from the date of such Journal. Such corrected Journals may thereafter be approved by a majority vote of the members present.

c. A motion to correct any day's Journal shall be in order prior to the approval by the Assembly of such day's Journal. The approval of the Journal shall require a majority vote of the members present

Presentation of Petitions

30. Whenever petitions, memorials, or other papers are presented by a member, a brief statement of the contents thereof may be made verbally by the introducer. Petitions are not debatable and shall be filed, or be referred to a committee as the Speaker shall determine. Mention of receipt of such presentation and its disposition shall be entered on the Journal.

Upon receipt of a petition for the impeachment of any person subject to impeachment by the Legislature, the Speaker shall, without comment or debate, forthwith refer such petition to committee.

Messages From the Governor

31. Messages from the Governor shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal unless otherwise ordered by a recorded vote of two-thirds of the elected membership.

Messages From the Senate

32. Messages from the Senate shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed on the Journal. The Speaker shall forthwith refer to the proper committee all Senate bills

accompanying such messages, which reference shall be entered in the Journal. Assembly bills which have been passed without amendment by the Senate shall be ordered to enrollment.

Assembly bills amended by the Senate shall be ordered placed upon the unfinished business file.

Bills

Bills Defined

33. Whenever the word "bill" is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions, except as otherwise specifically provided.

Introduction and Reference of Bills

34. Each bill shall be signed by the member, or each of the members, who is an author of the bill before it is introduced. If any bill is introduced which does not contain the signature of such author or co-author, the same, on motion of the member whose name appears thereon without such signature, shall be stricken from the file by a recorded vote of a majority of the elected membership. In each legislative session, on the first day when bills are introduced under "Introduction and Reference of Bills," the roll shall be called from A to Z and then back from Z to A, and as each member's name is called, he may introduce one bill, constitutional amendment, concurrent or joint resolution.

After these two roll calls, any member desiring to introduce bills, constitutional amendments, concurrent and joint resolutions may at any time during a session send the same to the Clerk's desk.

When received at the Clerk's desk it shall, under the proper order of business, be numbered, read the first time, referred to a standing committee, be printed, and a copy placed upon the desk of each member.

All bills, constitutional amendments, concurrent and joint resolutions introduced before the standing committees of the Assembly are appointed, shall be referred to committees, references to take effect when the committees shall be appointed.

Reference of Bills to Committee

35. Immediately following its first reading, the Speaker shall refer each bill to a committee, unless upon a motion the Assembly, by a majority vote of its entire elected membership, shall refer it to some other committee. Such motion to refer a bill shall not be debatable. Should several different committees be proposed, preference shall be given as follows:

1. Committee of the Whole.
2. Standing Committee.
3. Special Committee.

Examining of Bills by Legislative Counsel Bureau

36. After introduction, all bills shall be delivered to the Legislative Counsel for the purpose of determining if the bill is in the proper form as prescribed by law or Assembly rule.

If, in the opinion of the Legislative Counsel, any correction made by him under the authority of this rule should in any manner be construed to be a change in the bill other than a change in form, he shall obtain the consent of the author of the bill before making such change.

Immediately upon the completion of the check of the bills referred to the Legislative Counsel in accordance with the provisions of this rule,

he shall deliver the bills to the State Printer. Under no circumstances shall the Legislative Counsel retain in his possession any bills referred to him under the provisions of this rule for any period longer than two legislative days.

Introduction of Bills After Constitutional Recess

37. Any member requesting permission to introduce a bill, except a resolution or constitutional amendment, after the constitutional recess shall send such request together with the bill to the Clerk's desk, and it shall be referred by the Speaker to the Committee on Legislative Procedure. The committee shall ascertain if the granting of such request will exceed the limitations as set forth in Section 2 of Article IV of the Constitution, and if it will not, shall report back on the same legislative day each bill so referred to it. The adoption of the report of the committee granting permission to introduce any bill shall require an affirmative recorded vote of three-fourths of all members elected to the Assembly.

During the portion of the session prior to the constitutional recess and after the end of the second week following the convening of the session, no member of the Assembly shall introduce any bill, other than the Budget Bill, at the request of or on behalf of any state officer, department, board, bureau, or commission, without first obtaining permission to do so. Any member who desires to introduce such a bill after the end of the second week of the session shall send it to the clerk's desk, accompanied by a written request for permission to introduce it. The bill may be introduced only after the adoption of a motion by the Assembly that permission be granted to the member to do so. The adoption of such a motion shall require an affirmative recorded vote of two-thirds of all members elected to the Assembly.

Standing Committee Functions

Standing Committee Rules

38. The Rules of the Assembly shall govern the conduct of all committee meetings. Each committee may adopt, by a majority vote of its entire membership, such additional rules as it may deem necessary for the conduct of any business referred to such committee.

A majority of the committee members present may order a call of the committee.

Meetings of Standing Committees

39. All standing committees shall meet at the hour and the place provided by schedule, unless otherwise ordered by the Assembly. No committee shall meet during any session of the Assembly without first obtaining permission from the Assembly.

Every scheduled committee meeting shall be open to the public, unless the committee, by a majority vote of its entire membership, shall order an executive session.

Committee Quorum

40. A majority of the membership of any standing committee shall constitute a quorum for the transaction of its business, including the adoption of any amendments to any bill. At least a majority of all members constituting such committee shall be required to report a bill out of committee.

Bills Reported Back to Assembly

41. All committees shall act upon bills referred to them as soon as practicable, and when acted upon each bill shall be reported back to the Assembly forthwith, and the chairman of each committee is charged with the observance of this rule.

Reports of Committees

42. Reports of standing and special committees shall be delivered to the Chief Clerk or an assistant, and shall be read and ordered printed in the Journal unless otherwise ordered by the Speaker or a majority vote of the members present.

Signing Bills Out of Committee

43. No bill shall be signed out of committee unless the committee has failed to hold a meeting on two consecutive scheduled dates, or having so met, has failed to have a quorum present for the transaction of business.

Committee of the Whole

44. The Assembly may resolve itself into a Committee of the Whole at any time by a majority vote of the members present. While sitting as such committee, persons other than members may address the committee. The Speaker of the Assembly, or any member named by the Speaker, shall preside as Chairman of the Committee of the Whole.

A motion that the Committee of the Whole "do now rise and report back to the Assembly," shall always be in order, and shall be decided without debate. All actions of the Committee of the Whole shall be reported to the Assembly by the chairman, but shall not be entered in the Journal except upon motion and a majority vote of the members present.

Committee on Ways and Means

45. The Committee on Ways and Means shall consider all bills to appropriate money, other than the contingent expenses of the Assembly.

Committee Expenditures

46. No member or committee shall be permitted to incur any expense without first receiving the consent of the Assembly, except that the Chairman of the Committee on Ways and Means shall be allowed his actual expenses for the performance of any duties of his office during the constitutional recess.

Reports of Interim Committees

47. All interim committees, unless otherwise authorized, shall report to the next succeeding Legislature on or before the fortieth day after the convening thereof.

Effect of Adoption of These Rules

47.5. The adoption of the Standing Rules of the 1950 Regular Session shall not be construed as modifying or rescinding the Permanent Standing Rules of the Assembly for the 1949 Regular Session, nor as affecting in any way the status or powers of the interim committees created by those Rules.

Passage of Bills**Daily File**

48. There shall be printed an Assembly Daily File for each legislative day following the constitutional recess, or at any time prior thereto when ordered by the Speaker. The Committee on Rules shall have charge of the Daily File of the Assembly. The following listing shall constitute the order of the Daily File:

1. Special Orders of the Day
2. Second Reading, Assembly Bills
3. Second Reading, Senate Bills
4. Unfinished Business
5. Third Reading, Assembly Bills
6. Third Reading, Senate Bills

All bills on the Daily File shall be called for consideration in the order of their listing, unless otherwise ordered by unanimous consent or an affirmative vote of two-thirds of the members present.

Inactive File

48.5. Whenever a bill has been passed twice on third reading file, it shall forthwith be placed upon a special file to be known as the inactive file. When a bill has been placed on the inactive file, it may be returned to the third reading file by a request of the author; but the bill shall then be placed at the foot of the third reading file.

Record of Bills

49. The Chief Clerk shall cause to be kept a permanent record of every action taken by the Assembly on every bill, and the date of such action. Every such action and the date thereof shall also be endorsed upon such bill.

Second Reading of Bills

50. All bills shall be read the second time in the order of their appearance upon the second reading file. Upon second reading, Assembly bills reported without amendments shall be ordered engrossed, and Senate bills reported without amendments shall be ordered to third reading.

Committee Amendments

51. Committee amendments reported with bills shall be considered upon their second reading and such amendments may be adopted by a majority vote of the members present. Assembly bills so amended shall be ordered reprinted and engrossed, and Senate bills so amended shall be ordered reprinted and to third reading.

Amendments From the Floor

52. Any member may move to amend a bill during its second or third reading and such motion to amend may be adopted by a majority vote of the members present.

Before debate an extra copy of the proposed amendment must be delivered to the Clerk's desk and made available to the author of the bill. Bills so amended on second reading shall be treated the same as committee amendments. Any bill so amended upon second or third reading shall be reprinted and re-engrossed. The Chief Clerk shall order printed not to exceed 1,000 copies of all amended bills

Consideration of Constitutional Amendments, Concurrent and Joint Resolutions

53. Constitutional amendments, concurrent and joint resolutions may be amended by a majority of the members present and shall be treated the same as bills, except that they shall be read but once. The ayes and noes shall not be called upon the adoption of concurrent resolutions, except those presenting charter amendments or authorizing expenditures of money, unless regularly demanded or required by statute or by the Constitution.

Bills Transmitted to the Senate

54. Upon the final passage of any bill if no notice of motion to reconsider such bill be given, the Speaker shall order the bill transmitted to the Senate under signature of the Chief Clerk. Senate bills refused passage shall forthwith be returned to the Senate under similar signature.

Bills Considered During Last Seven Days

55. No Assembly bill shall be passed by the Assembly within seven calendar days previous to the time set for adjournment *sine die* of the Legislature, except upon recommendation of the Speaker and permission to consider and vote on such bill being granted by a recorded vote of three-fourths of the entire elected membership of the Assembly.

Bills Considered During Period Prior to Final Adjournment

55.5. See Joint Rule 23 for provisions governing bills considered during this period.

Concurrence in Senate Amendments

56. It shall require the same affirmative recorded vote to concur in any Senate amendment to an Assembly bill as the vote required by the Constitution for the passage of such bill. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to concur in any Senate amendment to an Assembly bill which contains an item or items of appropriation subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution. The vote on concurrence shall be deemed the vote upon final passage of such bill. When Senate amendments to an Assembly bill are concurred in, the bill shall be forthwith ordered enrolled, and the Chief Clerk shall notify the Senate of such concurrence.

Nonconcurrence in Senate Amendments

57. If the Assembly refuse to concur in Senate amendments to an Assembly bill, and when notified that the Senate has refused to concur in Assembly amendments to a Senate bill, the Speaker shall appoint a Committee of Three (3) on Conference, and the Chief Clerk shall immediately notify the Senate of the action taken by the Assembly and request the appointment of a like committee.

Committee on Conference

58. The Speaker, in appointing a Committee on Conference, shall select two members from those voting with the majority on the point about which the difference has arisen, and the other member from the minority, in the event there is a minority vote.

59. The Chairman of the Senate Committee on Conference for the same bill shall arrange the time and place of meeting of such committee. It shall require an affirmative vote of not less than two of the Assembly

members and two of the Senate members constituting the Committee on Conference to agree upon a report, and the report shall be submitted to both the Senate and the Assembly. Such report is not subject to amendment, and if either house refuses to adopt such report, the conferees shall be discharged and other conferees appointed. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill. The presentation and consideration of any report of a Committee on Conference shall always be in order, except during a roll call or when a member has the floor. It shall require the same affirmative recorded vote to adopt any conference report as required by the Constitution upon the final passage of the bill affected by such report. It shall require an affirmative recorded vote of two-thirds of the entire elected membership of the Assembly to adopt any conference report affecting any Assembly bill which contains an item or items of appropriation which are subject to reduction or elimination under the provisions of Section 34a of Article IV of the Constitution.

The vote on concurrence or upon the adoption of such conference report by the Assembly shall be deemed the vote upon final passage of such bill.

Engrossing and Enrolling Bills

60. The Engrossing and Enrolling Clerk shall engross and enroll all bills which shall come to his hands for such purposes, in compliance with the provisions of Section 9503 of the Government Code, and in the order of time in which the same shall be acted upon by the Assembly.

Enrollment

61. After final passage by both houses, any Assembly bill not amended by the Senate shall be forthwith ordered by the Speaker to be enrolled, as provided in Sections 9508 and 9509 of the Government Code. The Committee on Legislative Procedure shall report both the day and the hour each enrolled bill is presented to the Governor, which report shall be entered in the Journal.

SECTION 4

PARLIAMENTARY PROCEDURE

Motions and Questions

Precedence of Motions During Debate

62. When a question is under debate or before the Assembly, no motions shall be received but the following, which shall take precedence in the order named:

- First*—To adjourn;
- Second*—To recess to a time certain;
- Third*—To lay on the table;
- Fourth*—For the previous question;
- Fifth*—To set as a special order;
- Sixth*—To postpone indefinitely;
- Seventh*—To refer or re-refer;
- Eighth*—To amend.

Questions of Order Decided Without Debate

63. All incidental questions of order, arising after a motion is made for any of the questions named in Rule 62 and pending such motion, shall be decided by the Speaker without debate, whether on appeal or otherwise.

Appeal From Decision of the Speaker

64. Any member may appeal from a decision of the Speaker without waiting for recognition by the Speaker, even though another member has the floor. No appeal is in order when another is pending, or when other business has been transacted by the Assembly prior to the appeal being taken.

Upon the appeal being seconded, the Speaker may give his reasons for the decision, and the member taking the appeal may give his reasons for making his appeal, and the Speaker shall forthwith put this question to the Assembly: "Shall the decision of the Speaker be sustained?"

An appeal cannot be amended and yields only to a motion to recess or adjourn, to lay on the table, or a question of personal privilege. If an appeal be laid on the table, such action shall have no effect on the pending question

An appeal cannot be debated when relating to indecorum, transgression of Rules, or priority of business. A majority vote of the members present shall decide any appeal.

Speaker Explains Order of Business

65. The Speaker may, on his own motion or upon the motion of any Member of the Assembly, explain the order of business when the motion pending before the Assembly is not debatable. Such explanation is not to consume more than two minutes.

To Adjourn

66. A motion to adjourn is not debatable and cannot be amended, and is always in order, except (a) when another member has the floor; (b) when the Assembly is voting; (c) during a call of the Assembly. The name of any member moving an adjournment and also the hour at which the motion was made and adjournment taken shall be entered in the Journal. A motion to adjourn must be adopted by a majority vote of the members present.

When a motion to adjourn is made and seconded, it shall be in order for the Speaker, before putting the question, to permit any member to state to the Assembly any fact relating to the condition of the business of the Assembly which would seem to render it improper or inadvisable to adjourn. A statement shall not occupy more than two minutes and shall not be debatable.

To Recess to a Time Certain

67. A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that such motion is debatable when no business is before the Assembly, and can be amended as to the time and duration of the recess. It yields only to a motion to adjourn.

To Lay on the Table

68. A motion to lay on the table is not debatable and cannot be amended.

A motion to table a bill, constitutional amendment, concurrent or joint resolution requires a majority vote of the entire elected membership.

Any motion to lay on the table, if carried by a majority vote of the entire elected membership, carries with it the main question and everything that adheres to it; provided, however, that a motion to lay an

amendment on the table, if adopted, does not carry with it a bill, constitutional amendment, concurrent, joint, or House resolution.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present.

The Previous Question

69. The previous question shall be put only when demanded by five members, and in this form: "Shall the question be now put?" And its effect, when sustained by a majority of the members present, shall be to put an end to all debate and bring the House to a vote only on the question then pending; except that the proponent of the matter pending shall be allowed not to exceed five minutes to close the debate.

Motion to Set Special Order

70. A motion to set any matter before the Assembly as a special order of business must be adopted by a two-thirds vote of the members elected. It is debatable only as to the propriety of setting the main question as a special order of business, and may be amended only as to the time.

Motion to Postpone to a Time Certain

71. A motion to postpone to a time certain shall be deemed and treated as a motion to set as a special order.

Motion to Postpone Indefinitely

72. When a motion is made to postpone indefinitely any bill, motion, or amendment, it opens the main question to debate. Should the motion to postpone indefinitely prevail by a majority vote of the entire elected membership, the main question shall not be acted upon again during the session.

Motion to Amend

73. A motion to amend may itself be amended, but no "amendment to an amendment" can be amended. A motion to amend is debatable, except where the main question to be amended is not debatable. Any motion to amend may be adopted by a majority vote of the members present.

A motion to amend having been decided in the negative, shall not again be in order on the same day, or at the same stage of proceeding. A motion to amend by striking out certain words having been decided in the negative, shall not preclude a motion to amend by adding words, or a motion to amend by striking out and inserting words; but in no case shall a further amendment be substantially the same as the one rejected.

Subject to the above provisions of this rule, a motion to amend is in order during the second or third reading of any bill.

A motion to lay an amendment on the table may be adopted by a majority vote of the members present, as provided in Rule 68.

Amendment to Be Germane

74. No amendment to any bill, whether reported by a committee or offered by a member, shall be in order when such amendment relates to a different subject, or is intended to accomplish a different purpose, or requires a title essentially different from the original title of any bill.

No amendment shall be in order which adds or deletes the name of a member as an author or co-author, or which changes the original number of any bill.

Substitute Motion

75. A motion to substitute shall be deemed and treated as a motion to amend.

Motions in Writing

76. Upon request of the Speaker all motions shall be reduced to writing and shall be read by the Speaker before the same are acted upon.

Constitution of Motions

77. No motion, whether oral or written, shall be adopted until the same shall be seconded and distinctly stated to the Assembly by the Speaker.

Division of Questions

78. Any member may call for a division of the question, and the Speaker shall order the question divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly.

Withdrawal of Motions

79. After a motion is stated by the Speaker, or a bill, resolution, or petition read by the Clerk, it shall be deemed to be in the possession of the Assembly.

Motion to Be Germane

80. No motion or proposition on a subject different from that under consideration shall be admitted as an amendment.

Motion to Withdraw and Recall Bills

81. A motion to withdraw a bill or resolution from committee, or to re-refer a bill or resolution from one committee to another committee may be made during the regular order of business. A motion to re-refer shall only be debatable as to the propriety of such reference, and shall require a recorded vote of a majority of the elected members.

No bill or resolution shall be withdrawn from committee and placed upon the file except upon two days' notice thereof and except by a recorded vote of a majority of the elected members.

Bills Stricken From File

82. A motion to strike from the file any bill or House resolution requires a majority vote of the entire elected membership. Such bill shall not be acted upon again during the session.

Motion to Rescind Action and Expunge Record

83. Previous to the approval of the Journal by the Assembly, any action may be rescinded and its record ordered expunged by an affirmative recorded vote sufficient to take such action originally; except that no action shall be rescinded and the record expunged by a vote less than a majority of the entire elected membership. No motion to rescind the action and expunge the record shall be made twice on the same proposition.

Whenever any action of the Assembly is rescinded and its record ordered expunged, the record of the action expunged shall not appear in any form whatsoever, but the record of the proceedings on the motion to rescind and expunge shall appear in the Assembly Journal as and when printed.

Reconsideration of Vote

84 Notice of a motion to reconsider on the next legislative day, the vote whereby any bill, constitutional amendment, concurrent or joint resolution was passed or refused passage, must be given on the same day such vote to be so reconsidered was taken.

A notice of motion to reconsider a vote must be given by a member voting on the bill, constitutional amendment, concurrent or joint resolution, and shall take precedence over all motions, except a motion to adjourn. Upon such notice of motion being given, the bill, constitutional amendment, concurrent or joint resolution shall forthwith be placed upon the unfinished business file, and no further action shall be taken prior to the next legislative day. When a notice of a motion to reconsider has once been made, the same shall be considered to be the property of the Assembly.

Any member voting on any motion, amendment, concurrence, Assembly resolution or proposition other than a bill, constitutional amendment, concurrent or joint resolution, may give notice of reconsideration of the vote whereby the same was passed or refused passage on the same day such vote to be reconsidered was taken, which notice shall suspend all further consideration until the next legislative day; provided, however, that a motion to reconsider on the same day the notice was given shall take precedence over and above such notice and upon demand of any member must be put to an immediate vote. A motion to reconsider any proposition other than a bill, constitutional amendment, concurrent or joint resolution shall require an affirmative recorded vote of a majority of the entire elected membership.

No notice of motion for reconsideration shall be in order on the day preceding the last day for consideration of Assembly or Senate bills in the Assembly. No motion to reconsider shall be adopted except upon an affirmative recorded vote of a majority of the entire elected membership, except that it shall require a two-thirds vote of the entire elected membership to reconsider the vote on any matter originally requiring a two-thirds vote for its passage or adoption.

When reconsideration is granted, the bill shall resume its exact position before the Assembly previous to its being voted upon.

Call of Assembly

85. After the roll has been called, and prior to the announcement of the vote, any member may move a call of the Assembly. A majority of the members present may order a call of the Assembly, and the Speaker shall immediately order the Sergeant-at-Arms to lock all doors and shall direct the Clerk to prepare a list of absentees as disclosed by the last roll call, which list of absentees shall be furnished to the Sergeant-at-Arms and printed in the Journal. Thereupon no members shall be permitted to leave the Assembly Chamber except by written permission of the Speaker, and no person shall be permitted to enter except such member as is taken into custody as herein provided, or Senators, officers, attaches, or employees of the Legislature in the official performance of their duties.

Those members who are found to be absent, and for whom no leaves of absence have been granted, shall be forthwith taken into custody wherever found by the Sergeant-at-Arms or his assistants or any person

designated by the Sergeant-at-Arms, including members of the California Highway Patrol, the State Police, and Sheriffs or their deputies, and brought to the Assembly Chamber. No recess or adjournment shall be taken during a call of the Assembly. During such call, the Assembly may consider and transact any matter of business by unanimous consent. No call of the Assembly shall be ordered on any matter while the Assembly is already under call. A call of the Assembly may be dispensed with at any time upon a majority vote of the members present, at which time the completion of the roll call pending when the call of the Assembly was ordered shall become the immediate order of business before the Assembly.

Resolutions

86. The adoption of any resolution authorizing the expenditure of money shall require an affirmative recorded vote of a majority of all members elected to the Assembly. All House resolutions shall be numbered and shall be referred to the appropriate committee by the Speaker.

Motions and Resolutions

87. Any motion or resolution not otherwise provided for under the Rules shall be placed before the Assembly only under this order of business. Unless otherwise provided by law or Assembly rule, any motion or resolution may be adopted by a majority vote of the members present.

Adjournment

88. Adjournment for the constitutional recess or adjournment *sine die* shall be ordered by concurrent resolution. The resolution for adjournment *sine die* shall be adopted by the Assembly not less than seven days before the date set therein for such adjournment.

Members' Decorum and Privileges

Order in Speaking to Questions

89. When a member desires to address the Assembly, he shall rise from his seat and respectfully address himself to "Mr. Speaker." Upon being recognized, he may speak, confining himself to the question under consideration. When two or more members rise at the same time, the Speaker shall designate the member who is entitled to the floor.

No member shall speak more than once during the consideration of any one question on the same day and at the same stage of proceeding, except that the author of a bill or resolution or the mover of a question shall have the right to open and close the debate thereon. No member shall be allowed to speak more than 10 minutes to open and five minutes to close the debate thereon, and no member other than the author or the mover of the question shall be allowed to speak more than five minutes thereon. No member shall yield to any other member the time for which he is entitled to speak on any matter.

Leave of Absence

90. No member shall absent himself from attendance at any session of the Assembly without leave of the Assembly, and no member shall obtain such leave of absence or be excused for nonattendance, except by a two-thirds vote of all members elected to the Assembly, or by unanimous consent.

Personal Privilege

91. Any member may rise to explain a matter personal to himself and shall forthwith be recognized by the Speaker, but shall not discuss a question in such explanation. Such matters of personal privilege yield only to a motion to recess or adjournment.

Objection to Reading of Any Paper

92. Any member upon recognition by the Speaker may object to the reading of any paper before the Assembly. After such objection, the question of reading shall be determined without debate by a majority vote of the members present, upon a brief statement of its substance by the Speaker.

Members Called to Order for Transgressing Rules

93. a. If any member transgresses the Rules of the Assembly, the Speaker shall, or any member may, call the offending member to order. The member so called to order shall immediately take his seat, until the Speaker without debate, shall have determined whether he is in order or not. Such decision by the Speaker shall be subject to an appeal to the Assembly.

b. If any member be called to order for offensive words spoken in debate, the person calling him to order shall state to the Assembly the words to which exception is taken. No member shall be held to answer, or be subject to censure by the Assembly, for language used in debate, if other business shall have been transacted by the Assembly prior to exception being taken to the words spoken.

Members Voting

94. Every member in the Assembly Chamber when a roll call is required shall record his vote openly and without debate, unless the Assembly shall, by a majority vote of the members present, excuse him.

The name of any member who refuses to vote as required by this rule, after being requested by the Speaker to do so, shall be entered in the Journal of the Assembly, together with a statement that he was present and did so refuse to vote. Any member who refuses so to vote may, if he so desires, and immediately after the announcement of the vote, submit a written explanation of his failure to vote and have such explanation printed in the Journal, provided no such explanation shall exceed 50 words in length.

In addition to the entry of his name in the Journal, any member who refuses so to vote when required, and who has not been excused from doing so, may, immediately after the announcement of the vote, in the discretion of the Speaker or upon demand of any member, be summoned to appear before the bar of the Assembly for public censure by the Speaker or by any member designated by the Speaker. Censure of a member as provided by this rule shall not constitute a bar to proceedings for his expulsion from the Assembly pursuant to Section 9 of Article IV of the Constitution.

A member may submit a written explanation of his vote on any bill or House resolution, and have such explanation printed in the Journal immediately following such vote, provided no such explanation shall exceed 50 words in length.

Ayes and Noes

95. The ayes and noes shall be recorded by the electrical voting system on the final passage of all bills, or by viva voce when demanded by three members or when ordered by the Speaker, and on any other question when called for by three members or ordered by the Speaker, the names of which members shall be entered in the Journal.

Voting Not to Be Interrupted

96. When once begun, voting shall not be interrupted, except that before the vote is announced, any member may have the total pending vote flashed on the visible vote recorder. Prior to the announcement of the vote the Speaker shall inquire if all members have voted. Any member may move a call of the Assembly after the completion of the roll and prior to the final recording, but no member shall be allowed to change his vote, or have his vote recorded after the vote is announced.

Members at Clerk's Desk

97. No member or other person shall be allowed at the Clerk's desk while the ayes and noes are being recorded or the votes counted.

Tie Vote

98. In case of an equal division, or tie vote, the question shall be lost.

"Two-thirds of the Entire Elected Membership" Defined

99. Wherever the words or figures, "two-thirds of the entire elected membership" appear in any rule, it shall mean 54 votes.

100. Pursuant to the powers vested in the Assembly Committee on Rules or the Assembly Legislative Process Committee, and during such times as the Assembly is not in session, the committee is authorized and directed to incur and pay such expenses of the Assembly not otherwise provided for as the committee determines are reasonably necessary, including repair, alteration, improvement and equipping of the Assembly Chamber and the offices provided for the Assembly in the State Capitol.

Speaker Presiding

At 11.54 a.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 146

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

Above reported bill ordered to third reading.

RECESS

At 11.55 a.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.

**REQUEST FOR UNANIMOUS CONSENT THAT REPORT
BE PRINTED IN JOURNAL**

Mr. Dickey asked for unanimous consent that the Interim Committee Report on Air Pollution Research be ordered printed in the Journal in 10-point type; that it be printed as a separate document; and that 2,500 copies be printed.

Above request ordered referred to the Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Levering:

House Resolution No. 98—Relative to Assemblyman Bruce V. Reagan.

Resolution read.

**Request for Unanimous Consent That Names of All Members Present Be
Placed Upon House Resolution No. 98 As Co-Authors**

Mr. Levering asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 98 as co-authors.

Announcement

Speaker Sam L. Collins announced that, pursuant to a motion previously carried, it is in order to take a roll call for the placement of names of co-authors on House Resolution No. 98; but, because two committees are holding meetings, the names of members answering to roll calls will, by unanimous consent, be ordered placed upon House Resolution No. 98 as co-authors; and that anyone desiring to strike his name may do so by request to the Minute Clerk.

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

House Resolution No. 98

Relative to Assemblyman Bruce V. Reagan

WHEREAS, Assemblyman Bruce V. Reagan of the Forty-eighth District in Los Angeles has announced that he shall not be campaigning for reelection and consequently will not be with this Assembly during the next session; and

WHEREAS, Assemblyman Bruce V. Reagan is a veteran of World War II, having served in the Army of Occupation in Germany; and

WHEREAS, Assemblyman Bruce V. Reagan has at all times been an able and conscientious legislator, and an outstanding champion of the causes of free enterprise; and

WHEREAS, Assemblyman Bruce V. Reagan is well known and highly respected by his fellow legislators, and in his sojourn in this legislative body has been an outstanding example of honesty and integrity; and

WHEREAS, Assemblyman Bruce V. Reagan has always given careful consideration to every legislative measure, standing firmly on his convictions and being moved only by consideration of logic and the welfare of the people of the State of California, now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly does hereby highly commend Assemblyman Bruce V. Reagan for the manner in which he has fulfilled the duties of his office as Assemblyman from the Forty-eighth District; and be it further

Resolved, That the Chief Clerk of the Assembly present a copy of this resolution to Assemblyman Bruce V. Reagan as a token of the esteem of the Members of this Assembly.

Request for Unanimous Consent

Mr. Levering asked for, and was granted, unanimous consent to take up House Resolution No. 98, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

Request for Unanimous Consent That Remarks by Messrs. Levering and Hagen, Relative to House Resolution No. 98 Be Printed in Journal

Mr. Babbage asked for, and was granted, unanimous consent that the remarks by Messrs. Levering and Hagen, relative to House Resolution No. 98, be reduced to writing, and ordered printed in the Journal; and that the Chief Clerk be instructed to forward a copy of today's Journal to Mr. Reagan.

Remarks by Mr. Levering Relative to House Resolution No. 98

Mr. Speaker and Members of the Assembly: In speaking on House Resolution Number 98, which commends Assemblyman Bruce Reagan for the services that he has rendered to this Body and to the people of the State of California, I think that most of the membership will agree with me that, while most of us have only known Mr. Reagan during his term here, his honor, integrity, and steadfastness to the principles for which he stands have endeared him to the hearts of each and every one of us.

I believe that Mr. Reagan can be very well compared to the American Indian who now is the Vanishing American. Mr. Reagan, and men of his character, unfortunately, are very rapidly vanishing from the American scene. In these days of Socialism, which is engulfing the whole world, it is refreshing to find an individual with whom you can become friendly through your work and who will conduct himself in his legislative duties in such a manner that he will stand steadfast for the principles of Constitutional Government and for the American Free Enterprise System—the right of the individual to carve out his own destiny.

Mr. Reagan is an exception to the rule in that he has withstood the pressures on all sides which have swayed many another Member from the principles in which he inherently believes.

I ask that all Members join me in this Resolution and I assure each and every one of you—both Democrats and Republicans—that we are not endorsing Mr. Reagan's candidacy for any other public office.

Remarks by Mr. Hagen Relative to House Resolution No. 98

Mr. Speaker and Members: I wish to join with Mr. Levering in support of the resolution in honor of Mr. Reagan.

We regret that he will no longer be a member of this Body because we all developed a respect for his courage and integrity. The State of California needs men of courage and integrity in its legislative halls and for that reason it is to be regretted that Mr. Reagan has seen fit to give up his legislative career.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 3—An act to amend Section 2181 of the Welfare and Institutions Code, relating to contribution by relatives.

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

SENATE CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Senate Bill No. 4—An act to amend Sections 2163 and 2163.2 of the Welfare and Institutions Code, to add Section 2163.8 thereto, and to repeal Section 2163.6 thereof, relating to personal property qualifications for and to the aged.

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

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 37

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

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Concurrent Resolution No. 25

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

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Senate Bill No. 6

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

RESOLUTIONS

The following resolution was offered:

By Mr. Stewart:

House Resolution No. 99

Relative to attendance at funerals and purchase of floral pieces

Resolved by the Assembly of the State of California, That the Speaker of the Assembly may designate any one or more of the Members of the Assembly as the representatives of the Assembly to attend funerals in appropriate circumstances. The members so designated shall receive their actual and necessary expenses incurred in the performance of their duties or in lieu of such expenses the same allowances for accommodations and meals, and mileage as is provided by the Joint Rules for members of investigating committees.

The Speaker or any Member of the Assembly designated by him may incur such expense as may be necessary for the purchase on behalf of the Assembly of suitable floral pieces for any such funeral.

All expenses incurred pursuant to this resolution, after approval by the Speaker, are hereby ordered to be paid out of the money allocated from the Contingent Fund of the Assembly to the Assembly Process Committee by ~~House Resolution No. 13 of the 1949 Regular Session or any other money available for expenditure by said~~

~~committee and disbursed, after certification by the chairman or vice-chairman of said committee, upon warrants drawn by the State Controller upon the State Treasurer.~~

Request for Unanimous Consent

Mr. Stewart asked for, and was granted, unanimous consent to take up House Resolution No. 99, at this time, without reference to committee or file.

Resolution read.

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

AYES—Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Cloyd, Coats, Condon, Connolly, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, Hoffman, Hollibaugh, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Silliman, Smith, Thomas, Tomlinson, and Mr. Speaker—50.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONCURRENT RESOLUTION NO. 6

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up Senate Concurrent Resolution No. 6, out of order, at this time.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 6

Senate Concurrent Resolution No. 6—Relative to recommending proposed legislation to the committees of the Legislature.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

ANNOUNCEMENTS

Speaker Sam L. Collins announced to the press that, in his opinion Senate Concurrent Resolution No. 6 is of the utmost importance, and that it will be most helpful to the Legislature if widespread publicity is given to the provisions of this resolution, just adopted, so that all state departments and other divisions of government, as well as citizens desiring legislation, may be inspired to properly cooperate with the Legislature at the next regular legislative session.

Mr. Geddes announced that, pursuant to the provisions of Senate Concurrent Resolution No. 6, he recommends advance serious work and hearings prior to the next session of the Legislature in the interest of saving time and printing bills; and that it will be a constructive effort on the part of the Press to stress the provisions of this resolution as a cooperative aid to the Legislature in securing early action on the introduction of bills.

Speaker Sam L. Collins announced that, as a reminder, he is ordering that portion of Rule 37, of the Permanent Standing Rules of the Assembly, for the 1949 Regular Session, which is written in italics, to be reprinted in the Journal as follows:

PORTION OF RULE 37

During the portion of the session prior to the constitutional recess and after the end of the second week following the convening of the session, no member of the Assembly shall introduce any bill, other than the Budget Bill, at the request of or on behalf of any state officer, department, board, bureau, or commission, without first obtaining permission to do so. Any member who desires to introduce such a bill after the end of the second week of the session shall send it to the clerk's desk, accompanied by a written request for permission to introduce it. The bill may be introduced only after the adoption of a motion by the Assembly that permission be granted to the member to do so. The adoption of such a motion shall require an affirmative recorded vote of two-thirds of all members elected to the Assembly. [Amended March 30, 1949, Assembly Journal page 1521.]

RESOLUTIONS

The following resolution was offered :

By Mr. Tomlinson :

House Resolution No. 100

Relating to the administration of justice in traffic violation cases

WHEREAS, It has come to the attention of the Legislature through articles appearing in newspapers from the Los Angeles area that the records of certain traffic violators have escaped the attention of courts in dealing with second and subsequent violations by such individuals thus resulting in their being treated as first offenders whereas in fact the records of such individuals may show previous serious and aggravated traffic violations; and

WHEREAS, The failure to identify such persons as having been previously convicted of traffic violations has resulted in the miscarriage of justice and has brought discredit upon the courts and the administration of justice, now, therefore, be it

Resolved by the Assembly of the State of California, That in addition to the duties heretofore given and imposed upon the Assembly Interim Committee on the Judicial System and Judicial Process (created by H. R. 232, 1949 Regular Session), the said committee is hereby authorized and directed to ascertain, study and analyze the methods of handling and processing traffic violation cases and particularly as to the methods now used by police courts and probation authorities in identifying second and subsequent offenders from records maintained locally and by the State Department of Motor Vehicles and to investigate the feasibility of issuing specially colored or otherwise readily identifiable drivers' licenses to persons who have been repeatedly convicted of violations or who are on probation, and to report thereon to the Assembly at the 1951 Regular Session including in the report its recommendations for appropriate legislation.

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Concurrent Resolution No 28

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

DICKEY, Chairman

Above reported resolution ordered engrossed.

Speaker Pro Tempore Presiding

At 3.30 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dickey:

House Resolution No. 101

Resolved, That Justin G. Child, Chief of the Bureau of Buildings and Grounds, be and he is hereby directed to leave the Assembly Chamber and all of the committee rooms and other rooms used by the members and officers of the Assembly in such condition that they will be available for use by the Assembly at any time. It is further directed that no person other than the members and officers of the Assembly be permitted to occupy or use the offices, committee rooms, or other rooms now occupied by the Assembly, or any of the Assembly equipment now being used by the Assembly; and that the desks, furniture and equipment of the Assembly be under the control of the Committee on Rules and Legislative Process Committee of the Assembly subsequent to the sine die adjournment of the session and until the Assembly shall reconvene for the next regular session;

Resolved, That subsequent to the sine die adjournment, and until the reconvening of the Assembly for the next regular session, the use of the Assembly Chamber shall not be permitted except on the written authorization of the Speaker and the Chairman of the Committee on Rules; and be it further

Resolved, That any requests for the use of committee rooms shall be made to the Chief Clerk of the Assembly, in writing, at least 10 days prior to the requested date for the use of such committee rooms, which request must be approved by the Speaker or Chairman of the Committee on Rules.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 101, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Dickey:

House Resolution No. 102

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:

Department of Finance (pro-rate cost of telephone service) -----	\$152 51
Department of Finance (install rectifier for roll call system) --	1 81
Department of Finance (mimeograph service) -----	4 20
H. S. Crocker Co. Inc. (supplies) -----	3 01
The Pacific Telephone & Telegraph Company (exchange service charges) -----	9 97

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 102, at this time, without reference to committee or file.

Resolution read.

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

AYES—Beck, Bennett, Berly, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyd, Coats, Condon, Connolly, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Silliman, Stanley, Thomas, Thompson, Tomlinson, Waters, and Weber—52.

NOES—None.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

House Resolution No. 100

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

DICKEY, Chairman

Request for Unanimous Consent to Take Up House Resolution No. 100

Mr. Tomlinson asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 100, at this time, without reference to file.

CONSIDERATION OF HOUSE RESOLUTION NO. 100

By Mr. Tomlinson:

House Resolution No. 100

Relating to the administration of justice in traffic violation cases

WHEREAS, It has come to the attention of the Legislature through articles appearing in newspapers from the Los Angeles area that the records of certain traffic violators have escaped the attention of courts in dealing with second and subsequent violations by such individuals thus resulting in their being treated as first offenders whereas in fact the records of such individuals may show previous serious and aggravated traffic violations; and

WHEREAS, The failure to identify such persons as having been previously convicted of traffic violations has resulted in the miscarriage of justice and has brought discredit upon the courts and the administration of justice; now, therefore, be it

Resolved by the Assembly of the State of California, That in addition to the duties heretofore given and imposed upon the Assembly Interim Committee on The Judicial System and Judicial Process (created by H. R. 232, 1949 Regular Session), the said committee is hereby authorized and directed to ascertain, study and analyze the methods of handling and processing traffic violation cases and particularly as to the methods now used by police courts and probation authorities in identifying second and subsequent offenders from records maintained locally and by the State Department of Motor Vehicles and to investigate the feasibility of issuing specially colored or otherwise readily identifiable drivers' licenses to persons who have been repeatedly convicted of violations or who are on probation, and to report thereon to the Assembly at the 1951 Regular Session including in the report its recommendations for appropriate legislation.

Resolution read, and adopted.

RESOLUTIONS

The following resolutions were offered:

By Mr. Gaffney:

House Resolution No. 103

Relative to the two hundred seventh anniversary of the birthday of Thomas Jefferson

WHEREAS, In these days of political stress and uncertainty throughout the world, when all those individual liberties and securities of freedom which have been won at such great cost and defended with an ever increasing cost of life and treasure, are threatened by inimical forces both from without and within our Nation, when in fact the very existence of man may be endangered, it is well for every American to take counsel within himself, and for us all to recollect publicly for the benefit of ourselves and other nations, the origins of our liberties and the greatness and wisdom of those who founded the government upon which this Nation has grown to world leadership; and

WHEREAS, There is no better occasion upon which to do so than the anniversary of the birth date of Thomas Jefferson; and

WHEREAS, February 13, 1950, is the two hundred seventh anniversary of the birth of Thomas Jefferson, a man who, seeing the needs and weaknesses of men, at the same time saw their capacity for greatness, and had faith in them to achieve that greatness, recognizing that in working out a destiny of political freedom there must be first the freedom of the human spirit, instruction, guidance, and expression of the intellect, the need for a strong and stable government, and the equal need that the government be subject to the will of the governed; and

WHEREAS, He set forth those principles in the Declaration of Independence with such clarity and beauty of words and such greatness of vision, that the document remains today alive with the spirit which animated it, the words engraved on every American heart; and

WHEREAS, Thomas Jefferson was also the author of the Virginia Statutes of Religious Freedom, and was the Third President of the United States, yet wished to be remembered as the founder of the University of Virginia; now, therefore, be it

Resolved by the Assembly of the State of California, That we pause in our deliberations today to pay solemn tribute to Thomas Jefferson, statesman, humanitarian, architect of democracy, American; and be it further

Resolved, That when this Assembly this day adjourns it do so out of respect to the memory of Thomas Jefferson.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 103, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

By Mr. Weber:

House Resolution No. 104

Relative to commending Chancellor Tully C. Knoles and President Robert E. Burns of College of the Pacific and the citizens of the City of Stockton and County of San Joaquin on the starting of construction on a new athletic stadium on the College of the Pacific campus

WHEREAS, Chancellor Tully C. Knoles and President Robert E. Burns of College of the Pacific, the oldest college in the State, have courageously developed the educational and athletic facilities of the college to their present high standard; and

WHEREAS, The students of the college have been zealous in conducting a successful campaign to secure funds for the construction of a new athletic stadium; and

WHEREAS, The citizens of the City of Stockton and of the County of San Joaquin have made generous contributions for this purpose with the result that the necessary funds were raised without issuing bonds or otherwise creating a public indebtedness; and

WHEREAS, Construction has now started on the new athletic stadium which will seat 32,000 persons and will permit the holding of intersectional games, thus adding to the already outstanding athletic record of the College of the Pacific; now, therefore, be it

Resolved by the Assembly of the State of California, That Chancellor Tully C. Knoles and President Robert E. Burns of College of the Pacific, the citizens of the City of Stockton, and the citizens of the County of San Joaquin are hereby commended and congratulated upon the occasion of the starting of construction of the new athletic stadium; and be it further

Resolved, That the Chief Clerk of the Assembly is requested to deliver suitably prepared copies of this resolution to Chancellor Knoles and President Burns.

Request for Unanimous Consent

Mr. Weber asked for, and was granted, unanimous consent to take up House Resolution No. 104, at this time, without reference to committee or file.

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES**Committee on Ways and Means**

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which was referred Senate Bill No. 39

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

LOWREY, Vice Chairman

Above reported bill ordered to second reading.

**SECOND READING OF SENATE BILLS (RESUMED BY
UNANIMOUS CONSENT)**

Senate Bill No. 39—An act to provide for a survey and analysis of the public works needs and programs of the State and local agencies thereof and the advance planning and methods of financing such programs, providing for the administration thereof, and making an appropriation.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 74—An act to amend Sections 9900, 9901, 9902, 9903, 9906, and 9908 of, and to add Sections 9906 1, 9906.5, 9909, 9910, and 9911 to, the Government Code, relating to influencing the legislative process;

And reports that the same has been correctly enrolled, and presented to the Governor on the thirteenth day of April, 1950, at 3 p.m.

GRUNSKY, Vice Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Concurrent Resolution No. 28

And reports the same correctly engrossed.

GRUNSKY, Vice Chairman

**Request for Unanimous Consent to Take Up Assembly
Concurrent Resolution No. 28**

Mr. Dickey asked for, and was granted, unanimous consent that he be permitted to take up Assembly Concurrent Resolution No. 28, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 28

Assembly Concurrent Resolution No. 28—Relative to the introduction of bills at the request of state agencies during the 1951 General Session of the Legislature.

Resolution read, and adopted.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 118

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

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Bill No. 29

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

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

Above bill ordered to unfinished business file.

**REQUEST FOR UNANIMOUS CONSENT THAT TELEGRAM BE
PRINTED IN JOURNAL**

Mr. Thomas asked for, and was granted, unanimous consent that the following telegram be ordered printed in the Journal:

SAN PEDRO, CALIFORNIA, April 13, 1950

*Hon. Vincent Thomas
Care of Assembly Chamber
State Capitol, Sacramento, California*

Demand your presence at mass meeting Friday, April 14th, 7 30 p.m., in Lomita in reference flood control problems and low flying planes

VICTORIA M. PHILLIPS, President
Lomita Property Owners Association Inc.

Speaker Presiding

At 4.05 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Ways and Means.

At 2.30 p.m.—

Rules.

**REQUEST FOR UNANIMOUS CONSENT THAT REPORT BE
PRINTED IN THE JOURNAL**

Mr. Crichton asked for, and was granted, unanimous consent that the following Preliminary Report of the Joint Senate-Assembly Interim Committee on Community Redevelopment, and Housing Problems be ordered printed in the Journal, in 10-point type:

**PRELIMINARY REPORT OF THE JOINT SENATE-ASSEMBLY
INTERIM COMMITTEE ON COMMUNITY REDEVELOPMENT
AND HOUSING PROBLEMS**

JOINT REDEVELOPMENT AND HOUSING COMMITTEE

SAN FRANCISCO 2, CALIFORNIA, April 6, 1950

Hon. Goodwin J. Knight, President of the Senate

*Hon. Samuel L. Collins, Speaker of the Assembly
State Capitol, Sacramento, California*

DEAR SIRs: Pursuant to the provisions of Senate Concurrent Resolution No. 79, the Joint Legislative Committee on Community Redevelopment and Housing Problems, with particular reference to legislation supplementary to federal legislation, was duly organized.

The committee has made inquiry into the housing problem throughout California, and has held hearings in several cities.

At the committee's request, Governor Earl Warren has included community redevelopment matters as Item No. 11 in his call for the First Extraordinary Session of the Legislature in 1950. Certain specific proposals for legislation have been submitted by members of the committee in both the Senate and Assembly. The committee will make its main report prior to the 1951 Regular Session of the Legislature.

At this time, however, the committee finds it necessary to report that there is great need for a publication which will set forth clearly and briefly the main features of the Community Redevelopment Act of California and related statutes.

Several official agencies have urged the committee to bring about the publication and sale at a nominal cost of such a document.

Community redevelopment is a relatively new departure in California, little understood by the average person who may be interested in or affected by it.

We have been requested to publish and sell, for not more than 25 cents, a copy of a booklet which would include the following matters:

(1) A copy of the Community Redevelopment Act, as amended by the 1950 Legislature.

(2) A clear statement of the distinction between public housing and community redevelopment.

(3) The applicable provisions of the current federal laws and regulations concerning community redevelopment. In this connection, it is pointed out that there is not now available any single up-to-date publication which includes both federal and state laws, and rules governing community redevelopment.

(4) A summary in non-legal language of the steps involved in community redevelopment, with appropriate references to the pertinent statutes.

Officials of San Francisco and Los Angeles and of the League of California cities have informed our committee that they have many

requests from cities, service clubs, city officials, Chambers of Commerce, property owners, and representatives of the building industry for a pamphlet of the type described.

The committee finds: (a) a great and increasing interest in community redevelopment; (b) general lack of knowledge of the laws governing community redevelopment; and (c) many obstacles standing in the way of those who seek information concerning those laws

The problem has been best summarized to the committee by Mr. Richard Graves, Executive Director, and Mr. Richard Carpenter, Legal Counsel of the League of California Cities, who, on January 5, 1950, wrote:

“From time to time we have had requests from those cities in California interested in community redevelopment for printed copies of the revised Community Redevelopment Act of 1945. As you well know, the act was extensively amended in 1949 both by substantive amendments and by the regrouping of sections which makes it extremely difficult to analyze the law as it now reads. This is a difficult job for both the lawyers and the executives of community redevelopment agencies and an almost impossible task for the layman. It is the average citizen whose property is affected by a proposed redevelopment project that the original legislation was carefully designed to protect, and unless he can have access to the law and easily understand it when he reads it, many of the provisions of the measure designed for his protection will not accomplish their objective.

Under the recently enacted federal legislation the financial aid required to accomplish urban redevelopment has been provided, and more and more city officials are anxious to know what can be done in their own communities under existing state law which has been supplemented by federal aid.

In order to make available to all such persons a convenient reference to California's Community Redevelopment Act, we respectfully request that your interim committee have the state printer print in pamphlet form the Community Redevelopment Act of 1945 as amended in 1949. To accomplish its purpose the price of this document should not exceed 25 cents.”

Similar sentiments have been expressed by Mr. William T. Sesnon, Chairman of the Community Redevelopment Agency of Los Angeles, and Mr. James E. Tash, Director of the Redevelopment Agency of the City and County of San Francisco.

The committee therefore requests and recommends that it be authorized to cooperate with the Office of the Legislative Counsel and the State Printer in preparing such a publication, and that that publication be printed as a supplement to this report in the supplement to the Senate

Journal, and that 1,000 extra copies of this report, including the supplement described, be published and sold by this committee to interested agencies for a price not exceeding 25 cents a copy.

Respectfully submitted,

SENATOR GERALD J. O'GARA,
Chairman

ASSEMBLYMAN JAMES G. CRICHTON,
Vice Chairman

SENATOR GEORGE MILLER

SENATOR LOUIS G. SUTTON

SENATOR J. HOWARD WILLIAMS

SENATOR FRED H. KRAFT

ASSEMBLYMAN ROBERT L. CONDON

ASSEMBLYMAN LUTHER H. LINCOLN

ASSEMBLYMAN G. DELBERT MORRIS

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Interim Report on Air Pollution Research, dated April 13, 1950

Has had the same under consideration, and reports the same back with the recommendation: Be printed in the Assembly Journal and with the further recommendation that report be printed as a separate document, and that 2,500 copies be printed.

DICKEY, Chairman

Report read, and adopted.

Interim Report on
AIR POLLUTION RESEARCH

by the
**INTERIM FACT-FINDING COMMITTEE
ON WATER POLLUTION**

MEMBERS OF THE COMMITTEE

HON. RANDAL F. DICKEY, *Chairman*

HON. ERNEST C. CROWLEY, *Vice Chairman*

HON. GLENN M. ANDERSON

HON. THOMAS J. DOYLE

HON. CARL FLETCHER

HON. JAMES W. SILLIMAN

HON. CLAYTON A. DILLS

HON. RICHARD J. DOLWIG

HON. H. ALLEN SMITH

HON. RICHARD H. McCOLLISTER

HON. JONATHAN J. HOLLIBAUGH

CECIL J. GERAGHTY, *Executive Secretary*

B. GLORIA GREY, *Confidential Secretary*

INTERIM REPORT ON AIR POLLUTION RESEARCH

April 13, 1950

Hon. Sam L. Collins

Speaker of the Assembly

State Capitol, Sacramento, California

MR. SPEAKER: There is presented herewith a brief interim report upon the statewide problems of air pollution, with particular reference to the critical need for technical research and especially with regard to the effects of atmospheric pollution upon the public health.

This report of your Interim Fact-Finding Committee on Water Pollution, authorized under House Resolutions 250 and 284 of the 1949 Regular Session, is presented for the purpose of informing the Members of the Legislature, and the many hundreds of others concerned, as to the basis for the committee's original proposal for a comprehensive air pollution research project (A. B. 64, 1950 Special Session), and the reasons for abandoning that proposal in the face of concerted opposition from the officials of Los Angeles County, and the cities of that county. The report is further intended to place on record the unusual circumstances surrounding this opposition, and to record the assurances which have been given to the Legislature by these officials in lieu of accepting the proposed research project.

THE COMMITTEE'S INVESTIGATION TO DATE

Since beginning its study of air pollution in July, 1949, your committee has been able to proceed rapidly because of its prior knowledge of the problems of disposal of municipal and industrial wastes, which are the largest contributors to pollution of the atmosphere as well as to pollution of the waters of the State. In public hearings which have been held in Oakland, Sacramento, San Diego, and Los Angeles, the testimony of many witnesses has been heard upon the technical nature of the problems, and upon the effectiveness of existing laws and enforcement procedures for abatement, prevention, and control of atmospheric pollution. In addition, the committee's staff has investigated particular occurrences of air pollution in every region of the State, and eminent authorities on all phases of the subject have been consulted.

From the information accumulated to date three important conclusions are drawn:

First, that atmospheric pollution is of critical concern to the entire State;

Second, that there is insufficient data at this time upon which to reappraise the existing state law for control of air pollution; and

Third, that an emergency condition exists which can be resolved only by an intensive and coordinated research into the technical factors of air pollution, especially the public health aspects of the problem.

1. THE PROBLEM IS STATEWIDE:

It is hardly necessary to describe the critical conditions of smog and atmospheric pollution which exist in several regions of the State, nor is it necessary to debate the desirability of correcting them. It is well known to all that these conditions are causing extreme discomfort to our citizens, and are damaging to our economy in many ways. That the conditions are a serious hazard to the public health is readily apparent not only from our own experience, but more so from the disastrous occurrences of death-dealing smog which have occurred in other parts of the world.

It may not be equally apparent that this is a problem of statewide concern. However, it must be realized that economic damage in any community, whether from loss of tourist trade, from adverse effects upon agriculture, or from restriction of industrial development, is felt in every community of the State. Furthermore, as has been vividly demonstrated in the San Francisco Bay region during the past few months, every community and every region of the State stands in danger of damage from the steadily increasing pollution of the atmosphere which, in the absence of adequate preventive and control measures, inevitably follows the growth of cities and industry.

There is unanimous agreement among all persons who have been heard by your committee that conditions of air pollution and smog must be corrected where they now exist, and prevented wherever threatened. There also is unanimous agreement that the state law must be designed to provide reasonable and effective procedures which may be applied in every region of the State.

2. THE EXISTING LAW

The state law upon this subject, commonly referred to as A. B. No. 1 (1947 Regular Session), has been applied in only one region of the State—Los Angeles County. There is considerable doubt in the minds of many persons, and on the part of your committee, that the law is adequate for either successful or equitable abatement and control of the critical conditions existing in that area. From preliminary study of the facts it appears that there may be many features of the law which actually impede progress toward solution of that problem.

There is little doubt but that the existing law would be applicable only with great difficulty, and probably without real effect, in the other regions of the State where more than one county is involved.

For several reasons, however, it appears that no change in the state law should be considered at this time: The questions as to the effectiveness of control procedures have not become sufficiently clarified, nor is there a sufficient basis of technical knowledge to support recommendations for constructive changes at this time. The problem in areas outside of Los Angeles County has not reached the stage where immediate action this year is imperative. In the Los Angeles region itself, where every effort has been made since enactment of the present law in 1947 to correct the

conditions, without substantial *apparent** success, it is nevertheless the nearly unanimous opinion of all the officials of communities in the county that the law remain unchanged at least for the balance of this year. This conclusion is reached on the basis of repeated assurances by officials of the Los Angeles County Air Pollution Control District that the control procedures which have been adopted so far will, during the coming smog season, result in substantial and apparent improvement of smog conditions in that region. It is believed, therefore, that this additional time should be given for the present law to prove itself efficient, at least as applied in that one region.

3. THE CRITICAL NEED FOR TECHNICAL RESEARCH

It became apparent early in your committee's studies that the major obstacle which stands in the way of more rapid improvement of conditions in the Los Angeles region, and which has delayed adoption of control measures in other regions of the State, is the extreme lack of technical knowledge of the *causes* and *remedies* of air pollution. Of more importance is the alarming lack of knowledge of the *effects* of polluted air, particularly the effects upon plants and animals and upon the public health. The extent to which this information on cause, effect, and remedy is lacking, and the need for a comprehensive program of research to obtain it, can be well illustrated by reference to some of the testimony taken in the extensive hearings of the committee.

The Cause of Eye-Irritation

In the Los Angeles region, for example, the *cause* of eye-irritating smog remains undetermined. That this is so is incredible to the layman, especially in view of the fact that research upon the subject has been conducted by both public and private agencies over a period of almost eight years and with an expenditure of more than one million dollars. There is considerable ground for belief that the failure in this instance may be due to misdirected or incomplete research, and a lack of coordination among the various agencies attacking the problem.

It is of considerable interest to note that a research project at the University of Southern California, sponsored by Los Angeles County in 1947 and completed in October of that year, reported the most likely suspect of the cause of eye irritation to be chemicals of the aldehyde group. This project was not continued.

* A survey of public opinion in Los Angeles indicates the general belief that occurrences of smog last year were more frequent and more intense than in any previous year. This is so in spite of the report of the Los Angeles Air Pollution Control District that their measurements show a 30 percent improvement in visibility and a 25 percent removal of total contaminants. The comment of Dr. Clelio Brunetti of Stanford Research Institute would indicate that other technical observers have not noted this degree of improvement.

MR. GERAGHTY: What is your comment, Doctor, with regard to the figures of 30% visibility improvement and 25% total reduction of contaminants, which have been stated as a measure of progress?

DR. BRUNETTI: We haven't continuously monitored the atmosphere for all the contaminants to see how they go up and down with time but an appraisal of the information which we have on concentration of contaminants would indicate that there probably has been little, if any, change in the concentration of the contaminants we are measuring * * * I believe that if one were to just study, say, the minimum visibility on smog days, the figures that I can recall would indicate probably a similar condition over the past few years, or the last two or three years that we have been looking into it.

At committee hearings in Oakland in 1949, and in subsequent discussion, Mr. Gordon Larson, Director of the Los Angeles County Air Pollution Control District, stated that their research on the eye-irritant was narrowed down to two principal suspects. He did not wish to disclose the identity of these suspects until some final work had been done. At the hearings in Los Angeles in February, 1950, however, he reluctantly identified the principal suspect as chlorinated aldehydes, the other being the broad group of organic chlorides.

Thus, in two years and a half, this important work is practically where it stood in October, 1947. This in itself would not be grounds for criticism if, in the meantime, the research had been pursued with diligence. However, it appears that only a minute fraction of the resources of the district are directed toward research, and even this limited work is conducted secretly and without any attempt to take advantage of the facilities of other agencies such as Stanford Research Institute, the State Department of Public Health, the regular laboratories of the universities, or the private industrial laboratories. The importance of full cooperation between all research agencies attacking the problem was pointed out by Dr. J. E. Hobson, Director of Stanford Research Institute, in testifying at the Los Angeles hearings in February.

DR. HOBSON: We would like very much to cooperate with all of the groups that are working on this problem. I was very pleased to hear your opening statements yesterday, Mr. Dickey. I think you have the right approach, at least from a scientific standpoint, to the ultimate solution of the problem. We'd like to be a part of the investigation; we couldn't possibly undertake it all, because the problem is very large, but we would like to cooperate with other institutions and organizations in assembling the scientific information from which there can be and will be ultimately a solution to the air pollution problem.

CHAIRMAN DICKEY: I take it, then, Doctor, you agree with the committee when we state that in order for the job to be done there has to be a better coordination of effort and a disclosure of facts from one to another. In other words, it has appeared to me individually that certain groups, without pointing my finger at them, have taken the attitude that they would like to be the hero who found the particular contaminant first, which has jeopardized, in my opinion, the public in this area, rather than disclose those facts to some other research laboratory where they might have the facilities and be able to conduct a portion of the investigation that another group could not do. I think it needs better coordination all the way through.

DR. HOBSON: I think it's very important, Mr. Dickey, that we have complete and free exchange of technical information among all the agencies and groups that are working on this problem.

In explaining why the district has not requested that chlorinated aldehydes be tested in the Stanford "smog chamber" Mr. Larson pointed out that chemical identification of substances in the air is considered to be a necessary first step before further research is done.

MR. LARSON: Take one particular thing, chlorinated aldehydes. We're trying that out on the plants as being the quickest solution to it. Now the number of combinations of the irritant gases that could be tested out in the test chamber to see what limits and what threshold

levels you get eye irritation at are innumerable. You could go on endlessly with that task. Our endeavor has been to find it in the air. In the final analysis anything that you suspect in the test chamber, to determine its importance, must be found out in the atmosphere. So our endeavor has been to find it in the atmosphere first. We could go on forever developing theories and saying, "Well, it might be this; it might be that"; everyone has done that.

This method of approach based only on chemical analysis of the atmosphere—as contrasted with a deductive procedure based on what is known to go into the air—was questioned by the committee at Los Angeles. Dr. Brunetti advised the committee that the Stanford research program was at that time being revamped to place greater emphasis on stack analyses and on materials known to go to the air, whether or not they can be detected in chemical tests of the atmosphere.

MR. GERAGHTY: *Will that study include a study of what is known to actually go into the atmosphere, whether or not the chemical analysis of the air will show it? What I have reference to is such a thing as the combustion of tetra-ethyl lead in automobile operation where we can be almost certain that there is a contribution of lead bromide into the atmosphere, yet it isn't found in the analysis. Will your survey of sources of pollution go to a study of what we know actually goes into the atmosphere, whether our methods of detecting it are adequate or not?*

DR. BRUNETTI: *Well, Mr. Geraghty, we have a big problem ahead of us, a big job; we have a lot of contaminants, and what we're planning to do now is to take those that appear to be important and hit those first, and I believe that we should look into this one which you have mentioned and see if we shouldn't set up special equipment to analyze for bromides, and so on.*

This point was discussed further with Mr. Paul L. Magill, Senior Chemical Engineer in charge of the Stanford Project.

MR. GERAGHTY: *Can you answer the question that was directed to Dr. Brunetti as to whether you have tested chlorinated aldehydes or organic chlorides in the smog chamber?*

MR. MAGILL: *Chlorinated aldehydes, no; chlorinated hydrocarbons, yes. Everyone that thinks of eye irritation and has done any work with it immediately thinks of these chlorinated organic compounds because they are notorious as being severe eye irritants, and for that reason it is always necessary to make a few tests with these materials to see whether or not they might be in the atmosphere. We have looked for them, and we have not found them in the atmosphere in Los Angeles, but they would irritate the eyes if they were here.*

MR. GERAGHTY: *At what concentrations do you think that chlorinated hydrocarbons in themselves would act as an eye irritant?*

MR. MAGILL: *Depending on what they are, some of them are active at as low as 1/100th of a part per million.*

MR. GERAGHTY: *Well, now would it be possible, then, that there are some chlorinated hydrocarbons, or chlorinated aldehydes, or brominated aldehydes, which you would not detect in your ordinary analytical processes?*

MR. MAGILL: At those concentrations we could easily miss them.

MR. GERAGHTY: Would it be a reasonable course of investigation then to consider what is going into the atmosphere and proceed on that basis, rather than on the basis of the chemical analysis of the atmosphere? I believe you know specifically what I'm asking about, and that is, the possibility of a minute amount of brominated aldehydes, for instance, which might result in connection with the combustion of the ethyl compound in gasoline, which would not be detected in your chemical analysis of the atmosphere, but which you, as a chemical engineer, might be able to demonstrate exists in the air anyway, from knowing what is going on.

MR. MAGILL: In answer to your question, it certainly is desirable to do that both ways, and that is what we are doing, attempting to do. To find the concentrations that we're talking about is a major test; it requires somewhat better methods than I believe anybody has now developed.

* * * The possibility of bromides or the other halogens which are also present in ethyl fluid is being looked into, and I do agree with you that the whole question of organic chlorides needs some further consideration.

MR. GERAGHTY: You say they are being looked into?

MR. MAGILL: To this extent, that we're trying to find some methods by which we can find these small quantities.

MR. GERAGHTY: Well now that is the very heart of my question. Let's assume that we can't determine methods to detect them in the atmosphere and yet we know they're going in there. Can we, perhaps in your smog chamber or by some other methods, reproduce a condition of a minute quantity and see if it causes eye irritation?

MR. MAGILL: Minute quantities will cause eye irritation. The quantities as minute as they would be if they came solely from automobile exhausts, based on information that we can calculate, it does not appear that they would cause eye irritation.

MR. GERAGHTY: May I suggest that there is a possibility of a concentration of the material at the height of the inversion, where the material also would be exposed to a far more active actinic light, and when the inversion lowers you might have a larger concentration than you have calculated, and still not be able to detect it with your chemical analysis. Now your deduction is based upon a calculation of what is contributed to the total atmosphere. Would it be possible that it accumulates at the height of the inversion, where there is the photo-chemical reaction, and when the inversion lowers, the eye irritation occurs? It's correct, is it not, that the eye irritation occurs when the inversion lowers?

MR. MAGILL: Yes, that is right.

MR. GERAGHTY: Well, now, would you think then that your supposition from calculation of the amounts contributed to the general atmosphere should lead you to not do any further work on it?

MR. MAGILL: There are several questions here. One is whether we should do any further work on the source; one is whether we should do any further work on the kind of things that we're talking about. It's going to be very difficult to evaluate all these various assumptions that the material does come out, that it does concentrate, that it is changed by the light and does come down to the street level. I don't think we can say at this time that it is impossible. Frankly, I don't think it's likely. At the present time we can't prove it one way or the other.

The Effects of Air Pollution on Public Health

It is also incredible that the effects of polluted air upon the public health are a matter of conjecture only. The specific cause of the deaths from smog which occurred recently at Donora, Pennsylvania, is not yet known for certain. Except for the work of a few pioneers in the field, and with the exception of specific conditions such as the infected dusts which occur in the San Joaquin Valley, there is practically no available information on the long term effects of polluted air upon human health. This is also true of the effects of smog upon agricultural crops. Similarly there is little known about such basic problems as the effect upon human health through reduced sunshine, or the effect upon agricultural crops through altered temperature conditions.

The effect of air pollution upon the public health was the subject of a special hearing of your committee held in Sacramento in December, 1949, and attended by representatives of the State Department of Public Health, California Conference of Local Health Officers, and health officers from all parts of the State. At that hearing, and at the subsequent hearings in Los Angeles, the committee was fortunate in obtaining the consultation of Dr. Clarence A. Mills, Professor of Experimental Medicine, University of Cincinnati, who has pioneered in the study of the public health aspects of community air pollution.

Several clear-cut conclusions were reached at this hearing: *First*, that there is strong suspicion that atmospheric pollution is a serious health hazard, although little or nothing is definitely known about the long range effects upon the public health; *Second*, that there is a critical need for this information in order to provide a sound basis for control programs and to provide certain protection of the public health; and *Third*, that the information can be obtained by a continuing and well-planned research program.

Your committee therefore requested Dr. Wilton L. Halverson, State Director of Public Health, to prepare a proposal for such a research project. This was done, and the director's report was presented to the committee at its hearings in Los Angeles. After presentation of the report by Dr. Halverson and Dr. Herbert Abrahams, Chief of the Bureau of Adult Health, your committee heard from Drs. Frank G. Crandall, Jr., Francis M. Pottenger, Jr., and H. Clifford Loos of the Los Angeles County Medical Association; Dr. Roy L. Gilbert, the Los Angeles County Health Officer; Dr. George Uhl, Los Angeles City Health Officer; Dr. Irving D. Litwack, Health Officer of the City of Long Beach; Dr. W. Elwyn Turner, Health Officer of Santa Clara County, and President of the California Conference of Local Health Officers; and Dr. Edward Lee Russell, Orange County Health Officer, and Chairman of the Committee on Environmental Sanitation of the Conference. While there was some discussion of the details of a research project, these distinguished members of the medical profession unanimously supported the proposal of the Director of Public Health. The comment of Dr. Crandall is representative of the testimony of all the doctors, and in addition it points out the need for a flexible project, not confined to one university or one state department, but with full latitude to allocate portions of the research to established agencies.

*DR. CRANDALL: * * ** so far as this committee knows there has been no scientific approach to this thing from the standpoint of the man in the street. Studies have been made on the meteorological conditions that produce smog, inversion temperature, and all that you have heard along that line; but, no careful controlled scientific work has been carried out on what is the effect on human beings in an area exposed over a long period of time to these various fumes and contaminants in the air. * * *

One thing that we are anxious about is that, if it is within the province of this committee—and I understand it is—when this committee's report is made to the Legislature, we hope that, instead of the committee recommending to the Legislature that money be set up for a study to be made entirely by some state department or just by one of the state schools, that a sum of money be set up to help us right here where we have the local situation to confront us * * * to carry out the research that we feel is necessary to give us the information that, up to date, has never been actually found out; that is, what harmful or toxic effects do these things in the smog cause to those of us that are here in this area breathing and in contact with it. We all suspect, of course, that because our eyes smart and are irritated and water that the things that are in the air are harmful to our eyes. We think because we cough and sneeze or feel irritated in our chest that the various pollutants are probably harmful to us when we breathe them, but nobody has been able to say from a scientific standpoint just how harmful they are—or if they are harmful. So far it's all supposition. We feel that, as a group of medical men—scientific men—that, in order to go at this thing properly, we should have the funds and the set up provided for us to go into a scientific study of this and determine exactly how harmful and what are the effects—toxic effects—pathological effects—on human beings that are subjected to this smog in this area. I want to say, in behalf of the committee, that we want to work with your committee; we want to work in as close cooperation as we can with Mr. Larson and his department here; and any other agency that may be engaged in carrying on any work of this kind.

CHAIRMAN DICKEY: Well, I'm just going to say, Doctor, then you think that the committee used good judgment when they consulted with Dr. Mills, rather than to consult with an engineer.

DR. CRANDALL: I do. I think that was an excellent piece of work because Dr. Mills is known as an outstanding man throughout the Country, in the work he has done along this line.

CHAIRMAN DICKEY: Well, then, coming back to the setting of standards, Doctor, I will say that your remarks to the present time certainly support the theory that I thought we should proceed on, and that is, in the studying of standards, in the elimination of the contaminants in the sky, that we should not set those standards based upon what industry can do, but we should set those standards based upon the health aspects of their pollution.

DR. CRANDALL: Absolutely. I think the whole mistake in the past in the approach to this thing has been in the approach from the other angle, rather than on what effects on the health of the citizens of

this community are in this area. I think that's the thing we should find out before we go any further.

On the questions of Administrative Mechanics of setting up a research project Dr. Uhl summarized the thought of all the medical men present.

*DR. UHL: * * * I want to say in conclusion as far as our department is concerned, and I'm sure I speak for all of the health departments and also of the doctors, that no matter who is set up as being the head of this thing whether it's an advisory committee or some state department, we very definitely offer our full cooperation because we definitely and specifically are interested in this problem and we do want to see it solved and soon.*

Dr. Pottenger's comments further support the need for this type of research, and point out the possibilities for medical research.

*DR. POTTENGER: When the smog first began in 1942 everybody considered it essential to the war effort. We considered it necessary because things were let down, and I don't think people complained about it. But, those of us who have been interested in chest diseases and respiratory diseases saw a great change take place in our people. * * * We don't know what causes smog. It's one of the things our medical society wants determined. We can't say that it's because of this industry or that industry, that we are having more respiratory difficulties among our patients. We can't say it's because of this industry that we have more runny eyes. But those are things that must be determined before anybody can say, "Now, this has got to stop." So, it's for that reason that the County Medical Committee finally got together because we thought that things must be approached from a medical standpoint. Now every affliction has problems of its own. Statistical studies have been made by various people in this area in regard to respiratory afflictions, etc. I have kept my own records and I do know that on the days that the smog comes up you can almost place the time that your asthmatic patients will start to wheeze * * *. Now, we have the problems of the skin irritations,—those occur quite severe, as when we had a 17 day inversion sometime ago. But what is it in the atmosphere? We can't say at this time; it's not determined. So, from the standpoint of our medical committee, it appears to us the most important thing that any group of medical men can do to help clear up this smog nuisance is to try to determine what it means to human beings. We can go out in our gardens and we can see dead plants and we know what happened. * * * But what does it mean for our boys and our girls—our children, and expectant mothers? Those are points that must be determined for the future. * * **

CHAIRMAN DICKEY: Dr. Pottenger, you would agree with Dr. Crandall then that when you set up your minimum standards that they should be set on a basis of the health aspects of air pollution, rather than what industry can do?

DR. POTTENGER: I think that is essential.

CHAIRMAN DICKEY: Dr. Mills, did you have a question, Doctor?

DR. MILLS: Yes, I did have one, that occurred to me while Dr. Pottenger was speaking. You mentioned that the first awareness of the smog problem at Monrovia in your sanitarium came in 1942?

DR. POTTENGER: 1941-1942, during the preparations—the rearmament program for the war.

DR. MILLS: Did it increase then from then on to now? Has the increase been rather steady?

DR. POTTENGER: Yes. That is every year has seen it a little worse out in Monrovia.

DR. MILLS: But, you had no awareness of it before—we'll say—1941?

DR. POTTENGER: We had dust but not the chemicals

DR. MILLS: Of course, you're dealing there with an excellent set of guinea pigs; that is, a set of patients who are particularly prone to anything that irritates the air passage linings. You don't like for those patients to smoke, for instance, because of their susceptibility to irritation, so that it might well be that you have there a group of very useful guinea pigs in this study.

DR. POTTENGER: I think that is absolutely true.

DR. MILLS: Yes, that struck me as being very probable. I think that you all here will be very keenly watching—or observing—for groups of people who form good test subjects for one type of irritant or the other.

Surprisingly, in the light of the subsequent opposition of Los Angeles County, the committee received the impression that Mr. Larson himself was in full agreement both with the necessity for the research, and with the manner in which it was proposed to be conducted from a state level.

MR. ANDERSON: Mr. Larson, yesterday there was an impression given out here that I think should be corrected. That impression was in regard to the fact that your organization has been looking at everything purely from the engineering aspect and not from the health aspect. I personally didn't think that was the impression you intended to give out and thus I thought it should be corrected. Isn't it true that your organization is interested in the health, as well as the engineering aspect of the problem?

MR. LARSON: Mr. Anderson, there has been no work done in the basic research field on the effects of air pollutants on health. Presumably, if it were known today that certain contaminants affected the health and you could set a limit so that you were sure that you didn't have that contamination in the atmosphere, that could be the approach. Now, without those facts known, our research has been directed as a tool or a means by which we could identify contaminants in the air, or learn their significance as they related to this whole smog problem. We have certain known facts to work on. We know that small particles below a certain micron size will float in the air indefinitely, and that it takes a long time for them to settle out. Now that's a known fact, and those are the things that help pollute the air. It's not the material that settles on the ground thickly, but it's that which is floating around, and this is talking of either solids or liquids. So our research has been devoted to finding in the atmosphere first of all the eye irritant, with the hope that we could isolate it and thus locate its source and go ahead and get rid of it, or to ascertain other things that were in the atmosphere which were contributing to smog. But the medical people must do the investigations to determine what these effects may be on health. * * *

CHAIRMAN DICKEY: Do you feel that with the support money that is given to your district, more of that money should be expended in research?

MR. LARSON: No, I think we're doing the best job we can. As we can do more research, we'll do it; we'll ask for more people and more money

CHAIRMAN DICKEY: Do you feel that the district should support in any way the Los Angeles medical society in their research?

MR. LARSON: If you will allow me to summarize a little bit, I'd like to comment on that, on that particular thing. As far as medical research goes, it is highly important that the medical man doing the research work knows the concentration of the materials that he is to work with. It would be considerably different in experiments on humans or animals with sulphuric acid in high concentrations and sulphuric acid in very low concentrations as they are measured in the atmosphere. As soon as the district was certain of its measurements of sulphuric acid, it was I who asked the medical people in Los Angeles County through the Los Angeles Medical Association to form this committee. My views were that through the medical profession in Los Angeles County, first of all they could make, with certain good observers, some of the observations that might be necessary as to whether or not smog showed some indications of health hazard. Certain medical men such as Dr. Pottenger have been reporting for some time his own personal observations, and it is important that other physicians be selected to do the same thing. The committee would serve as a focal point for these observations to come to.

Secondly, once the exact determination, the exact concentration, could be measured in the atmosphere, then it was time for the medical man to take that concentration and set up a project to go to work on it, and it was my concept that here locally, although we could not start the great, vast project of health research on a local basis, at least our local people could begin on these small types of contracts, such as were indicated here yesterday, and that here we are in this pollution, and the best observations can be made here now.

*CHAIRMAN DICKEY: * * * don't you feel that a certain portion of the money of the district should be channeled into a medical research from the health standpoint of the air pollution?*

MR. LARSON: No, Mr. Dickey, it's too big for the Los Angeles County funds, and we know that our research must be devoted to identifying contaminants which we control, and must control to get this job done quickly.

The Engineering Remedies

The application of sound engineering principles to provide remedies for atmospheric pollution by reduction of the pollutants at their sources is a relatively new field of science. Many of the answers necessary to provide economic remedies are missing. A simple solution proposed by some is merely that offending industries be closed down, that the citrus crops be left to freeze, and that new industry be denied permission to locate in the critical areas of the State. The impracticability of such an answer, especially in the present period of declining employment, must be apparent to all. There is the need, rather, for research, by every means at our command, to find the technical remedies—not alone for reduction

of industrial pollution, but also for the difficult problems of disposal of municipal refuse, control of transportation exhausts, development of efficient orchard heating, and control of wind erosion of soils.

INTRODUCTION OF ASSEMBLY BILL 64

On the basis of these findings and conclusions, and upon the request of the Governor for advice in the matter, the chairman of your committee recommended that the subject be included in the Proclamation calling the First 1950 Extraordinary Session. This recommendation was accepted by Governor Warren, and his remarks in presenting the matter to the Legislature are a concise and straight-forward statement of the problem:

"ITEM 7 is for the purpose of considering the growing problem of air pollution. I know that your interim committee of the Assembly which is studying the subject has not completed its work and that perhaps the Legislature is not prepared to act with finality. On the other hand there are some things that should be done. There have been catastrophes in other states and nations from community air pollution, and the growing problem in California makes it impossible for us to say that the same thing could not happen here.

In spite of this fact there are at present, so far as I have been able to ascertain, no comprehensive studies any where in the world on the effect smog has on the health of the people. Certain studies of a statistical nature are being made by cities, and certain laboratory tests as to the effect known smog irritations have on plant and animal life. But no scientific study has been made to ascertain whether exposure to this smog over long periods of time affects the health of human beings in a fundamental way. Such a study should be made by our State, because millions of our citizens are affected by it. It calls for a coordinated program of field studies by our Department of Public Health and laboratory and clinical research by the universities. I recommend authorization for such a program to be completed at the earliest possible date. It probably will be essential for any definitive action you may later take on the subject. If as a result of the work of your committee any further action is desired by you at this session, I shall be happy to cooperate."

After discussion with officials of the University of California, the State Department of Public Health, and many others, upon the most efficient administrative mechanics for such a project, a bill was presented in the Assembly (AB 64) to establish a comprehensive research project in the State Department of Public Health with an appropriation of \$150,000. The bill provided for an Advisory Committee composed of nominees by the directors of state departments concerned, and by the presidents of the universities of the State, of the State Conference of Local Health Officers, of the Los Angeles County Medical Association, and of the two statewide industrial organizations—the State Chamber of Commerce and the California Manufacturer's Association. An exempt

position of executive officer of the project was created, and specific powers for contracting with any agency for parts of the work was granted to the department.

By these provisions of the bill it was considered that every requirement to insure a thorough and completely objective study had been met. During the time that the bill was published before being heard in committee, several amendments for technical improvement of the bill were received and accepted. There was no opposition to the bill apparent **from any quarter**, and your committee felt certain that its proposal had been drafted to the satisfaction of all persons concerned.

It was therefore something more than incredible when officials of the County and City of Los Angeles appeared in opposition on the day the bill was heard before the Committee on Governmental Efficiency and Economy. The bill was refused passage with good cause, since obviously it would have been unthinkable to impose this work upon the Director of Public Health in the face of opposition from the very officials whose cooperation was most needed and who stood to gain most from the results of the research.

There is little to be gained at this time by reviewing the *stated* reasons for this opposition, but it is in point to record that, in requesting that the bill be tabled, the Los Angeles officials presented assurance to the Legislature that an *equivalent research* will be undertaken by the local agencies, that it will be initiated by July 1 of this year, and that the results will be available to all. These are important assurances, obviously accepted by the standing committee in good faith. Coupled with the prior assurances of the Los Angeles officials that improvement in smog conditions will be *substantial* and *apparent* during the remainder of this year, they constitute a clear-cut acceptance by these officials of the full and complete responsibility for conditions which may exist in that region during the remainder of this year. It is important to record that the Governor, and the State Department of Public Health, and the Legislature, have offered their assistance and that this assistance, in any form whatever, has not been accepted. It is hoped that smog conditions in Los Angeles *will* improve during this year, and that progress toward eventual complete solution of this problem will not suffer from failure to adopt the proposed program.

It is obvious further, however, that the Legislature cannot abandon its responsibility in this critical problem beyond the concession which became necessary because of this unusual opposition. Certainly your committee will not relax its statewide investigation and study, but rather will intensify its work so that the complete story and the full facts may be placed before the Legislature at the next regular session.

Respectfully submitted,

GLENN M. ANDERSON
RICHARD J. DOLWIG
JONATHAN J. HOLLIBAUGH
CARL FLETCHER
ERNEST C. CROWLEY
Vice Chairman

CLAYTON A. DILLS
R. H. McCOLLISTER
J. W. SILLIMAN
T. J. DOYLE
H. ALLEN SMITH

RANDAL F. DICKEY, Chairman

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Maloney and the Assembly, the usual courtesies of the Assembly for this day were unanimously extended to John Partridge of Vallejo.

On request of Mr. Maloney and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to former Assemblyman Charles Oliva of San Francisco.

On request of Messrs. Weber and Hoffman, the usual courtesies of the Assembly for this day were unanimously extended to Mary Blooms and Clarence Olson, teachers of the Stockton College, and the following pupils: Edgar Aldrich, Katherine Depaoli, Darlene Douglass, Isabel Espinoza, Mary Gong, Clara Grannas, Oren Haug, Marlene Holek, Phyllis Hughes, Eleanor Hugi, Lillian Iwamoto, George Ledger, Audrey Mendenhall, Evelyn Mills, Alicia Morales, Miyeko Murata, Joann Ross, Shirley Rowe, Jeanne Tinsley, Marjorie Thomas, John Tritenbach, Verne Volland, Roy Williams, Ralph Ascencio, Gilbert Amador, James Barnett, Charley Curtis, Nancy Cutler, Barbara Hickey, Katherine Johnson, Jean Hanks, Bobbye Kendrick, Al Luevano, Ed McDonald, Donna Kennard, Gillerma Madrid, Angie Medel, Vernon Mayo, Donald Poser, Bill Robinson, Josephine Robustelli, Frank Roman, Dolores Simpson, and Angelo Sisneros.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Wm. Cook, leader, Mrs. L. O. Wyman, Mrs. Donald Middleton, and Mrs. Ray Jacobes, assistant leaders, of Brownie Troop No. 59 of Sacramento, and the following members: Brenda Jacobes, Patty Rawlett, Georgia Fabian, Georgianna Williams, Sandra Baldrige, Anne Grimes, Patty Hirsch, Dian Wyman, Mary Connelly, Daphne Hunter, Mary Styles, Carla Porterfield, Margaret Adair, Alice Meyers, Nancy Gimblin, Susan Block, and Linda Middleton.

On request of Mr. Crowley, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Todorovich, M. M. Todorovich, R. J. Bernard, Mabel Weaver, teachers of the Napa Junior College and the following pupils: Rose Silva, Martha Wigger, Sylvia Iredale, Mildred Smith, Sylvia Gregg, Arthada St. John, Wynema Mitchell, Barbara Latalier, Catherine Kimberiel, Mary Ann Ogan, John Garzoli, Audrey White, Doris Pearson, Sane Gorden, Bill Wentworth, Frank Doughty, Lou Terrario, Gene McFarrine, Merv. Bettencourt, Don Winsby, Sam Low, Angus McDonald, Doug Cronin, Karl Caldwell, Fulton Mather, Ann Bowman, Oliver Sheridan, Doris Brewer, Lola Cohan, R. Howell, Lloyd Ginzle, Glenna Gibson, Loyd Waggoner, Harriett Abbott, Gmg Chan, Janet Turnbull, Pat McMahon, Dick Bogdanski, Gerald Anderson, Eastman Long, Robert Woodruck, Jerry Kilker, Ali Kerbassi Bakhtiari, Yvonne Latalier, Bonnie Patton, Lisa Sandstrom, Bev McCord, Marilyn Hyde, Mary Ann Castle, Elaine Scott, Jean Stewart, Janet Jenkins, Betty James, Verna Stewart, Evelyn Linden, Leonard Hedges, Iola Hayes, Adell Larsen, Helen Daniels, Betty Simmon, Art Garnelle, Cynthia Bishop, Nilan Kincaid, Art Garwelle, Nadine Johnson, Calleta Temme, Phyllis Haug, Barbara Eltel, Marion Lorenz, Robin Arthur, Laura Poff, Ronnie Hackett, Ila Korinie, Dorothy French, Helen Grimes, Don Dams, Helen Teller, Le May Oberti, Mary Peres, Joan Hawkins, and Gerry Trijello.

On request of Messrs. Dickey and Maloney, the usual courtesies of the Assembly for this day were unanimously extended to W. S. Wolfe of San Francisco.

On request of Mr. Evans, the usual courtesies of the Assembly for this day were unanimously extended to Kenneth Hahn of Los Angeles.

On request of Mr. Maloney, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. George Miller of Richmond.

On request of Mr. Condon, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Eleanor Condon and daughter Melissa Condon of Walnut Creek.

On request of Mr. Hansen, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. William W. Hansen of Fresno.

ADJOURNMENT

At 4.06 p m , on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10 a.m., Friday, April 14, 1950, out of respect to the memory of Thomas Jefferson, third President of the United States.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SEVENTH LEGISLATIVE DAY

FORTIETH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO

Friday, April 14, 1950

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, Berry, 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, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Silliman, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—73.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Dr. Torrance Phelps:

Our Heavenly Father:

As we part today

Steadfast in faith and in Thy service

Let us cherish the memory of our friendly association beneath this majestic dome,

The mystic chords of affection which bind us together and reach out to every corner of the state,

May the people

Realize the heavy labors cheerfully borne by the members of this Assembly.

Honor them for their knowledge of the many complex problems of today and efforts to legislate in accord with their light for all the people.

Let us continue

To keep California the Golden State of opportunity and progress

And guard the liberties of America as the source of our own security and the model for the world —AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Beck, further reading of the Journal of the previous legislative day was dispensed with.

LEAVES OF ABSENCE FOR THE DAY

The following members were granted leaves of absence for the day, because of illness:

Mr. Price, on motion of Mr. Butters.

Mr. Erwin, on motion of Mr. Butters.

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

Mr. Thomas, on motion of Mr. Fletcher.

MEMBERS EXCUSED BY UNANIMOUS CONSENT

By unanimous consent, Messrs. Lowrey and Huyek were granted excuses for yesterday, Thursday, April 13th, because they were attending to legislative business elsewhere.

COMMUNICATIONS

By Speaker Sam L. Collins:

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

DEAR SAM: As we part, may I congratulate you upon your parliamentary skill, and the high regard the Assembly cherishes for you.

May you have health and happiness

DR. PHELPS, Chaplain

By the Chief Clerk:

A communication from Mrs. Margaret Glass, acknowledging receipt of, and thanks for, an Assembly resolution adopted out of respect to the memory of her late husband, Frank S. Glass, was received, and ordered noted in the Journal.

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

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

Assembly Bill No. 147: By Messrs. Smith and Yorty—An act to amend Section 10 of an act entitled “An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,” approved May 28, 1947 (Chapter 401, Statutes of 1947), and to continue in existence an act entitled “An act to amend Section 10 of an act entitled ‘An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,’ approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of

said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949), except Section 1 thereof, all relating to the Public School System.

Referred to Committee on Education.

Assembly Joint Resolution No. 15: By Messrs. Clarke, Crichton, Hansen, and Lindsay—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construction project.

Referred to Committee on Rules.

Motion to Place Rush Order on Printing of Assembly Joint Resolution No. 15

Mr. Clarke moved that a rush order be placed upon the printing of Assembly Joint Resolution No. 15.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 13, 1950

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

Assembly Concurrent Resolution No. 15
Assembly Concurrent Resolution No. 23
Assembly Concurrent Resolution No. 24

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

Above resolutions ordered enrolled.

NOTICE OF MOTION TO WITHDRAW ASSEMBLY BILL NO. 133 FROM COMMITTEE WAIVED

Mr. Elliott waived his notice of motion to withdraw Assembly Bill No. 133 from the Committee on Ways and Means.

RESOLUTIONS

The following resolutions were offered:

By Mr. Fletcher:

House Resolution No. 105

Relative to Assemblyman Randal F. Dickey

WHEREAS, The Honorable Randal F. Dickey, Assemblyman from the Fourteenth District, has rendered the Legislature and the people of this State an invaluable service in the efficient and capable execution of his duties as Majority Floor Leader during this session; and

WHEREAS, The honorable, courteous, and competent manner in which Assemblyman Dickey has performed his duties as floor leader has earned for him the respect and admiration of all his colleagues; and

WHEREAS, That the people of his district are cognizant of the outstanding manner in which Assemblyman Dickey represents them, is evidenced by the fact that he is unopposed for reelection this year; now, therefore, be it

Resolved that the Assembly of the State of California, Hereby commends and expresses its appreciation to The Honorable Randal F. Dickey for his invaluable services as floor leader; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Assemblyman Randal F. Dickey as an expression of the appreciation and respect of this Assembly

Request for Unanimous Consent

Mr. Fletcher asked for, and was granted, unanimous consent to take up House Resolution No. 105, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

By Mr. Stanley :

House Resolution No. 106

Relative to Assemblyman Julian Beck

WHEREAS, The Honorable Julian Beck, Assemblyman from the Forty-first District in Los Angeles, during this session of the Legislature has demonstrated his outstanding ability as a legislator by serving ably, efficiently, and courteously as minority floor leader in the Assembly of the State of California; and

WHEREAS, Julian Beck's efficiency, honesty, integrity, and courteousness have earned him the unforgettable respect of each and every member of this legislative body; and

WHEREAS, The capable, efficient and diplomatic manner in which Julian Beck has transacted his difficult duties as minority floor leader have resulted in greatly expediting the legislative processes of this Assembly; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly hereby expresses its sincere thanks and appreciation to Julian Beck for the able, efficient, diplomatic and courteous manner in which he has rendered his services as minority floor leader; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to the Honorable Julian Beck as an expression of the respect and appreciation which the Members of this Assembly hold for him

Request for Unanimous Consent

Mr. Stanley asked for, and was granted, unanimous consent to take up House Resolution No. 106, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Assembly Joint Resolution No. 15

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, April 14, 1950

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

Assembly Joint Resolution No. 15

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported resolution ordered on file for adoption.

Request for Unanimous Consent to Take Up Assembly Joint Resolution No. 15

Mr. Clarke asked for, and was granted, unanimous consent that he be permitted to take up Assembly Joint Resolution No. 15, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 15

Assembly Joint Resolution No. 15—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construction project.

Resolution read.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Burke, Barkhalter, Butters, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huvck, Kilpatrick, Kirkwood, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—63.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred

House Resolution No. 87

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

CONSIDERATION OF DAILY FILE**UNFINISHED BUSINESS****CONSIDERATION OF SENATE AMENDMENTS**

Assembly Bill No. 29—An act to amend Sections 3047 and 3047.3 of, and to add Sections 3047.01, 3047.02, 3047.2, 3047.21, 3047.22, 3047.24, 3047.25, and 3047.27 to, and to repeal Section 3047.1 of, the Welfare and Institutions Code, relating to aid to the needy blind in respect to property qualifications of applicants and recipients.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 29?

Amendment No. 1

In line 2 of the title of the printed bill, strike out "3047.22,".

Amendment No. 2

On page 2 of said bill, strike out line 28, and insert "to any person who owns cash or negotiable securities, or both, in an amount or of a value in excess of six hundred dollars (\$600), nor to any person who owns personal property, including any such cash or negotiable securities, the value of which,".

Amendment No. 3

On page 2, line 30, of said bill, after the period, insert "For the purposes of this section the cash surrender value of one or more policies of insurance is personal property, but is not cash or negotiable securities. No life insurance policy shall be valued at more than its present surrender value to the applicant or recipient. Premiums paid on life insurance policies shall not be deemed income or resources of the applicant or recipient, whether or not the person by whom the premiums are paid is a responsible relative of the applicant or recipient, and no deduction therefor shall be made from the amount of aid granted to the recipient."

Amendment No. 4

On page 2, line 32, of said bill, strike out lines 33 to 36, inclusive, and insert "sonal effects of the applicant or recipient, including clothing, furniture, household equipment, foodstuffs, fuel, and personal jewelry, shall be excluded in determining the amount of personal property as provided in Section 3047 2."

Amendment No. 5

On page 2 of said bill, strike out lines 37 to 42, inclusive.

Amendment No. 6

On page 2, line 43, of said bill, strike out "SEC. 7.", and insert "SEC. 6."

Amendment No. 7

On page 2, line 44, of said bill, strike out "SEC. 8.", and insert "SEC. 7."

Amendment No. 8

On page 3, line 1, of said bill, strike out "SEC. 9.", and insert "SEC. 8."

Amendment No. 9

On page 3, line 6, of said bill, strike out "SEC. 10.", and insert "SEC. 9."

Amendment No. 10

On page 3, line 10, of said bill, strike out "SEC. 11.", and insert "SEC. 10."

Amendment No. 11

On page 3 of said bill, after line 17, insert "SEC. 11. This act shall become operative on the first day of the first month next succeeding its effective date, unless its effective date is the first day of a calendar month, in which event this act shall become operative on its effective date."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 29 by the following vote:

AYES—Anderson, Babbre, Beck, Bennett, Berry, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Holibaugh, Huyek, Kilpatrick, Levering, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Sherwin, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—62.
NOES—None.

Assembly Bill No. 29 ordered enrolled.

APPOINTMENT OF INTERIM COMMITTEE

Pursuant to the provisions of House Resolutions Nos. 32 and 75. Speaker Sam L. Collins announced the appointment of Messrs. Thompson, Dickey, Dolwig, Hinckley, and Burkhalter as members of said Assembly Interim Committee on State-wide Riding and Hiking Trails Development

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Senate Concurrent Resolution No. 11

J. A. BECK, 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. 11—Relative to the death of Milton Marks.

Referred to Committee on Rules.

**MOTION THAT PROCESS COMMITTEE BE AUTHORIZED TO
PRINT PAMPHLETS**

Mr. Dickey moved that the Process Committee be authorized to print pamphlets of the Joint Rules of the Senate and Assembly, as amended, and the Standing Rules of the Assembly, as amended, at this session, so they will be available for use by Members of the Assembly prior to the time the Legislature convenes next January; and that any additional material deemed necessary be included in the pamphlet.

Mr. Grunsky seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Condon, Connolly, Conrad, Crowley, Dickey, Dulls, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Leveing, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Sherwin, Silliman, Stewart, Thompson, Waters, Weber, Yorty, and Mr. Speaker—62

NOES—None.

**REQUEST FOR UNANIMOUS CONSENT THAT RULES BE ADOPTED
AS CORRECTED AND AMENDED**

Mr. Dickey asked for, and was granted, unanimous consent that the Assembly Standing Rules for the 1948 Regular Session and the 1949 Regular Session, as corrected and amended during this session, be adopted, at this time, as the Permanent Standing Rules of the Assembly, for this session.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Concurrent Resolution No. 25—Welcoming to California Malcolm R. Giles, Director General, Loyal Order of Moose;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fourteenth day of April, 1950, at 10 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Bill No. 132—An act to dispose of certain furniture, office equipment and other personal property acquired for the administration of the aged and blind aid programs;

Assembly Bill No. 141—An act granting certain lands owned by the State of California to the County of Butte for public park purposes upon certain trusts and conditions;

Assembly Bill No. 142—An act making an appropriation for an investigation of the cost of proper living for women and minors and the consideration of the findings thereof;

And reports that the same have been correctly enrolled, and presented to the Governor on the fourteenth day of April, 1950, at 10 a.m.

HUYCK, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Bill No. 36—An act to amend Sections 2164, 2165, 2165a, and 2165d of the Welfare and Institutions Code, relating to aid to the aged in respect to the real property qualifications of applicants and recipients;

Assembly Bill No. 37—An act to amend Sections 1512, 1526, 1550, and 1554 of the Welfare and Institutions Code, relating to the granting of aid to needy children;

Assembly Bill No. 118—An act to add Section 1601.5 to the Education Code, relating to the apportionment of the bonded indebtedness of school districts, 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 fourteenth day of April, 1950, at 10 a m

HUYCK, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Joint Resolution No. 14
Assembly Concurrent Resolution No. 22
Assembly Concurrent Resolution No. 28

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

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Bill No. 25

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

Above bill ordered enrolled.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 39—An act to provide for a survey and analysis of the public works needs and programs of the State and local agencies thereof and the advance planning and methods of financing such programs, providing for the administration thereof, and making an appropriation.

Bill read third time.

Motion to Amend

Mr. Yorty moved the adoption of the following amendments:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 31, 1950, after "provide", insert "for the alleviation and prevention of unemployment and the consequences thereof by means of a program of public works construction, providing".

Amendment No. 2

In line 4 of the title of said bill, strike out "and"; and strike out line 5, and insert "creating a fund for the construction of public works, authorizing the issuance of bonds for that purpose, and making an appropriation of money in the fund created."

Amendment No. 3

On page 3 of said bill, strike out lines 8 to 15, inclusive, and insert

"SEC. 7. The existence at the present time of widespread unemployment in California and the threat of an increase in such unemployment in the very near future makes it extremely necessary and expedient to provide authorization for the issuance and sale of state bonds to create a fund available for appropriations by the Legislature for the financing of the construction of public works pursuant to the provisions of this act for the purpose of alleviating and preventing unemployment.

SEC. 8. There is in the State Treasury a fund known as the "Full Employment Construction Fund" which shall consist of money raised from the sale of bonds pursuant to this act, money received from the sale or lease of buildings or works, the construction of which is financed from the fund, and money received in repayment of loans made from the fund. The money in the fund may be appropriated by the Legislature for any of the following purposes:

(a) For the construction, improvement and equipment of state buildings and public works of any kind.

(b) For the construction, improvement, and equipment of public buildings and public works of any kind for sale or lease by the Department of Finance, or use, as herein provided. The Department of Finance is hereby authorized to (1) lease any such public buildings or public works to any city, county, city and county, district or other public agency upon such terms and conditions, and for such period of time, as the department may determine; (2) sell any such public buildings or public works to any city, county, city and county, district or other public agency upon such terms and conditions as will provide within a period of 20 years for the complete repayment to the State of the cost, as determined by the Department of Finance, of any such public buildings or public works; provided, however, that where such public building or public works constitutes a building or public works in which there is a state interest the Department of Finance may, upon approval of a three-fourths vote of both houses of the Legislature, reduce the selling price of any such public building or public works and modify the terms and conditions of the sale; (3) use any such public buildings or public works for state purposes until leased or sold as herein provided. Title to any such public building or public works shall vest in the State until conveyed as herein provided to a city, county, city and county, district or other public agency.

(c) For refunding to the General Fund any money required to be expended therefrom by this act.

Any money received from the sale or lease of buildings or works constructed, or in repayment of loans made, shall be placed in the State Treasury to the credit of the General Fund.

SEC. 9. The jurisdiction and control of any public buildings or public works constructed, improved or equipped under the provisions of this act shall vest in the Department of Finance, and any use or occupancy thereof shall be subject to the approval of said department until such public buildings or public works are leased or sold as herein provided. All buildings or other public works constructed or improved under this act shall be constructed or improved in accordance with the procedure specified in the State Contract Act as now or hereafter amended.

SEC. 10. For the purpose of creating a fund for alleviation and prevention of unemployment through the construction of public works, the Legislature may create a debt or debts, liability or liabilities, of the State of California, in the manner and to the extent hereinafter provided, but not otherwise, nor in excess thereof.

SEC. 11. Upon the taking effect of this act, and at such times as the Legislature shall by legislation direct, as provided for in Section 10, the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds of the denomination of one thousand dollars (\$1,000) in accordance with the specifications established by the Legislature. The aggregate par value of all bonds issued under this act shall not exceed the sum of one billion dollars (\$1,000,000,000), and shall bear interest at a rate not exceeding five percent (5%) per annum. Both principal and interest shall be payable in lawful money of the United States, in the office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer.

All bonds issued under this act shall bear the facsimile signature of the Governor and facsimile countersignature of the Controller, and shall be endorsed by the State Treasurer either by original signature or by a signature stamp, and the bonds shall be signed, countersigned and endorsed by the officers who shall be in office on the date of issuance thereof, and each of said bonds shall bear an impress of the Great Seal of the State of California. Interest coupons attached to each bond shall bear the facsimile signature of the State Treasurer who shall be in office on the date of issuance of the bond to which said coupons pertain. The bonds and coupons so signed, countersigned and endorsed, and sealed, when sold, shall be and constitute a valid and binding general obligation upon the State of California, although the sale thereof be made at a date or dates upon which the officers having signed, countersigned, and endorsed said bonds or coupons or any or either of said officers shall have ceased to be the incumbents of the offices held by them at the time of signing, countersigning or endorsing said bonds or coupons. Each bond issue under this act shall contain a clause or clauses referring to this act and to the act of the Legislature hereunder by virtue of which said bond is issued and if subject to call or redemption prior to maturity shall contain a recital to that effect.

SEC. 12. The State Treasurer shall, on the respective dates of maturity or prior redemption of said bonds, or as soon thereafter as said bonds are surrendered to him, pay the same out of the proceeds of the Controller's warrants drawn in his favor as provided in Section 6 and perforate the bonds so paid with a suitable device in a manner to indicate such payment and the date thereof. The State Treasurer or his duly authorized agent, shall also, on the respective dates of maturity, cancel all bonds and appurtenant coupons bearing said dates of maturity and remaining unsold, by perforation with a suitable device in a manner to indicate such cancellation and the date thereof; provided, however, new bonds may be prepared and executed in lieu of bonds cancelled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the Legislature shall determine such new bonds shall be prepared and executed, subject to the condition the total indebtedness created hereunder shall not exceed the maximum limit herein specified. Not less than four years after the final maturity date of a particular issue of bonds, the State Treasurer, or his duly

authorized agent, may destroy or cremate any bonds of such issue which have been previously paid or canceled as hereinbefore provided.

SEC. 13. All bonds herein authorized, which shall have been duly sold and delivered as herein provided, shall constitute valid and legally binding general obligations of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal and interest thereof. There is hereby appropriated from the General Fund in the State Treasury such sum annually as will be necessary to pay the principal of and the interest on the bonds issued and sold pursuant to the provisions of this act, as said principal and interest become due and payable.

There shall be collected annually in the same manner and at the same time as other state revenue is collected such a sum, in addition to the ordinary revenues of the State, as shall be required to pay the principal and interest on said bonds as herein provided, and it is hereby made the duty of all officers charged by law with any duty in regard to the collections of said revenue, to do and perform each and every act which shall be necessary to collect such additional sum.

Both principal and interest of said bonds shall be paid when due upon warrants duly drawn against said appropriation from the General Fund by the Controller of the State in favor of the State Treasurer, or his duly authorized agent, upon demands audited by the Department of Finance. The amount expended to pay principal or interest may be refunded to the General Fund out of the Full Employment Construction Fund. Said refund shall be made upon warrants duly drawn by the Controller for that purpose upon demands duly audited by the Department of Finance. The Legislature shall direct the State Treasurer to call bonds (which are then subject to redemption) if such call is desirable and whenever funds are available to effect such redemption, the part of each issue so called to be not less than all of the bonds maturing in any one year. Notice of such redemption shall be given by the State Treasurer in the manner provided in the resolution authorizing the issuance of said bonds.

SEC. 14. The bonds authorized to be issued under this act shall be sold by the State Treasurer to the highest bidder for cash, either at public sale or upon sealed bids, and in such parcels and numbers, as the Legislature may determine, but the Treasurer must reject any and all bids for said bonds, or for any of them, which shall be below the par value of said bonds so offered plus the interest which shall have accrued thereon between the date of purchaser's payment for said bonds and the last preceding interest maturity date; and the Treasurer may from time to time, by public announcement at the place and time fixed for the sale, continue such sale, as to the whole of the bonds offered, or any part thereof offered, at such time and place as he may select. If said bonds are offered for sale upon sealed bids, then each bid shall be in writing and signed by the bidder and sealed, and shall be accompanied by the deposit of a certified check or cashier's check for five thousand dollars (\$5,000), drawn on a bank or trust company authorized to transact and transacting business in the State of California, payable to the Treasurer of the State of California, such deposit not to bear interest. The deposit of each unsuccessful bidder shall be returned to him immediately upon the nonacceptance of his bid, and the deposit of the successful bidder shall immediately upon the acceptance of his bid become and be the property of the State of California and be placed in the State Treasury to the credit of the Full Employment Construction Fund, and shall be credited to the successful purchaser upon the purchase price of the bonds bid for in case such purchase price is paid in full by him within the time mutually agreed upon between the successful bidder and the Treasurer. If the purchase price is not so paid, the successful bidder shall have no right in and to said bonds or by reason of said bid, or to the recovery of said deposit accompanying said bid, or to any allowance or credit by reason of such deposit unless it shall appear that the bonds would not be validly issued if delivered to the purchaser in the form and manner proposed. In case the purchase price is not so paid, the bonds so sold but not paid for shall be resold by the State Treasurer upon notice as provided in case of original sale.

Temporary or interim bonds, certificates, or receipts of any denomination whatever and with or without coupons attached thereto, to be signed by the State Treasurer, may be issued and delivered until the definitive bonds are executed and available for delivery. Signature of the State Treasurer may be by signature stamp.

SEC. 15. Due notice of the time and place of sale of all bonds shall be given by said Treasurer by publication in one newspaper published in the City and County of San Francisco and also by publication in one newspaper published in the City of Sacramento and by publication in one newspaper published in the City of Los Angeles once a week during two weeks prior to such sale. In addition to the notice last above provided for, the State Treasurer may give such further notice as he may deem advisable, but the expense and cost of such additional notice shall not exceed the sum of five hundred dollars (\$500) for each sale so advertised. The proceeds of the sale of such bonds and such amount as may have been paid as accrued interest thereon shall be forthwith paid over by said Treasurer to the Full Employment Construction Fund and must be used exclusively for the prevention and alleviation of unemployment by the financing of the construction of public works in accordance with the

provisions of this act; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof.

SEC. 16. The Department of Finance may, with the approval of the State Board of Control, invest any surplus money in the Full Employment Construction Fund in bonds or obligations of the United States or the State of California, or of the several counties or municipalities, or other political subdivisions of the State of California, and sell such bonds, or obligations, or any of them, at the governing market rates; or the Department of Finance may, with the approval of the State Board of Control, invest money in such fund in interest-bearing certificates of deposit of state banks having paid-up capital of five hundred thousand dollars (\$500,000) or more; provided, the total amount of money so deposited with any one bank shall not exceed a sum equal to 50 percent of the paid-up capital of such bank; provided, however, nothing herein contained shall inhibit the depositing in banks in accordance with Chapter 4, Part 2, Division 4, Title 2 of the Government Code, of money in such fund.

Interest accruing upon the deposit of money of the Full Employment Construction Fund shall be paid into and credited to said fund.

SEC. 17. Whenever the Legislature shall find that it is necessary or desirable to issue or sell any bonds authorized under this act in order to carry out the purposes of this act, it shall by legislation authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold. Successive issues of bonds may be authorized and sold, and it shall not be necessary that all bonds herein authorized to be issued shall be sold at any one time. The said act of the Legislature shall specify as to bonds then to be sold;

1. The aggregate number, aggregate par value, and the date of the bonds to be then sold. The date appearing on said bonds shall be deemed to be the date of issuance for all purposes of this act, irrespective of the actual date of delivery of such bonds and the payment of the purchase price thereof. Successive issues of bonds herein authorized shall be identified by the number of the issue, or the entire authorized issue may be divided into series or divisions appropriately identified by letter or number.

2. The date or dates of maturity, and the number and numerical sequence of the bonds maturing at each date of maturity, to be at annual intervals.

3. The provisions, if any, for the retirement of said bonds at any time or times prior to their maturity, the manner thereof, and the price or prices at which said bonds shall be redeemed.

4. The annual rate of interest which the bonds to be issued shall bear, to be in multiples of one-fourth of 1 percent, which rate, at the discretion of the Legislature, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent.

5. The number, numerical sequence, amount or amounts, and dates of maturity of the interest coupons to be attached to said bonds.

6. The technical form and language of said bonds and of the interest coupons to be attached thereto.

The bonds first to mature in each issue shall mature not later than five years and the bonds last to mature in each issue shall mature not later than 45 years from the date of issuance thereof.

The rate of interest to be borne by the bonds need not be uniform for all bonds of the same issue or series or division, and may be determined and fixed by the Legislature, but not exceeding in any case 5 percent per annum payable semiannually. The highest bid received on the sale of the bonds shall be determined by deducting the total amount of the premium bid (if any) from the total amount of interest which the State would be required to pay from the date of sale to the respective maturity dates of the bonds then offered for sale at the coupon rate or rates specified in the bid, and the award shall be made on the basis of the lowest net interest cost to the State. The lowest net interest cost to the State shall be computed between the dates aforesaid according to standard bond interest tables. The interest coupon first payable may, if the Legislature shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds.

SEC. 18. All actual and necessary expenses incurred by the State Treasurer in having said bonds prepared and in advertising and sale, or their prior redemption, shall be paid out of the General Fund on Controller's warrants duly drawn for that purpose and may be refunded to the General Fund out of the Full Employment Construction Fund. Said refund shall be made upon Controller's warrants duly drawn against said fund for said purpose upon demands audited by the State Department of Finance.

SEC. 19. 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 its submission to the people, and for returning, canvassing, and proclaiming the votes, and as to said excepted provisions this act shall take effect immediately.

SEC. 20. This act shall be submitted to the people of the State of California for their ratification at the next general election, to be held in the month of November, 1950, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Full Employment Construction Act," and the same square under said words the following, in briefer type: "This act provides for a bond issue of one

billion dollars (\$1,000,000,000) to be used by the Legislature in alleviating and preventing unemployment by the financing of the construction of public works." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Full Employment Construction Act" and in the same square immediately below said words, in briefer type shall be printed "This act provides for a bond issue of one billion dollars (\$1,000,000,000) to be used by the Legislature in alleviating and preventing unemployment by the financing of the construction of public works." Opposite the words "For the Full Employment Construction Act" and "Against the Full Employment Construction Act" there shall be left spaces in which the voters may place a cross in the manner required by law to indicate whether they vote for or against said act, and those voting for said act shall do so by placing a cross opposite the words, "For the Full Employment Construction Act" and those voting against the said act shall do so by placing a cross opposite the words "Against the Full Employment Construction Act." Provided, that where the voting of said general election is done by means of voting machines used pursuant to law in such manner as to carry out the intent of this section, such use of such voting machines and the expression of the voter's choice by means thereof, shall be deemed to comply with the provisions of this section. The Governor of this State shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

SEC. 21. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers; and if it appear that said act shall have received a majority of all the votes cast for and against it at said election as aforesaid, then the same shall have effect as hereinbefore provided, and shall be irrevocable until the principal and interest of the liabilities herein created shall be paid and discharged, and the Governor shall make proclamation thereof; but if a majority of the votes cast as aforesaid are against this act then the same shall be and become void.

SEC. 22. It shall be the duty of the Secretary of State in accordance with law to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this State, for three months next preceding the general election to be held in the month of November, 1950. The costs of publication shall be paid out of the General Fund, on Controller's warrants duly drawn for that purpose and may be refunded to the General Fund out of the Full Employment Construction Fund. Said refund shall be made upon Controller's warrants duly drawn against said fund for said purpose upon demands audited by the State Department of Finance.

SEC. 23. This act shall be known and may be cited as "The Full Employment Construction Act."

Amendments read.

Demand for Previous Question

Messrs. Kirkwood, Dolwig, Burke, Luckel, and Grant demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments offered by Mr. Yorty to Senate Bill No. 39.

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, 10.55 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Beck, Connolly, Davis, Hinckley, McCollister, Reagan, Rosenthal, Rumford, and Silliman—9.

Further Proceedings Under Call of the Assembly Dispensed With on Amendments Offered by Mr. Yorty to Senate Bill No. 39

At 11.33 a.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 the amendments offered by Mr. Yorty to Senate Bill No. 39 adopted by the following vote:

AYES—Anderson, Bennett, Berry, Brady, Burkhalter, George D. Collins, Condon, Cooke, Crichton, Crowley, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Evans, Fletcher, Gaffney, Geddes, Hahn, Hawkins, Hollibaugh, Kilpatrick, Lewis, Lipscomb, Lowrey, McCarthy, McCallister, McMillan, Meyers, Morris, Niehouse, Porter, Rumford, Smith, Weber, and Yorty—39.

NOES—Babbage, Brown, Burke, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, Connolly, Conrad, Fleury, Grant, Grunsky, Hagen, Hansen, Hoffman, Huyck, Kirkwood, Levering, Lincoln, Lindsay, Luckel, Maloney, Moss, Sherwin, Stanley, Stewart, Thompson, Tomlinson, and Waters—31.

Bill ordered reprinted, and re-engrossed.

Speaker Pro Tempore Presiding

At 11.35 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Hon. Randal F. Dickey Presiding

At 11.37 a.m., Hon. Randal F. Dickey, Member of the Assembly from the Fourteenth District, presiding.

RESOLUTIONS

The following resolution was offered:

By Messrs. Maloney, George D. Collins, McCarthy, Gaffney, Meyers, Berry, and Connolly:

House Resolution No. 107

Congratulating David Russo, Columbia Park Boys Club of San Francisco, upon receiving the Junior Citizenship Award—1950 Boy of the Year

WHEREAS, Annually the 325 associated Boys Clubs of America select from among the 300,000 boys making up their membership, a boy whose character, accomplishments, and service to his club and community merit special recognition, and award to him the Junior Citizenship Award—Boy of the Year; and

WHEREAS, In 1950 this honor was bestowed upon David Russo, a fifteen year old San Francisco boy who lives with his parents Mr. and Mrs. Amile Russo at 316 Guerrero Street; and

WHEREAS, This honor is well merited by David Russo, he having been earlier this year chosen as Boy of the Year of his own club, the Columbia Park Boys Club, 458 Guerrero Street, San Francisco, where he is assistant to the Director of Arts and Crafts, counsellor at the club's summer camp, plays on the club's baseball team, and has exhibited splendid qualities of leadership; and

WHEREAS, David Russo has a fine record of scholarship at Commerce High School and at the California School of Fine Arts where he attends on the David Epstein Memorial Fund Award scholarship established by Mr. Julius Epstein of Chicago to be awarded each year to a Boys Club member excelling in arts and crafts; and

WHEREAS, In addition to the honor of being chosen Boy of the Year by the associated Boys Clubs of America, the Junior Citizenship Award—1950 Boy of the Year, carries with it the gift of a trip to New York to be presented with a beautiful plaque by David Armstrong, National Director of the Boys Clubs of America; now, therefore, be it

Resolved by the Assembly of the State of California, That this Assembly congratulate David Russo of San Francisco upon being chosen Boy of the Year, and commend him for the exemplary conduct and service to his club and his community which won him so great an honor; and be it further

Resolved, That this Assembly congratulates the boys of Columbia Park Boys Club for the tradition of good sportsmanship for which the club is known, and upon having the member whom they had chosen Boy of the Year for their club chosen by the associated clubs as Boy of the Year for the Boys Clubs of the entire Nation; and be it further

Resolved, That this Assembly also commend Mr. Julian P. Hargrave, Executive Director, Columbia Park Boys Club for the splendid work he has done in 35 years with the club in promoting the welfare of the hundreds of boys who there find true friendship, recreation, guidance, and inspiration toward citizenship fitting them to be the leaders in the democracy of tomorrow; and be it further

Resolved, That the Chief Clerk of the Assembly send copies of this resolution to David Russo of San Francisco, 1950 Boy of the Year, and to his parents Mr. and Mrs. Amile Russo, and to Mr. Julian P. Hargrove, Executive Director, Columbia Park Boys Club.

Request for Unanimous Consent

Mr. Maloney asked for, and was granted, unanimous consent to take up House Resolution No. 107, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

APPOINTMENT OF SELECT COMMITTEE

Acting Speaker Dickey announced the appointment of Messrs. Maloney, Connolly, and Brady as a Select Committee to escort Mr. Julian P. Hargrove, Executive Director of the Columbia Park Boys Club, and David Russo, age 15, "Boy of the Year," to the rostrum.

RECESS

At 11.39 a.m., on motion of Mr. Maloney, the Assembly recessed until 11.43 a.m., to hear remarks from Mr. Julian P. Hargrove and David Russo, "Boy of the Year."

REASSEMBLED

At 11 43 a.m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION THAT DATA AND REMARKS BE PRINTED IN THE JOURNAL

Mr. Doyle moved that data, relative to David Russo, "Boy of the Year," as given by Mr. Maloney in his introduction, and the remarks by young Mr. Russo, as given by him during recess, be ordered printed in the Journal.

Mr. Meyers seconded the motion.

Motion carried.

Data on David Russo, Age 15, "Boy of the Year" as Given by Mr. Maloney

Home address is 316 Guerrero Street, San Francisco.

Lives with his mother and father and younger brother, older brother is a private in the Air Corps.

Now attending Commerce High School as Sophomore.

Is outstanding member of the Columbia Park Boys Club, 458 Guerrero Street in San Francisco. Was selected in 1949 from the membership of the club as "Boy of the Year."

David is Assistant to the Director of Arts and Crafts at the club and is a Counsellor at the club camp in the summer.

He is an all around boy in every respect and one of his favorite sports is baseball.

He is well liked by all the boys at the club and is outstanding in his leadership with the younger members of the club.

This year he was selected from among members of all the Boys Clubs in America as the boy to be given the David Epstein Memorial Fund Award, which is to be presented each year by Mr. Julius Epstein of Chicago, Illinois, to a Boys Club member who excels in the field of art or music. David was given a scholarship to the California School of Fine Arts and is now doing 9 hours work a week at the school. This award was just established this year by Mr. Epstein.

Then to top everything off David was chosen from over 300,000 members of the Boys Clubs of America to become the 1950 "Boy of the Year." For this honor he won a trip to New York to be presented with a beautiful plaque by David Armstrong, National Director of the Boys Clubs of America, and included in the trip were tours of points of interest in New York, shows, etc. Upon his return to San Francisco he was sent on a trip to Hollywood and Los Angeles by Al Dunn, Manager of the Orpheum Theater, while there he was the guest of C.B.S., Metro Goldwyn Mayer Studio, Cliftons, South Seas, Mayor Bowron, and other spots.

Remarks by Mr. David Russo

To you gentlemen of our State Legislature I want to say thank you most kindly for your recognition of my award, given to me by The Boys Clubs of America and conferring on me the title of "Boy of the Year."

I want each of you to know that it will be my earnest endeavor to strive in every way to live up to this honor and to at all times try to reflect credit through my actions upon our great State of California, as a junior citizen of the State

I hope that at some future date all of you will visit the Columbia Park Boys Club of which I am a member, for we need and welcome the interest and support of our State Legislators.

My sincere good wishes to you and the members of your families and again thank you for having me here.

RESOLUTIONS

The following resolutions were offered :

By Mr. Crowley :

House Resolution No. 108

Relative to riding and hiking trails in the Redwood Empire Counties

WHEREAS, It has come to the attention of the Assembly that the Department of Natural Resources has not allocated any part of the recent one hundred thousand dollar (\$100,000) legislative appropriation and the thirty-one thousand dollar (\$31,000) carry-over to riding and hiking trails in the Redwood Empire Counties; and

WHEREAS, The lack of funds has put a stop to the acquisition program in Marin and Sonoma Counties and no acquisition program has been started in Napa County due to lack of funds; now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Natural Resources be requested to make an allocation of available funds to the Redwood Empire Counties for the acquisition of riding and hiking trails in those counties; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Natural Resources.

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

By Messrs. Crichton, Hansen, and Hoffman :

House Resolution No. 109

Relative to the disposal of the surplus stock of California canned peaches

WHEREAS, The peach growers of California are engaged in a vigorous campaign for the purpose of disposing of the surplus stock of California canned peaches by means of an extensive advertising program designed to remove this surplus through the regular channels of private enterprise; and

WHEREAS, This million dollar advertising program has gained national recognition and will be of material benefit to the farmers of this State in marketing their next peach crop; now, therefore, be it

Resolved by the Assembly of the State of California, That the California peach growers are commended for their endeavor to dispose of the surplus stock of canned peaches through the regular channels of advertising and private enterprise

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

Hon. Laughlin E. Waters Presiding

At 11.46 a.m., Hon. Laughlin E. Waters, Member of the Assembly from the Fifty-eighth District, presiding

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Bill No. 26

Assembly Bill No. 55

Assembly Bill No. 98

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

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above bills ordered to unfinished business file.

RESOLUTIONS

The following resolution was offered:

By Messrs. Geddes, Evans, Fletcher, Mrs. Niehouse, Messrs. Crowley, McMillan, Crichton, Doyle, Dolwig, Thompson, Hollibaugh, and Cooke:

House Resolution No. 110

Relating to authorizing the Assembly Interim Committee on Social Welfare to study child care center support and operation

WHEREAS, The Senate of the State of California has failed to concur in Assembly Concurrent Resolution No. 17; and

WHEREAS, Assembly Concurrent Resolution No. 17 provided for a Joint Interim Committee to study the problems pertaining to the support and supervision of child care centers as a social welfare project or otherwise; and

WHEREAS, The need for such a study still remains since present state support of child care centers will terminate on February 15, 1951; and

WHEREAS, The Assembly Interim Committee on Social Welfare created by House Resolution No. 71 can, if authorized, make a proper and useful study of the problems; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Social Welfare is authorized to make the studies herein referred to and report upon the same not later than January 15, 1951

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 109

House Resolution No. 108

House Resolution No. 110

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

DICKY, Chairman

Above reported resolutions ordered on file for adoption.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 108**

Mr. Crowley asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 108, out of order, at this time.

**REQUEST FOR UNANIMOUS CONSENT THAT NAME BE PLACED
UPON HOUSE RESOLUTION NO. 108 AS CO-AUTHOR**

Mr. McCollister asked for, and was granted, unanimous consent that his name be placed upon House Resolution No. 108, as a co-author.

CONSIDERATION OF HOUSE RESOLUTION NO. 108

By Messrs. Crowley and McCollister :

House Resolution No. 108

Relative to riding and hiking trails in the Redwood Empire Counties

WHEREAS, It has come to the attention of the Assembly that the Department of Natural Resources has not allocated any part of the recent one hundred thousand dollar (\$100,000) legislative appropriation and the thirty-one thousand dollar (\$31,000) carry-over to riding and hiking trails in the Redwood Empire Counties; and

WHEREAS, The lack of funds has put a stop to the acquisition program in Marin and Sonoma Counties and no acquisition program has been started in Napa County due to lack of funds; now, therefore, be it

Resolved by the Assembly of the State of California, That the Department of Natural Resources be requested to make an allocation of available funds to the Redwood Empire Counties for the acquisition of riding and hiking trails in those counties; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Director of Natural Resources.

Resolution read.

Request for Unanimous Consent for Permission to Read Telegram

Mr. Gaffney asked for, and was granted, unanimous consent that he be permitted to read a telegram which pertains to House Resolution No. 108.

The question being on the adoption of House Resolution No. 108.
Resolution adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 109**

Mr. Crichton asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 109, out of order, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 109

By Messrs. Crichton, Hansen, and Hoffman :

House Resolution No. 109—Relative to the disposal of the surplus stock of California canned peaches

Resolution read.

**Request for Unanimous Consent That Names be Placed Upon
House Resolution No. 109 as Co-authors**

Messrs. Coats, Brown, and Clarke, asked for, and were granted, unanimous consent that their names be placed upon House Resolution No. 109, as co-authors.

By Messrs. Crichton, Hansen, Hoffman, Coats, Brown, and Clarke :

House Resolution No. 109

Relative to the disposal of the surplus stock of California canned peaches

WHEREAS, The peach growers of California are engaged in a vigorous campaign for the purpose of disposing of the surplus stock of California canned peaches by means of an extensive advertising program designed to remove this surplus through the regular channels of private enterprise; and

WHEREAS, This million dollar advertising program has gained national recognition and will be of material benefit to the farmers of this State in marketing their next peach crop; now, therefore, be it

Resolved by the Assembly of the State of California, That the California peach growers are commended for their endeavor to dispose of the surplus stock of canned peaches through the regular channels of advertising and private enterprise

Resolution read, and adopted.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 110**

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 110, out of order, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 110

By Messrs. Geddes, Evans, Fletcher, Mrs. Niehouse, Messrs. Crowley, McMillan, Crichton, Doyle, Dolwig, Thompson, Hollibaugh, and Cooke:

House Resolution No. 110

Relating to authorizing the Assembly Interim Committee on Social Welfare to study child care center support and operation

WHEREAS, The Senate of the State of California has failed to concur in Assembly Concurrent Resolution No. 17; and

WHEREAS, Assembly Concurrent Resolution No. 17 provided for a Joint Interim Committee to study the problems pertaining to the support and supervision of child care centers as a social welfare project or otherwise; and

WHEREAS, The need for such a study still remains since present state support of child care centers will terminate on February 15, 1951; and

WHEREAS, The Assembly Interim Committee on Social Welfare created by House Resolution No. 71 can, if authorized, make a proper and useful study of the problems; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Social Welfare is authorized to make the studies herein referred to and report upon the same not later than January 15, 1951.

Resolution read, and adopted.

RECESS

At 12.10 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.

ANNOUNCEMENTS

Speaker Sam L. Collins announced that all members are to place in their desks their names and the addresses to which they wish their papers, books, and other materials shipped, with all final shipping instructions for the Sergeant-at-Arms; and that all desk keys are to be placed under the tops of all desks prior to the departure of members.

Speaker Sam L. Collins announced that several members have not yet complied with previous requests that they give to the Chief Clerk copies of their biographies, and glossy print pictures, for publication in the forthcoming edition of the California Blue Book, and urged cooperation.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Joint Resolution No. 15

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

Above resolution ordered enrolled.

RESOLUTIONS

The following resolution was offered:

By Mr. Levering:

House Resolution No. 111

Relative to the powers and duties of the Assembly Interim Committee on State and Local Taxation

Resolved by the Assembly of the State of California, That in addition to the powers and duties heretofore given and imposed upon the Assembly Interim Committee on State and Local Taxation (created by H. R. 133, 1949 Regular Session), the said committee is hereby authorized and directed to ascertain, study, and analyze all facts relating to, bearing upon or affecting financial support to the entire school system of the State of California, 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 thereto, and to report thereon to the Assembly not later than January 31, 1951, including in the reports its recommendations for appropriate legislation.

Request for Unanimous Consent

Mr. Levering asked for, and was granted, unanimous consent to take up House Resolution No. 111, at this time, without reference to committee or file.

Resolution read, and adopted.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 3 10 p.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.

REQUEST FOR UNANIMOUS CONSENT THAT CHIEF CLERK BE INSTRUCTED TO SEND LETTER TO MR. JACK PETTIS

Mr. Maloney asked for, and was granted, unanimous consent that the Chief Clerk be instructed to send a letter, on behalf of all Members of the Assembly, to Mr. Jack Pettis, who is ill, and wish him a rapid recovery.

RESOLUTIONS

The following resolutions were offered:

By Mr. Weber:

House Resolution No. 112

Relative to publishing the Final Report of the Chairman of the Assembly Committee on Legislative Organization

Resolved by the Assembly of the State of California, That the Assembly Interim Legislative Process Committee is directed to publish 1,000 copies of the Final Report of the Chairman of the Assembly Committee on Legislative Organization (created by H. R. 22, 1943 Regular Session), as a legislative document, and make them available for the use of the Members of the Assembly.

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

By Mr. Dickey:

House Resolution No. 113

Resolved, That the Speaker appoint a Committee of Three to notify the Senate that the Assembly is ready to adjourn sine die and ask if the Senate has any further communications to transmit to this House.

Request for Unanimous Consent

Mr. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 113, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Dickey :

House Resolution No. 114

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. Dickey asked for, and was granted, unanimous consent to take up House Resolution No. 114, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Dickey :

House Resolution No. 115

*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 the date set by resolution for *sine die* adjournment save and except Arthur A. Ohnumus, 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. 115, 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, Beck, Bennett, Berry, Brown, Burke, Butters, Clarke, Cloyed, Coats, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huvek, Kilpatrick, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Nichouse, Porter, Rumford, Sherwin, Stanley, Stewart, Thompson, Waters, Weber, Yorty, and Mr. Speaker—57.

NOES—None

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Concurrent Resolution No. 11

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

DICKEY, Chairman

Request for Unanimous Consent to Take Up Senate Concurrent Resolution No. 11

Mr. Connolly asked for, and was granted, unanimous consent that he be permitted to take up Senate Concurrent Resolution No. 11, at this time, without reference to file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 11

Senate Concurrent Resolution No. 11—Relative to the death of Milton Marks.

Resolution read, and adopted unanimously by a rising vote.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR SPEAKER: Your Committee on Education, to which was referred:

Assembly Bill No. 147

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

DUNN, Chairman

Above reported bill ordered to second reading.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Dunn:

Resolved, That Assembly Bill No. 147 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, engrossed, and placed upon its passage.

Resolution read.

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

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Porter, Rufford, Sherwin, Smith, Stanley, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—60

NOES—None.

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

CONSIDERATION OF ASSEMBLY BILL NO. 147

(BY UNANIMOUS CONSENT)

Assembly Bill No. 147—An act to amend Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947), and to continue in existence an act entitled "An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1

and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949), except Section 1 thereof, all relating to the Public School System.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2, line 3, of the printed bill, strike out "July", and insert "February".

Amendment No. 2

On page 2, line 7, of said bill, strike out "July 1, 1950", and insert "February 1, 1951".

Amendment No. 3

On page 2, line 12, of said bill, strike out "July", and insert "February".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

RESOLUTIONS

The following resolutions were offered:

By Messrs. Lincoln and Rumford:

House Resolution No. 116

Relative to the appointment of Osborne A. Pearson as Assistant Postmaster General

WHEREAS, The Senate Post Office Committee has approved the nomination of Osborne A. Pearson, of Oakland, to be the Assistant Postmaster General; and

WHEREAS, Osborne A. Pearson was Northern California Manager for the Nationwide Committee for Economic Development; and

WHEREAS, He was a Director of the East Bay Fellowship, is a friend of labor, an active church man, and an outstanding civic leader; and

WHEREAS, Osborne A. Pearson is highly deserving of the important position to which he has been appointed; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby extend their heartiest congratulations to Osborne A. Pearson upon his appointment as Assistant Postmaster General; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to Mr. Osborne Pearson of Oakland.

Request for Unanimous Consent

Mr. Lincoln asked for, and was granted, unanimous consent to take up House Resolution No. 116, at this time, without reference to committee or file.

Resolution read, and adopted.

By Messrs. Meyers, George D. Collins, Berry, Thompson, Gaffney, Stanley, Doyle, Huyek, Babbage, Geddes, and Hollibaugh:

House Resolution No. 117—Congratulating Assemblyman William W. Hansen on his birthday.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 117 As Co-Authors

Mr. Meyers asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 117, as co-authors.

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

House Resolution No. 117

Congratulating Assemblyman William W. Hansen on his birthday

WHEREAS, Assemblyman William W. Hansen is serving his initial term in this Assembly, representing the people of the Thirty-fifth Assembly District; and

WHEREAS, William W. Hansen served as a naval aviator during World War I, and comes to this Assembly after many years of active public service as a member and past president of the board of directors of the Fresno Irrigation District, as a member of the American Legion and of the Fresno County Farm Bureau, and has had the distinction of developing the record herd of Guernsey cattle in Fresno County; and

WHEREAS, He has already made many friends among the Members of the Assembly by his conscientious attention to his duties and his cooperative participation in the work of this Assembly, having, in fact, pursued his duties with such quiet diligence that it has not until now come to the attention of this Assembly that on March 25, 1950, he celebrated the fifty-third anniversary of his birth in Fresno County in 1897; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly extend to William W. Hansen hearty congratulations and best wishes on his birthday; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a suitably prepared copy of this resolution to Assemblyman William W. Hansen.

Request for Unanimous Consent

Mr. Meyers asked for, and was granted, unanimous consent to take up House Resolution No. 117, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

**UNFINISHED BUSINESS (RESUMED BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS**

Assembly Bill No. 26—An act to add Section 3079.5 to and to amend Section 3082 of the Welfare and Institutions Code, relating to the administration of aid to the needy blind and aid to partially self-supporting blind residents.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 26?

Amendment No. 1

On page 2, line 15, of the printed bill, as amended in the Assembly on March 31, 1950, strike out "shall", and insert "may".

Amendment No. 2

On page 2, line 19, of said bill, strike out "shall", and insert "may".

Amendment No. 3

On page 2, line 25, of said bill, strike out "shall", and insert "may".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 26 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—63.

NOES—None.

Assembly Bill No. 26 ordered enrolled.

Assembly Bill No. 55—An act to amend Sections 16441 and 16443, and to add Article 6, comprising Sections 16501 to 16503, inclusive, to Chapter 3 of Division 8 of the Education Code, relating to the health supervision of public school children and providing for facilities for detecting and treating children who display tendencies to commit sex offenses.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 55?

Amendment No. 1

In lines 6 and 7 of the title of the printed bill, as amended in the Assembly on April 12, 1950, strike out "display tendencies to commit sex offenses", and insert "evidence impaired mental health".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 55 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Butters, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Crichton, Crowley, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Levering, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Mr. Speaker—63.

NOES—None.

Assembly Bill No. 55 ordered enrolled.

APPOINTMENT OF SELECT COMMITTEES

Pursuant to the provisions of House Resolution No. 113, Speaker Sam L. Collins announced the appointment of Messrs. Stanley, Tomlinson, and Anderson as said Select Committee to wait upon the Senate.

Pursuant to the provisions of House Resolution No. 114, Speaker Sam L. Collins announced the appointment of Messrs. Sherwin, Waters, Huyck, Moss, and Porter, as said Select Committee to wait upon the Governor.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP
HOUSE RESOLUTION NO. 87**

Mr. Burkhalter asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 87, out of order, at this time.

CONSIDERATION OF HOUSE RESOLUTION NO. 87

By Mr. Burkhalter :

House Resolution No. 87

Relating to an investigation and report concerning the desirability and feasibility of a separation of grade between a certain thoroughfare in Burbank, Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Magnolia Boulevard in Burbank, Los Angeles County, crosses the tracks of the Southern Pacific Company at grade; and

WHEREAS, The flow of traffic over this thoroughfare across such tracks constitutes a great and increasing hazard to the motoring public using this thoroughfare; now, therefore, be it

Resolved by the Assembly of the State of California, That the appropriate officers of the City of Burbank, the County of Los Angeles, the Southern Pacific Company, the Public Utilities Commission, and the Department of Public Works, Division of Highways, be requested to initiate proceedings for a separation of grade at the above described location and to report to the Assembly not later than January 15, 1951, 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 Burbank, the County of Los Angeles, the Department of Public Works, Division of Highways, and the Southern Pacific Company.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules :

Amendment No. 1

In House Resolution No. 87, as printed on pages 1057 and 1058 of the Assembly Journal for April 13, 1950, strike out the first "*Resolved*" clause, and insert

"Resolved by the Assembly of the State of California, That the Public Utilities Commission, the Department of Public Works, Division of Highways and the Southern Pacific Railroad Company be requested to take proceedings to investigate the feasibility of a separation of grade at the above described crossing and to report back to the Assembly not later than January 15, 1951; and be it further"

Amendment read, and adopted.

Consideration of House Resolution No. 87, As Amended

By Mr. Burkhalter :

House Resolution No. 87

Relating to an investigation and report concerning the desirability and feasibility of a separation of grade between a certain thoroughfare in Burbank, Los Angeles County, and the tracks of the Southern Pacific Company

WHEREAS, Magnolia Boulevard in Burbank, Los Angeles County, crosses the tracks of the Southern Pacific Company at grade; and

WHEREAS, The flow of traffic over this thoroughfare across such tracks constitutes a great and increasing hazard to the motoring public using this thoroughfare; now, therefore, be it

Resolved by the Assembly of the State of California, That the Public Utilities Commission, the Department of Public Works, Division of Highways and the Southern Pacific Railroad Company be requested to take proceedings to investigate the feasibility of a separation of grade at the above described crossing and to report back to the Assembly not later than January 15, 1951; 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 Burbank, the County of Los Angeles, the Department of Public Works, Division of Highways, and the Southern Pacific Company.

Resolution read, as amended, and adopted.

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 147

And reports the same correctly engrossed.

HUYCK, Chairman

Above reported bill ordered to third reading.

**FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 147
(BY UNANIMOUS CONSENT)**

Assembly Bill No. 147—An act to amend Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947), and to continue in existence an act entitled "An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949), except Section 1 thereof, all relating to the Public School System.

Bill read third time.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Lewis, Lincoln, Lipscomb, Luckel, Maloney, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Sherwin, Smith, Stanley, Stewart, Thompson, Waters, Weber, Yorty, and Mr. Speaker—61.

NOES—Butters, Dunn, Geddes, and Tomlinson—4.

Bill ordered transmitted to the Senate.

Explanation of Vote on Assembly Bill No. 147 By Mr. Geddes

Because of the needs of the schools in my district and the schools of California I am willing to stay in session long enough to work out a proper bill. Since Assembly Bill No. 147 is a poor substitute for Assembly Bill No. 65 I voted, "No."

ERNEST R. GEDDES

Speaker Pro Tempore Presiding

At 3.38 p m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Concurrent Resolution No. 10

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

Above resolution ordered enrolled.

REMARKS ON CONDITION OF THE FILE

Messrs. Burke and Doyle spoke on the condition of the file.

**REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILL
NO. 146 BE STRICKEN FROM FILE**

Mr. Sherwin asked for, and was granted, unanimous consent that Assembly Bill No. 146 be ordered stricken from the file.

**UNFINISHED BUSINESS (RESUMED BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS**

Assembly Bill No. 98—An act to establish a Sex Crime Research Commission, providing for scientific research into the problems of sex crimes, and making an appropriation therefor.

The question being. Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 98?

Amendment No. 1

In the title of the printed bill, strike out lines 1 to 3, inclusive, and insert "An act to provide for scientific research into the problem of sex crimes, including the causes and cure of sex deviation, and making an appropriation."

Amendment No. 2

On page 1, strike out line 1, and insert

"SECTION 1 The Department of Mental Hygiene, acting through the Superintendent of the Langley Porter Clinic, shall plan, conduct, and cause to be conducted scientific research into the causes and cures of sexual deviation, including deviations conducive to sex crimes against children, and the causes and cures of homosexuality, and into methods of identifying potential sex offenders

SEC. 2 Upon the recommendation of the Superintendent of the Langley Porter Clinic, the Department of Mental Hygiene may enter into contracts with the Regents of the University of California for the conduct, by either for the other, of all or any portion of the research provided for in this act.

SEC. 3 It shall be the duty of each state agency to cooperate with the Superintendent of the Langley Porter Clinic, or with the University of California, as the case may be, to the fullest extent that the facilities of such state agency will permit without interfering with the carrying out of the primary purposes and functions of such state agency.

SEC. 4 The Superintendent of Langley Porter Clinic shall make a written and detailed report of the activities and studies under this act and his findings and recommendations relating thereto and file the same with the Governor and the Legislature not later than March 1, 1951. In this report said superintendent shall outline such further research program as he deems it desirable to undertake and shall outline the more promising avenues of research. Said superintendent may include in such report such bibliography of materials for study as he deems appropriate.

SEC. 5. The Department of Mental Hygiene with the approval of the Director of Finance may accept gifts or grants from any source for the accomplishment of the objects and purposes of this act. The provisions of Section 16302 of the Government

Code do not apply to such gifts or grants and the money so received shall be expended to carry out the purposes of this act, subject to any limitation contained in such gift or grant.

SEC 6 There is hereby appropriated out of the General Fund in the State Treasury one hundred thousand dollars (\$100,000) to be expended by the Department of Mental Hygiene in carrying out the provisions of this act, not more than fifty thousand dollars (\$50,000) of which shall be spent in any one fiscal year."

Amendment No. 3

On page 1 of said bill, strike out lines 2 to 23, inclusive, and strike out all of pages 2 and 3.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Tomlinson moved a call of the Assembly.

Motion carried. Time, 3.50 p.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the following absent members:

Messrs. Caldecott, Sam L. Collins, Cooke, Crichton, Davis, Dickey, Dunn, Hinckley, Kirkwood, Levering, Lindsay, Reagan, Rosenthal, Sillman, Smith, and Waters—16.

Further Proceedings Under Call of the Assembly Dispensed With on Concurrence in Senate Amendments to Assembly Bill No. 98

At 4 p.m., on motion of Mr. Tomlinson, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the Assembly concurred in Senate amendments to Assembly Bill No. 98 by the following vote:

AYES—Anderson, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Caldecott, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Crowley, Davis, Dills, Doyle, Elliott, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hawkins, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty—58.

NOES—Babbage, Brady, Butters, Clarke, Cloyed, Dolwig, Hansen, Hoffman, Hollibaugh, Luckel, and Sherwin—11.

Assembly Bill No. 98 ordered enrolled.

Speaker Presiding

At 4.09 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

RECESS

At 4.10 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.

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPFAKFR: Your Committee on Rules, to which was referred
House Resolution No. 112

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

DICKKEY, Chairman

Request for Unanimous Consent to Take Up House Resolution No. 112

Mr. Geddes asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 112, at this time, without reference to file.

CONSIDERATION OF HOUSE RESOLUTION NO. 112

By Mr. Weber:

House Resolution No. 112

Relative to publishing the final report of the Chairman of the Assembly Committee on Legislative Organization

Resolved by the Assembly of the State of California, That the Assembly Interim Legislative Process Committee is directed to publish 1,000 copies of the Final Report of the Chairman of the Assembly Committee on Legislative Organization (created by House Resolution 22, 1943 Regular Session), as a legislative document, and make them available for the use of the members of the Assembly.

Resolution read, and adopted.

REMARKS ON CONDITION OF THE FILE

Mr. Doyle spoke on the condition of the file.

**REQUEST FOR UNANIMOUS CONSENT TO TAKE UP FURTHER
CONSIDERATION OF SENATE BILL NO. 39**

Mr. Hollibaugh asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 39, out of order, at this time.

FURTHER CONSIDERATION OF SENATE BILL NO. 39

Senate Bill No. 39—An act to provide for a survey and analysis of the public works needs and programs of the State and local agencies thereof and the advance planning and methods of financing such programs, providing for the administration thereof, and making an appropriation.

Bill read third time.

Motion to Amend

Mr. Hollibaugh moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 14, of the printed bill, as amended in the Assembly on April 14, 1950, strike out "For the Purposes" and all of lines 15 to 19, inclusive.

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

RESOLUTIONS

The following resolution was offered:

By Mr. Lowrey:

House Resolution No. 118—Relative to Assemblyman Earl W. Stanley.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 118

Mr. Gaffney asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 118 as co-authors.

By Messrs. Lowrey, Anderson, Babbage, Beck, Bennett, Berry, 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, Evans, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Huyck, Kilpatrick, Kirkwood, Levering, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Mrs. Niehouse, Messrs. Porter, Rumford, Sherwin, Silliman, Smith, Stewart, Thompson, Tomlinson, Waters, Weber, and Yorty:

House Resolution No. 118

Relative to Assemblyman Earl W. Stanley

WHEREAS, The Honorable Earl W. Stanley, Assemblyman from the Seventy-fourth District in Orange, has during this session of the Legislature ably and efficiently demonstrated his legislative capabilities by competently fulfilling his duties as Republican Caucus Leader; and

WHEREAS, The courteous, diplomatic, and statesmanlike manner in which he has transacted his difficult duties as caucus leader have earned him the respect and admiration of all his colleagues, both Democrats and Republicans; and

WHEREAS, The capable and efficient manner in which Earl W. Stanley has fulfilled his position has been an invaluable aid to the Assembly in the furtherance of the legislative process; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly hereby highly commend The Honorable Earl W. Stanley for the capable and courteous services he has performed for this Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to Assemblyman Earl W. Stanley.

Request for Unanimous Consent

Mr. Lowrey asked for, and was granted, unanimous consent to take up House Resolution No. 118, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Joint Resolution No. 12

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above resolution ordered to unfinished business file.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY JOINT
RESOLUTION NO. 12 (BY UNANIMOUS CONSENT)

Assembly Joint Resolution No. 12—Relative to the proposed closing of the Birmingham Veterans Hospital at Van Nuys, California, and the Long Beach Naval Hospital at Long Beach, California, and to the use of the Corona Naval Hospital.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Joint Resolution No. 12?

Amendment No. 1

In line 4 of the title of the printed measure, as introduced, after "California", insert ", and to the use of the Corona Naval Hospital".

Amendment No. 2

On page 1, line 10, of said measure, strike out "WHEREAS, Many disabled veterans in other parts of the", and insert

"WHEREAS, There are insufficient beds in government hospitals for veterans in California as evidenced by waiting lists and by the large number of tubercular and mentally ill veterans now adding to the overcrowded conditions of California state and county hospitals, and many disabled veterans in other parts of the".

Amendment No. 3

On page 2, line 13, of said measure, strike out "now, therefore, be it", and insert "and

WHEREAS, The Veterans Administration has announced plans for a future building program for hospitals to meet this need; and

WHEREAS, The United States Naval Hospital at Corona, built by the Navy since 1941 at an expenditure of \$19,000,000, has been abandoned by the Navy and is now idle but in every way suitable and desirable for the care of veterans by the Veterans Administration; and

WHEREAS, The American Legion, the Veterans of Foreign Wars, the Disabled American Veterans, and other ex-service organizations have recommended the Corona Naval Hospital for transfer to the Veterans Administration; now, therefore, be it".

Amendment No. 4

On page 2 of said measure, between lines 22 and 23, insert

"Resolved, That the Veterans Administration be, and hereby is, requested to take over at once the Corona Naval Hospital as a major veterans' facility for the care of sick and disabled veterans in California; and be it further

Resolved, That the Congress of the United States is memorialized to bring about the transfer of the Corona Naval Hospital to the Veterans Administration and to enact any legislation which may be needed for this purpose; and be it further".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Joint Resolution No. 12 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brady, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, George D. Collins, Connolly, Conrad, Crichton, Davis, Diekey, Dolwig, Doyle, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Grunsky, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—59.

NOES—None

Assembly Joint Resolution No. 12 ordered enrolled.

Speaker Pro Tempore Presiding

At 8.48 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Speaker Presiding

At 8.51 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

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

Assembly Bill No. 65

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

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above bill ordered to unfinished business file.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)**CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY BILL
NO. 65 (BY UNANIMOUS CONSENT)**

Assembly Bill No. 65—An act to repeal Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled "An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Section 6904 to said code; and to amend Sections 7091, 7092, 7095, and 6951 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 65?

Amendment No. 1

In line 14 of the title of the printed bill, as amended in the Assembly on April 4, 1950, strike out "declaring the urgency thereof", and insert "imposing a tax on the distribution of tobacco products".

Amendment No. 2

On page 37, line 9, of said bill, after "of", insert "Division 2 of".

Amendment No. 3

On page 37 of said bill, strike out lines 25 to 31, inclusive, and insert "30003. "Tobacco products" include cigarettes, cigars, perique, granu-".

Amendment No. 4

On page 37, line 39, of said bill, strike out ", but shall not include cigarettes".

Amendment No. 5

On page 37 of said bill, strike out lines 40 and 41, and insert "30004. "Cigarette" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material, except where such wrapper is wholly or in the greater part made of tobacco

30005. "Cigar" means any roll for smoking, made wholly or in part of tobacco, irrespective of size or shape and irrespective of whether the tobacco is flavored, adulterated or mixed with any other ingredient, where such roll has a wrapper or cover made wholly or in the greater part of tobacco.

30006. "Other tobacco products" means all tobacco products except cigarettes and cigars.

30007. "Untaxed tobacco product" means any tobacco product which has not yet".

Amendment No. 6

On page 37, line 44, of said bill, strike out "30006", and insert "30008".

Amendment No. 7

On page 37 of said bill, strike out lines 47 and 48

Amendment No. 8

On page 37, line 49, of said bill, strike out "30008", and insert "30009".

Amendment No. 9

On page 37, line 50, of said bill, strike out "cigarettes or".

Amendment No. 10

On page 38, lines 1 and 2, of said bill, strike out "cigarettes or".

Amendment No. 11

On page 38, line 3, of said bill, strike out "cigarettes or".

Amendment No. 12

On page 38 of said bill, strike out lines 6 to 10, inclusive, and insert "sion in this State of untaxed tobacco products transported to the State in a single shipment in quantities of (1) 200 or more in the case of cigarettes, (2) 50 or more in the case of cigars, and (3) one pound or more in the case of other tobacco products "

Amendment No. 13

On page 38, line 11, of said bill, strike out "30009", and insert "30010 "

Amendment No. 14

On page 38, line 12, of said bill, strike out "cigarettes or"

Amendment No. 15

On page 38, lines 13 and 14, of said bill, strike out "cigarettes or".

Amendment No. 16

On page 38, line 16, of said bill, strike out "30010", and insert "30011"

Amendment No. 17

On page 38, line 22, of said bill, strike out "30011", and insert "30012"

Amendment No. 18

On page 38, line 25, of said bill, strike out "cigarettes or"

Amendment No. 19

On page 38 of said bill, strike out lines 26 to 32, inclusive, and insert
“(b) Every person who sells or accepts orders for tobacco products which are to be transported in a single shipment from a point outside the State to a consumer within this State in quantities of (1) 200 or more in the case of cigarettes, (2) 50 or more in the case of cigars, and (3) one pound or more in the case of other tobacco products.”

Amendment No. 20

On page 38, line 33, of said bill, strike out “30012”, and insert “30013”.

Amendment No. 21

On page 38, line 35, of said bill, strike out “cigarettes or”.

Amendment No. 22

On page 38, line 36, of said bill, strike out “30013”, and insert “30014”.

Amendment No. 23

On page 38, line 45, of said bill, strike out “cigarettes and”.

Amendment No. 24

On page 38, line 47, of said bill, after “for”, insert “for the distribution of tobacco products after 4 o'clock a.m. on July 1, 1950,”.

Amendment No. 25

On page 38, lines 48 and 49, of said bill, strike out “for the distribution after 4 o'clock a.m. on July 1, 1950, of”, and insert “on”.

Amendment No. 26

On page 39, lines 1 and 2, of said bill, strike out “for the distribution after 4 o'clock a.m. on July 1, 1950, of”, and insert “on”.

Amendment No. 27

On page 39 of said bill, strike out lines 4 and 5, and insert
“(c) At the rate of \$0.005 on each cigar manufactured to retail at not more than four cents, exclusive of this tax.
(d) At the rate of \$0.0075 on each cigar manufactured to retail at more than four but not more than six cents, exclusive of this tax.
(e) At the rate of \$0.01 on each cigar manufactured to retail at more than six but not more than eight cents, exclusive of this tax.
(f) At the rate of \$0.0175 on each cigar manufactured to retail at more than eight but not more than fifteen cents, exclusive of this tax.
(g) At the rate of \$0.025 on each cigar manufactured to retail at more than fifteen but not more than twenty cents, exclusive of this tax.
(h) At the rate of \$0.03 on each cigar manufactured to retail at more than twenty cents, exclusive of this tax.
(i) At the rate of \$0.01 on each ounce or fraction thereof of all other tobacco products.”

Amendment No. 28

On page 39, line 7, of said bill, strike out “cigarettes or”.

Amendment No. 29

On page 39, line 11, of said bill, strike out “cigarettes or”.

Amendment No. 30

On page 39, line 16, of said bill, strike out “cigarettes or”.

Amendment No. 31

On page 39 of said bill, strike out line 22, and insert
“30111. Any tobacco product with respect to”.

Amendment No. 32

On page 39 of said bill, strike out lines 29 to 40, inclusive, and insert
“30121. For the privilege of distributing tobacco products, a floor stocks tax is hereby imposed upon every dealer for tobacco products in his possession or under his control at 4 o'clock a.m. on July 1, 1950, at the rates on each class of tobacco product as specified in Section 30101.”

Amendment No. 33

On page 39, line 42, of said bill, strike out “15”, and insert “31”.

Amendment No. 34

On page 39, line 43, of said bill, strike out "15", and insert "31".

Amendment No. 35

On page 39, line 45, of said bill, strike out "number of cigarettes", and insert "amount of tobacco products".

Amendment No. 36

On page 39, line 46, of said bill, strike out "and".

Amendment No. 37

On page 39, line 46, of said bill, after "thereon", insert ", and such other information as the board may require".

Amendment No. 38

On page 39, of said bill, after line 48, insert "30124. All the provisions of Chapters 4 to 9, inclusive, of this part, relating to the tax imposed by Article 1 of this chapter, shall be applicable, so far as pertinent, to the tax imposed by this article and for this purpose dealers shall be deemed to be distributors so far as pertinent."

Amendment No. 39

On page 40, line 7, of said bill, strike out "cigarettes or"

Amendment No. 40

On page 40, line 8, of said bill, strike out "cigarettes or".

Amendment No. 41

On page 41, line 28, of said bill, strike out "cigarettes or".

Amendment No. 42

On page 41 of said bill, strike out lines 32 to 35, inclusive, and insert "report showing such information with respect to distributions of tobacco products during the preceding calendar month as the board may require to carry out the"

Amendment No. 43

On page 41, line 40, of said bill, strike out "15 days", and insert "one month".

Amendment No. 44

On page 42 of said bill, strike out lines 44, 45, and 46, and insert "shall make an estimate of the amount of tobacco products distributed by him classified according to subdivisions (a) to (i), inclusive, of Section 30101. The estimate shall be made for the month or".

Amendment No. 45

On page 45, line 42, of said bill, strike out "and", and insert "in".

Amendment No. 46

On page 48, line 40, of said bill, strike out "cigarettes or".

Amendment No. 47

On page 48, line 45, of said bill, after "any", insert "distributor or any".

Amendment No. 48

On page 48, line 46, of said bill, strike out "cigarettes or".

Amendment No. 49

On page 48, line 48, of said bill, strike out "cigarettes or".

Amendment No. 50

On page 50 of said bill, strike out line 1.

Amendment No. 51

On page 50, line 16, of said bill, strike out "16", and insert "15".

Amendment No. 52

On page 50 of said bill, strike out line 1.

Amendment No. 53

On page 39 of said bill, after line 18, insert "30103.1. None of the provisions of this act shall apply to the sale of cigarette and tobacco products on trains, aeroplanes, or busses."

Amendment No. 54

In line 1 of the title of the printed bill, as amended in the Assembly on April 11, 1950, strike out "provide for the Public School System and the raising".

Amendment No. 55

Strike out lines 2 to 10, inclusive, of the title of said bill, and in line 11 thereof, strike out "and to".

Amendment No. 56

On page 1 of said bill, strike out lines 1 to 8, inclusive; and strike out all on pages 2 to 36, inclusive.

Amendment No. 57

On page 37, line 1, of said bill, strike out "SEC 14", and insert "SECTION 1".

Amendment No. 58

On page 37 of said bill, strike out lines 8 to 16, inclusive, and insert "30000 The Legislature hereby declares that in enacting Part 13 of Division 2 of the Revenue and Taxation Code, it finds that an amount equal to two-thirds of the estimated proceeds of the taxes levied by this part is needed for the support of public education to the extent that such cost is not required to be provided for by Section 6 of Article IX of the Constitution and for payment of interest and principal of any bonds issued pursuant to Section 15 of Article XVI of the Constitution and that an amount equal to one-third of the estimated proceeds of the taxes levied by this part is needed for financing appropriations to the counties for aid to the aged, needy blind and partially self-supporting blind"

Amendment No. 59

On page 37, line 17, of said bill, strike out "tion."

Amendment No. 60

On page 51 of said bill, strike out lines 9 to 13, inclusive, and insert "SEC 2. This act provides for a tax levy within the meaning of Article IV of the Constitution and shall go into immediate effect

SEC 3. This act shall become operative only if Senate Bills Nos 18, 19, 20, and 44 of the 1950 First Extraordinary Session of the Legislature are enacted.

SEC 4. This act shall remain effective to and including December 31, 1951, and shall have no force or effect thereafter."

Amendment No. 61

On page 39, line 48, of the printed bill, as amended, after "products", insert "as contained in the smallest packages or containers in which the products are intended to be sold at retail".

Amendment No. 62

On page 40 of said bill, as amended, strike out all of lines 11 to 13, inclusive, and insert

"30104. No tax under this part shall be imposed upon the sale of tobacco products by a distributor to a common carrier or to a person authorized to sell tobacco products on the facilities of such carrier when such products are to be used without this State. Whenever tobacco products are sold by distributors to common carriers engaged in interstate or foreign passenger service for use or sale by such carriers partly within the State and partly without the State on board facilities of the carriers, or to persons authorized to sell such products on those facilities, the tax imposed by Section 30101 shall not be levied with respect to the sales of the products by the distributors, but a tax is hereby levied upon the carriers or upon the persons authorized to sell such products on the facilities of the carriers, as the case may be, for the privilege of making such sales in California at the same rates as set forth in Section 30101.

30105. On or before the first day of each month such common carriers and such authorized persons shall file with the board a report of the sales of tobacco products made by them on the facilities of the carriers in California in the calendar month preceding the previous calendar month in such detail and form as the board may prescribe, accompanying the report with a payment sufficient to pay the tax with respect to the sale of such products at the rates set forth in Section 30101. The board shall have the power and is hereby authorized to make such rules and regulations for the enforcement of the provisions of this section as it shall deem necessary to insure collection of the tax."

Amendment No. 63

In the printed bill, as amended in the Senate on April 13, 1950, strike out the title, and insert

"An act to repeal Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code, and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled 'An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code, to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said Code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved July 20, 1949 (Chapter 1017, Statutes of 1949), except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Section 6904 to said code; and to amend Sections 7091, 7092, 7095, and 6951 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately.'"

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. 64

On page 1 of said bill, strike lines 1 to 18, inclusive; and strike out all of page 2 to 15, inclusive, and insert

"SECTION 1 Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947), is repealed.

SEC. 2. An act entitled 'An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved July 20, 1949 (Chapter 1017, Statutes of 1949), shall remain in effect except Section 1 thereof.

SEC. 3 Section 6714 of the Education Code is repealed.

SEC. 4 Section 6904 is added to said code, to read:

6904. In computing the average daily attendance of a school district there shall be included only the attendance of pupils while engaged in educational activities required of such pupils and under the immediate supervision and control of an employee

of the district who possessed a valid certification document, registered as required by law, authorizing him to render service in the capacity and during the period in which he served.

SEC. 5 Section 7091 of said code is amended to read.

7091. The Superintendent of Public Instruction shall then compare the total of the amounts allowed to, and computed for, each elementary district pursuant to Articles 6 and 9 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any elementary school district pursuant to Articles 6 and 9 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount computed for such district pursuant to Articles 6 and 9 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Notwithstanding anything in this article to the contrary, the amount computed for any elementary school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6911 and 6944 by one hundred [fifty-three] *seventy-five* dollars [(\$153)] *(\$175)* and had the tax used in making the computation for the district under Article 9 of this chapter been [fifty-five cents (\$0.55)], but no computation shall be made for any district pursuant to this paragraph for the Fiscal Year 1948-1949 or during any subsequent fiscal year unless there shall have been levied, pursuant to Division 3 of this code, for such district during the preceding fiscal year a tax of not less than fifty-five cents (\$0.55) on each one hundred dollars (\$100) of 90 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year] *ninety cents (\$0.90)*.

SEC. 6 Section 7092 of said code is amended to read.

7092. The Superintendent of Public Instruction shall then compare the total of the amounts allowed to, and computed for, each high school district pursuant to Articles 7 and 9 of this chapter with the amount of the foundation program of school support computed for each such district pursuant to Article 4 of this chapter.

If the total amount allowed to, and computed for, any high school district pursuant to Articles 7 and 9 of this chapter is less than the amount of the foundation program of school support computed for such district pursuant to Article 4 of this chapter, he shall add to the amount allowed to, and computed for, such district pursuant to [Article] *Articles* 7 and 9 of this chapter such additional amount, to be known as state equalization aid, as may be necessary to equal that computed for such district pursuant to Article 4 of this chapter.

Notwithstanding anything in this article to the contrary, the amount computed for any high school district under this article shall be not less than it would have been had the foundation program of school support for such district under Article 4 of this chapter been computed by multiplying the number of units of average daily attendance in the district during the preceding fiscal year as computed under Sections 6943, 6952, and 6961 by two hundred [ten] *sixty* dollars [(\$210)] *(\$260)* and had the tax used in making the computation for the district under Article 9 of this chapter been [fifty cents (\$0.50)], but no computation shall be made for any district pursuant to this paragraph for the Fiscal Year 1948-1949 or during any subsequent fiscal year unless there shall have been levied, pursuant to Division 3 of this code, for such district during the preceding fiscal year a tax of not less than fifty cents (\$0.50) on each one hundred dollars (\$100) of 90 percent of the assessed valuation in such district as shown by the equalized assessment roll of the district for the preceding year] *seventy-five cents (\$0.75)*.

SEC. 7. Section 7094 of said code is repealed.

SEC. 8. Section 7095 of said code is amended to read.

7095. Except as otherwise provided in Section 7094, no state equalization aid shall be allowed under this article, during the Fiscal Year [1949-1950] *1950-1951*, or during any subsequent fiscal year unless there shall have been levied, pursuant to Division 3 of this code, for such district during the preceding fiscal year a tax not less than that set forth in Article 9 of this chapter for the district, and no district which has met the requirements of this section and is otherwise entitled to state equalization aid shall be denied such aid.

SEC. 9. Section 6951 of said code is amended to read.

6951. The units of average daily attendance in grades 13 and 14 in each junior college of a district for a fiscal year shall be computed by dividing the total number of *class* hours of pupils attendance in the junior college during the fiscal year by 525. *A class hour of attendance for the purposes of this section is defined as not less than 50 minutes exclusive of passing time.*

SEC. 10. It is the intent of the Legislature in enacting this act to continue in effect until July 1, 1951, Chapter 401, Statutes of 1947, and Chapter 1017, Statutes of 1949, as the several provisions of each will be in effect upon the taking effect of this act. It is also the intent of the Legislature that nothing in this act shall in any way affect enactments contained in any statutes other than those specifically mentioned in this section.

It is also the intent of the Legislature that this act shall continue in effect Chapters 2, 12, 13, 14, 15, and 16 of Division 3, and Sections 8761, 8704, and 9645 of the Education Code as the same are in effect or as they may be amended at the First Extraordinary Session of 1950.

SEC. 11. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health, and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect, to become operative July 1, 1950. A statement of the facts constituting such necessity is as follows:

The existing law providing for the support of the public kindergarten schools, elementary schools, and secondary schools was enacted by Chapter 401 of the Statutes of 1947 which, because of Section 10 thereof, as amended by Chapter 1017 of the Statutes of 1949, will remain in effect only to and including June 30, 1950. It is essential that provision be made for the support of such schools beginning July 1, 1950, and it is therefore necessary that this act take effect immediately."

Amendment No. 65

On page 15, of the printed bill, as amended in the Senate on April 13, 1950, after line 32, insert:

"SEC. 12. Article 11 5 is added to Chapter 15, Division 3 of the Education Code, to read:

Article 11 5 Computation of Additional Allowances to School Districts for Transportation

7108. The Superintendent of Public Instruction shall allow to each school district such amount as is required by this article.

7108.1 "Transportation" as used in this article includes, unless the context otherwise requires:

(a) The transportation of pupils between their homes and the schools attended by them as provided by a school district.

(b) The payment of moneys by a school district to parents or guardians of pupils in lieu of providing for the transportation of such pupils between their homes and the schools attended by them.

(c) The providing of board and lodging to pupils by a school district in lieu of providing for the transportation of such pupils between their homes and the schools attended by them.

7108.2. He shall allow to each elementary school district, high school district, and junior college district, except as to any to which Section 7034 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year, as approved by him in accordance with such regulations as he may establish. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than two cents (\$0.02) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than eight cents (\$0.08) of the computed tax rate less two cents (\$0.02) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of eight cents (\$0.08).

He shall allow to each high school district maintaining a junior college, except as to any to which Section 7034 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year, as approved by him, in accordance with such regulations as he shall establish. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents (\$0.03) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than twelve cents (\$0.12) of the computed tax rate less three cents (\$0.03) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents (\$0.12).

7108.3. He shall allow to each unified school district formed under the provisions of Chapter 16 of Division 2, the formation of which became effective on July 1, 1948 or thereafter, an amount equal to the total current expenses of the district during the preceding fiscal year for the transportation of pupils, determined by the Superintendent of Public Instruction to have been required because of a change of the location of schoolhouses within the district during such preceding fiscal year. No allowance shall be made under this paragraph subsequent to the close of the fifth fiscal year following that in which the district was formed and thereafter the provisions of the next paragraph shall control as to such district.

He shall allow to each unified school district not maintaining a junior college which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year as approved by the Superintendent of Public Instruction in accordance with such regulations as he may establish. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents (\$0.03) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than twelve cents (\$0.12) of the computed tax rate less three cents (\$0.03) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents (\$0.12).

He shall allow to each unified school district maintaining a junior college, except as to any to which Section 7034 is applicable, which during the preceding fiscal year provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the district for such transportation during the preceding fiscal year, as approved by him in accordance with such regulations as he may establish. He shall then determine what rate of tax levied on each one hundred dollars (\$100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents (\$0.04) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than sixteen cents (\$0.16) of the computed tax rate less four cents (\$0.04) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents (\$0.16).

7108.4. He shall compute for each group of two or more school districts which have been continuously from a time prior to July 1, 1949 governed by boards of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year, as approved by him, in accordance with such regulations as he shall establish. He shall, if such group includes an elementary school district and a high school district not maintaining a junior college and each district provided for the transportation of pupils, or includes an elementary school district, a high school district, and a junior college district and each district except the junior college district provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars (\$100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than three cents (\$0.03) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than twelve cents (\$0.12) of the computed tax rate less three cents (\$0.03) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of twelve cents (\$0.12).

He shall compute for each group of two or more school districts which have been continuously from a time prior to July 1, 1949, governed by boards of identical personnel during the preceding fiscal year and have maintained a single transportation system for all of such districts which provided for the transportation of pupils, an amount which shall be computed as follows:

He shall determine the total current expenses of the districts for such transportation during the preceding fiscal year, as approved by him, in accordance with such regulations as he may establish. He shall, if such group includes an elementary school district, and a high school district maintaining a junior college, each of which provided for the transportation of pupils, including those attending the junior college, or includes an elementary school district, a high school district, and a junior college district, each of which provided for the transportation of pupils, then determine what rate of tax levied on each one hundred dollars (\$100) of 90 percent of the assessed valuation of the district as shown by the equalized assessment roll of the district for the preceding fiscal year, hereinafter referred to in this section as computed tax rate, would, if levied, produce such amount. If the computed rate of tax is more than four cents

(\$0.04) he shall allow to the district (a) 50 percent of the amount which would be produced by not more than sixteen cents (\$0.16) of the computed tax rate less four cents (\$0.04) and (b) 100 percent of the amount which would be produced by the computed tax rate in excess of sixteen cents (\$0.16)

He shall then allow to each district in the group the same ratio of the total amount computed for the group as the governing boards of the districts in the group certify to him is the ratio the amount expended for such transportation in such district during the preceding fiscal year was of the total expenditures of all districts in the group for such transportation during the preceding fiscal year.

7108 5. In the case of a unified school district formed under Chapter 16 of Division 2 of this code, the formation of which became effective for all purposes on July 1, 1948 or thereafter, there shall be included in addition to the current costs of the district the cost of school busses for the first fiscal year in which it purchases school busses determined by the Superintendent of Public Instruction to have been required because of changes in the location of schools within the district, the entire cost of such busses. This paragraph shall not be effective as to any unified school district after the end of the fifth fiscal year succeeding the formation of the district.

7108 6. The Superintendent of Public Instruction in approving, under this article, current expenditures of school districts for the transportation of pupils shall apply the same standards and bases for such approval to expenditures for such transportation provided by a school district in school busses owned and operated by the school district and expenditures for such transportation provided by contract with a private party except that with respect to expenditures for transportation by contract with a private party, he shall make due allowance for all expenditures by the private party required of it by law and not required of a school district in connection with the operation of busses owned by the district.

7108 7. The Superintendent of Public Instruction shall not apportion during any fiscal year in excess of four million seven hundred thousand dollars (\$4,700,000) under this article.

7108 8. In the event the amount available under Section 7037 for apportionment during any fiscal year is less than the total allowances computed under this article for such fiscal year, the amounts allowed shall be reduced in the ratio that the amount of such deficit bears to the amounts allowed."

Senate amendments read.

Point of Order

Mr. Dickey 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.

The roll was called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 65 by the following vote:

AYES—Anderson, Beck, Berry, Butters, Coats, Davis, Evans, Fletcher, Gaffney, Grant, Lowrey, Maloney, McCarthy, and Meyers—14.

NOES—Babbage, Bennett, Brady, Brown, Burke, Burkhalter, Caldecott, Clarke, Cloyd, Collier, George D. Collins, Condon, Conrad, Cooke, Crichton, Dickey, Dolwig, Doyle, Dunn, Elliott, Fleury, Geddes, Grunsky, Hagen, Hahn, Hansen, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lincoln, Lindsay, Lipscomb, Luckel, McMillan, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Tomlinson, Weber, and Yorty—47.

Appointment of Committee on Conference Concerning Assembly Bill No. 65

The Speaker announced the appointment of Messrs. Dunn, Kirkwood, and Anderson as a Committee on Conference concerning Assembly Bill No. 65.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: The Committee on Conference concerning:

Assembly Bill No. 103—An act to add Sections 9906.3, 9906.6, 9906.7, 9906.8, and 9906.9 to the Government Code, relating to influencing the legislative process, consisting of the undersigned members, has met, and reports that it has failed to meet an agreement.

BURNS
DONNELLY

Senate Committee on Conference

COLLIER
BURKHALTER

Assembly Committee on Conference

**Appointment of Second Committee on Conference Concerning
Assembly Bill No. 103**

The Speaker announced the appointment of Messrs. Smith, McColister, and George D. Collins as a Second Committee on Conference concerning Assembly Bill No. 103.

Hon. Samuel William Yorty Presiding

At 9.20 p.m., Hon. Samuel William Yorty, Member of the Assembly from the Sixty-fourth District, presiding.

Speaker Presiding

At 9.34 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Mayo, Brown, and Watson as a Committee on Conference concerning:

Assembly Bill No. 65—An act to repeal Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled "An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Section 6904 to said code; and to amend Sections 7091, 7092, 7095, and 6951 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately.

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

SENATE CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Parkman, Johnson, and Tenney as a Second Committee on Conference concerning:

Assembly Bill No. 103—An act to add Sections 9906.3, 9906.6, 9906.7, 9906.8, and 9906.9 to the Government Code, relating to influencing the legislative process.

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

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

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

Assembly Bill No. 148: By Mr. Dunn—An act to provide for a state ad valorem tax on real property for school purposes, and restricting the imposing of taxes by school districts.

Referred to Committee on Revenue and Taxation.

Hon. John L. E. Collier Presiding

At 9.45 p m., Hon. John L. E. Collier, Member of the Assembly from the Fifty-fourth District, presiding.

RESOLUTIONS

The following resolution was offered:

By Mr. Beck:

House Resolution No. 119

Relative to extending the gratitude of the Assembly to Mr. Frank Bowers

WHEREAS, Mr. Frank Bowers, Assistant Passenger Agent for the Southern Pacific Lines in Sacramento, has displayed extreme courtesy to Members of this Assembly, and has rendered most efficient service to them in assisting them in travel to and from Sacramento during the present session of the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly extends its gratitude to Mr. Frank Bowers for his courteous treatment and efficient service to the members of this house; and, be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably prepared copy of this resolution to Mr. Frank Bowers.

Request for Unanimous Consent

Mr. Beck asked for, and was granted, unanimous consent to take up House Resolution No. 119, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

Speaker Presiding

At 9.47 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Hon. Randal F. Dickey Presiding

At 10.27 p.m., Hon. Randal F. Dickey, Member of the Assembly from the Fourteenth District, presiding.

Speaker Presiding

At 10.36 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 13, 1950

MR. SPEAKER: Your Committee on Education, to which were referred:

Assembly Bill No. 7

Assembly Bill No. 10

Assembly Bill No. 9

Assembly Bill No. 39

Respectfully reports the same back without further action, subject matter to be referred to Assembly Interim Committee on Public Education.

DUNN, Chairman

Subject matter of above bills ordered referred to the Interim Committee on Public Education.

REPORT OF SECOND COMMITTEE ON CONFERENCE

The following report of Second Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: The Second Committee on Conference concerning:

Assembly Bill No. 103—An act to add Sections 9906.3, 9906.6, 9906.7, 9906.8, and 9906.9 to the Government Code, relating to influencing the legislative process. consisting of the undersigned members, has met, and reports that it has failed to agree.

PARKMAN
TENNEY
JOHNSON

Senate Committee on Conference

SMITH
GEORGE D. COLLINS

Assembly Committee on Conference

**Appointment of Third Committee on Conference Concerning
Assembly Bill No. 103**

The Speaker announced the appointment of Messrs. Lipscomb, Morris, and Coats as a Third Committee on Conference concerning Assembly Bill No. 103.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Desmond, Collier, and Watson as a Third Committee on Conference concerning:

Assembly Bill No. 103—An act to add Sections 9906.3, 9906.6, 9906.7, 9906.8, and 9906.9 to the Government Code, relating to influencing the legislative process

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

Hon. Ernest R. Geddes Presiding

At 11.05 p.m., Hon. Ernest R. Geddes, Member of the Assembly from the Forty-ninth District, presiding.

Speaker Presiding

At 11.06 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Lewis, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Bertha Rankin of Bakersfield.

On request of Mr. Maloney and the San Francisco Delegation, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Robert McCarthy of San Francisco.

On request of Messrs. Cooke and Dickey, the usual courtesies of the Assembly for this day were unanimously extended to Frank P. Young of Alameda.

On request of Mr. Maloney and the Assembly, the usual courtesies of the Assembly for this day were unanimously extended to David Russo and Julian P. Hargrove of San Francisco.

On request of Mr. Lindsay, the usual courtesies of the Assembly for this day were unanimously extended to Celeste Randolph, teacher of the Drytown School, Mrs. Clarice Faddis, Mrs. Pearlina Barnes, guests, and the following pupils: Ray Faddis, David Purcell, Roy Faddis, Nadine Faddis, June Purcell, Elouise Cook, Norman Odom, Richard Apedaile, Buster Purcell, Franklin Apedaile, and Lydia Ann Faddis.

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. Charles F. Meyers of San Francisco.

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.

On request of Mr. Bennett, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Marjorie Van Liere and Miss Carol Van Liere of Sacramento.

ADJOURNMENT

At 11.07 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned until 10.30 a.m., Saturday, April 15, 1950.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1950 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-EIGHTH LEGISLATIVE DAY
FORTY-FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Saturday, April 15, 1950

The Assembly met at 10.30 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, Berry, 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, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Smith, Stanley, Stewart, Thompson, Tomlinson, Waters, Weber, Yorty, and Mr. Speaker—65.

Quorum present.

PRAYER

In the absence of the Chaplain, Speaker Sam L. Collins offered the following prayer:

We pray not that
Men tremble at
Our power of place
And lordly sway,—
We only pray for simple grace
To look our neighbor in the face
Full honestly from day to day—
Yield us his horny palm to hold,
And we'll not pray
For gold;—

The tanned face, garlanded with mirth,
It hath the kingliest smile on earth;
The swart brow, diamonded with sweat,
Hath never need of coronet.
And so we reach,
Dear Lord, to Thee,
And do beseech
Thou givest each
The wee cot, and the cricket's chirr,
Love, and the glad sweet face of her!

—AMEN

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Stewart, further reading of the Journal of the previous legislative day was dispensed with.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Mr. Butters asked for, and was granted, unanimous consent that Messrs. Price and Erwin be excused for the balance of the legislative day, because of illness.

REPORT OF THIRD COMMITTEE ON CONFERENCE

The following report of Third Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: The Third Committee on Conference concerning:

Assembly Bill No. 103—An act to add Section 9906.3, 9906.6, 9906.7, 9906.8, and 9906.9 to the Government Code, relating to influencing the legislative process consisting of the undersigned members, has met, and reports that it has failed to agree.

DESMOND
WATSON
COLLIER

Senate Committee on Conference

LIPSCOMB
MORRIS
COATS

Assembly Committee on Conference

REQUEST FOR UNANIMOUS CONSENT THAT MEMBER BE EXCUSED

Mr. Fletcher asked for unanimous consent that Mr. Thomas be excused for the balance of the legislative day, because of legislative business elsewhere.

Mr. Dunn withheld unanimous consent.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: The Committee on Conference concerning:

Assembly Bill No. 65—An act to repeal Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled "An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code, to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146.1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Section 6904 to said code; and to amend

Sections 7091, 7092, 7095, and 6951 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately.
consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill be further amended as follows:

Amendment No. 1

In line 48 of the title of the printed bill, as amended in the Senate on April 14, 1950, strike out "SECTION", and insert "SECTIONS 5153 3 AND".

Amendment No. 1.5

In line 50 of the title of said bill, after "7095," insert "7113. 7116,".

Amendment No. 2

In line 50 of the title of said bill, after "CODE," insert "TO REPEAL ARTICLES 2 AND 3 OF CHAPTER 15, DIVISION 3 OF SAID CODE AND TO ADD ARTICLES 2 AND 11.6 TO CHAPTER 15, DIVISION 3 OF SAID CODE"

Amendment No. 3

On page 17 of said bill, between lines 13 and 14, insert

"Sec. 2.5 Section 5153 3 is added to said code to read:
5153 3. In addition there shall be provided:

(a) \$4,700,000 reduced by a sum obtained by multiplying the total average daily attendance in the elementary school districts, high school districts and junior college districts of the State during the preceding school year by two dollars (\$2)

(b) \$3,350,000 for apportionment for growth pursuant to Article 11.6 of Chapter 15."

Amendment No. 4

On page 17, lines 47 and 48, of said bill, strike out "one hundred seventy-five dollars (\$175)", and insert "one hundred sixty dollars (\$160)".

Amendment No. 5

On page 18, line 7, of said bill, strike out "ninety cents (\$0.90)", and insert "seventy cents (\$0.70)".

Amendment No. 6

On page 18, line 31, of said bill, strike out "two hundred sixty dollars (\$260)", and insert "two hundred ten dollars (\$210)".

Amendment No. 7

On page 18, line 41, of said bill, strike out "seventy-five cents (\$0.75)", and insert "fifty cents (\$0.50)".

Amendment No. 8

On page 18, line 44, of said bill, strike out "Except as otherwise provided in Section 7094".

Amendment No. 8.5

On page 19 of said bill, between lines 10 and 11, insert

"Sec. 8.5. Section 7113 of said code is amended to read:

7113. If the total amount allowed from the State School Fund to all junior college districts and to all county school service funds under Articles 5, 8, and 10 of this chapter on account of the average daily attendance of pupils in junior college districts and in schools or classes of junior college grade maintained by county superintendents of schools is less than the total amount provided in the State School Fund on account of such average daily attendance, less the amount computed as provided in Section 8 7001 and 7011 on account of such average daily attendance, the balance shall be allowed by the Superintendent of Public Instruction to such districts receiving State Equalization Aid during the then current fiscal year. The amount allowed each such district shall be in the ratio that the amount of the balance bears to the total amount computed as equalization aid for all junior college districts multiplied by the amount of equalization aid computed for the district.

Sec. 8.6 Section 7116 of said code is amended to read:

7116. If the total amount allowed from the State School Fund to all junior college districts and to all county school service funds under Articles 5, 8, and 10 of this chapter on account of the average daily attendance of pupils in junior college districts and in schools or classes of junior college grade maintained by county superintendents of schools, is larger than the total amount provided in the State School Fund on account of such average daily attendance, minus an amount equal to the amount allowed under Section 8 7001 and 7011 on account of such average daily

attendance, the amount allowed each such district as State Equalization Aid from the State School Fund shall be reduced in the ratio that the amount of the deficit bears to the total amount of equalization aid computed for all junior college districts multiplied by the amount of equalization aid computed for the district."

Amendment No. 9

On page 19 of said bill, between lines 36 and 37, insert

"SEC. 11.5. Article 2, Chapter 15, Division 3 of the Education Code is repealed."

Amendment No. 10

On page 19, line 37, of said bill, strike out "11.5", and insert "2".

Amendment No. 11

On page 19, line 40, of said bill, strike out "11.5", and insert "2".

Amendment No. 12

On page 19 of said bill, between lines 42 and 43, insert

"7011. The Superintendent of Public Instruction shall allow to each school district eligible therefor an amount computed by multiplying the total average daily attendance in the elementary school districts, high school districts, and junior college districts of the State during the preceding school year by two dollars (\$2), which said sum shall be included in the amount provided in subdivision (a) of Section 5153."

Amendment No. 13

On page 19, line 43, of said bill, strike out "7108", and insert "7012".

Amendment No. 14

On page 19, line 46, of said bill, strike out "7108.1", and insert "7013".

Amendment No. 15

On page 20, line 8, of said bill, strike out "7108.2", and insert "7014".

Amendment No. 16

On page 20, line 46, of said bill, strike out "7108.3", and insert "7015".

Amendment No. 17

On page 21, line 45, of said bill, strike out "7108.4", and insert "7016".

Amendment No. 18

On page 23, line 5, of said bill, strike out "7108.5", and insert "7017".

Amendment No. 19

On page 23, line 16, of said bill, strike out "7108.6", and insert "7018".

Amendment No. 20

On page 23, line 28, of said bill, strike out "7108.7", and insert "7019".

Amendment No. 21

On page 23, line 30, of said bill, after "(\$4,700,000)", insert "including the amount computed by multiplying the total average daily attendance in the elementary school districts, high school districts, and junior college districts of the State during the preceding school year by two dollars (\$2) pursuant to Section 7011,".

Amendment No. 22

On page 23 of said bill, after line 35, insert

"SEC. 13. Article 11.6 is added to Chapter 15, Division 3 of the Education Code, to read:

Article 11.6. Apportionment for Growth

7109. (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.

(b) "Eligible school district" means a single elementary school district which was in existence for all purposes on July 1, 1948 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 and as to which all of the following are true:

(1) The average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the then current fiscal year as estimated by the governing board of the district, in the manner prescribed by, and as approved by the Superintendent of Public Instruction, will exceed the average daily attendance

in the regular full-time day elementary and kindergarten schools of the district for the preceding fiscal year by 0 percent if the assessed valuation of the district per unit of actual average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the preceding fiscal year as shown by the 1949 equalized assessment roll of the district for such preceding fiscal year is one thousand dollars (\$1,000) or less, and by an additional 1 percent for each one thousand dollars (\$1,000) or fraction of one thousand dollars (\$1,000) the assessed valuation of the district per unit of actual average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the preceding fiscal year as shown by the 1949 equalized assessment roll of the district for such preceding fiscal year exceeds one thousand dollars (\$1,000), but in any event by not less than 10 units of average daily attendance.

(c) "Allowed average daily attendance" means the average daily attendance of a district for the then current fiscal year as estimated by the governing board of the district and approved by the Superintendent of Public Instruction pursuant to this section less the increase in average daily attendance required to constitute a district an eligible school district under this section.

7109.1. The Superintendent of Public Instruction shall not later than March 1st of each fiscal year make the apportionments provided for in this article.

7109.2. The Superintendent of Public Instruction shall allow to each eligible school district as to which the requirements of Section 7161 have been met an amount which he shall determine in the following manner:

(a) He shall compute for each such district the amount of a foundation program for school support under Article 6 of this chapter and Section 7111 except that such foundation program shall be computed on the allowed average daily attendance of the district.

(b) He shall compute the amount of district aid for such district under Article 10 of this chapter or Section 7111, as the case may be, except that in making such computation the assessed valuation used shall be that shown by the current equalized assessment roll of the district.

(c) He shall compute the amount of basic state aid for such district under Article 7 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.

(d) He shall then deduct from the amount of the foundation program computed under this section the amount of district aid computed for the district under this section.

(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) the total of basic state aid and state equalization aid allowed to the district during the then current fiscal year under Articles 7 and 11 of this chapter on account of the average daily attendance in the regular full-time day elementary and kindergarten schools of the district during the preceding fiscal year.

7109.3. The amount allowed by the Superintendent of Public Instruction to a district under Section 7163 shall be apportioned by him to the district.

7109.4. If the actual average daily attendance in the regular full-time day elementary and kindergarten schools of the district for the then current fiscal year shall prove to be less than the estimated average daily attendance of the district used in computing the allowed average daily attendance of the district under Section 7161, the amount apportioned to the district under this article in excess of what would have been apportioned had such estimated average daily attendance and the actual average daily attendance been the same, shall be certified by the Superintendent of Public Instruction to the State Controller who shall deduct such amount from the apportionments made to such district from the State School Fund during the next fiscal year and shall pay the amount deducted into the State General Fund.

7109.5. The Superintendent of Public Instruction shall furnish abstracts of the apportionments made under this article to the State Controller, the Department of Finance, and to the county and city and county auditors, county and city and county treasurers, and county superintendents of schools of the several counties of the State having jurisdiction over the districts to which such apportionments are made.

7109.6. The Superintendent of Public Instruction shall certify each apportionment made by him under this article to the State Controller who shall draw his warrant during the fiscal year on the funds appropriated by this act in favor of the treasurer of the county having jurisdiction over the district for the amount of such apportionment.

7109.7. All money received by the treasurer of any county from an apportionment made under this article shall be immediately credited by the treasurer to the general fund of the district exactly as apportioned by the Superintendent of Public Instruction.

7109.8. The Superintendent of Public Instruction shall not apportion in excess of three million dollars (\$3,000,000) during any fiscal year under the preceding sections of this article.

In the event the amount available under this section for any period is less than the total allowances computed under the preceding sections of this article for such period, the amounts allowed for such period shall be reduced in the ratio that the amount of such deficit bears to the amounts allowed.

7109 9. The governing board of a high school district may apply to the Superintendent of Public Instruction in the form and manner prescribed by him for an apportionment from the funds available under this article because of growth in the number of pupils attending the regular full-time day schools if the number of pupils attending the regular full-time day schools of the district during the then current fiscal year is in excess of the number of pupils attending such schools during the preceding fiscal year and a majority of the members of the governing board of the district so certify. The Superintendent of Public Instruction may apportion to such district from said funds such amount as in his judgment is necessary because of emergency conditions existing in the district. The provisions of Sections 7166, 7167, and 7168 shall apply to such apportionments.

The Superintendent of Public Instruction shall not apportion in excess of three hundred fifty thousand dollars (\$350,000) during any fiscal year under this section.

7109 10. 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. 23

In line 51 of the title of said bill, strike out the comma, and strike out lines 52 and 53, and insert a period.

Amendment No. 24

On page 19, of said bill, strike out lines 23 to 36, inclusive

MAYO
BROWN

Senate Committee on Conference

DUNN
KIRKWOOD
ANDERSON

Assembly Committee on Conference

Hon. Richard H. McCollister Presiding

At 11.02 a.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

Demand for Previous Question

Messrs Hollibaugh, Dickey, Luckel, McMillan, and Burke demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the Report of the Committee on Conference concerning Assembly Bill No. 65.

Speaker Presiding

At 11.15 a.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

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

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyd, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—62.

NOES—Smith and Waters—2.

REMARKS ON CONDITION OF THE FILE

Mr. Doyle spoke on the condition of the file, for the purpose of complimenting Mr. Dunn for his untiring efforts relative to Assembly Bill No. 65.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER I am directed to inform your honorable body that the Senate on this day adopted the report of the Committee on Conference concerning:

Assembly Bill No. 65—An act to repeal Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled 'An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code, to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code, and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146 1, 7148, 7149, 7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Section 6904 to said code; and to amend Sections 7091, 7092, 7095, and 6951 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately.

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

Assembly Bill No. 65 ordered enrolled.

ANNOUNCEMENT

Mr. Dickey announced that members having unfinished work in the Secretarial Bureau should take it away today, and transfer it to their part-time secretaries for completion, as the Secretarial Bureau is closing.

REQUEST FOR UNANIMOUS CONSENT THAT SUBJECT MATTER OF SENATE BILL NO. 39 AND PROPOSED AMENDMENTS BE REFERRED TO THE INTERIM COMMITTEE ON CONSERVATION, PLANNING, AND PUBLIC WORKS

Mr. Yorty asked for, and was granted, unanimous consent that the subject matter of Senate Bill No. 39, and proposed amendments to the bill, be referred to the Interim Committee on Conservation, Planning, and Public Works.

REQUEST FOR UNANIMOUS CONSENT THAT MEMBERS BE EXCUSED

Messrs. Beck and Dickey asked for, and were granted, unanimous consent that the following members be excused for the balance of the legislative day because of legislative business elsewhere:

Messrs. Brady, Crowley, Grunsky, Hinckley, Huyek, Levering, Lincoln, Reagan, Rosenthal, Sherwin, Silliman, and Thomas. Messrs. Rosenthal, Reagan, and Huyek desired to waive their per diems.

APPRECIATION EXPRESSED

Speaker Sam L. Collins expressed, on behalf of Speaker pro Tempore Maloney and himself, appreciation for the cooperation, consideration, and kindly thoughts exhibited on the part of all members, officers, and attaches during this session.

REPORTS OF SELECT COMMITTEES

The Select Committee appointed to wait upon the Governor appeared before the bar of the Assembly, and reported that it had performed its duties.

The Select Committee appointed to wait upon the Senate appeared before the bar of the Assembly, and reported that it had performed its duties.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 14, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day adopted, as amended:

Assembly Concurrent Resolution No. 27

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

J. A. BEEK, Secretary of the Senate

By C. V. TAYLOR, Assistant Secretary

Above bill ordered to unfinished business file.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)**CONSIDERATION OF SENATE AMENDMENTS TO ASSEMBLY
CONCURRENT RESOLUTION NO. 27**

Assembly Concurrent Resolution No. 27—Relative to the adjournment sine die of the 1950 First Extraordinary Session of the Legislature of the State of California.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 27?

Amendment No. 1

On page 1, line 4, of the printed resolution, after "sine die at", strike out "5 p.m. on Friday, the fourteenth", and insert "12 m. noon on Saturday, the fifteenth".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Concurrent Resolution No. 27 by the following vote:

AYES—Anderson, Babbage, Beck, Bennett, Berry, Brown, Burke, Burkhalter, Butters, Caldecott, Clarke, Cloyed, Coats, Collier, George D. Collins, Condon, Connolly, Conrad, Cooke, Crichton, Davis, Dickey, Dills, Dolwig, Doyle, Dunn, Elliott, Fletcher, Fleury, Gaffney, Geddes, Grant, Hagen, Hahn, Hansen, Hawkins, Hoffman, Hollibaugh, Kilpatrick, Kirkwood, Lewis, Lindsay, Lipscomb, Lowrey, Luckel, Maloney, McCarthy, McCollister, McMillan, Meyers, Morris, Moss, Niehouse, Porter, Rumford, Stanley, Stewart, Thompson, Tomlinson, Weber, Yorty, and Mr. Speaker—62.

NOES—Smith and Waters—2.

Assembly Concurrent Resolution No. 27 ordered enrolled.

OPINIONS OF LEGISLATIVE COUNSEL ORDERED PRINTED IN JOURNAL

By order of Speaker Sam L. Collins, the following opinions of the Legislative Counsel were ordered printed in the Journal, in 10 point type:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 12, 1950

Mr. Arthur Ohnimus

Chief Clerk of the Assembly

State Capitol, Sacramento, California

DUTIES OF CHIEF CLERK OF THE ASSEMBLY RELATING TO
LEGISLATIVE ADVOCATES—No. 1893

DEAR MR OHNIMUS: You have asked the following questions relating to the duties of the Chief Clerk of the Assembly under Chapter 4 of the Statutes of the 1949 First Extraordinary Session (Gov. C. 9900 to 9908, incl.).

(1) Is the Chief Clerk of the Assembly required to notify persons registered pursuant to Section 9906 of the Government Code who subsequently fail to file the required monthly report of receipts and expenditures of their delinquency?

(2) Must the Chief Clerk notify persons who have presented reports which are not notarized of that fact, and of the requirement that the reports be notarized?

(3) What should be done with such reports?

Opinion

It is our opinion that questions one and two should be answered in the negative. Concerning question three, we believe that the Chief Clerk of the Assembly may properly refuse to accept reports not notarized, and that such reports as have been presented may properly be returned to the registrant by the Clerk or be retained by him, in his discretion.

Analysis

Question No. 1

Section 9904 provides that a statement required by the chapter to be filed with the Clerk shall be deemed properly filed when deposited in a post office, registered, and directed to the Clerk. In the event it is not received, a duplicate must be promptly filed "upon notice by the Clerk of its non-receipt."

Even if this provision could be interpreted as imposing a duty upon the Clerk to give the notice of non-receipt of statements, we are of the opinion that this section should be construed as a unit with Sections 9901 to 9905, inclusive, of the Government Code, and as not applying to Section 9906. As indicated in our "Analysis of Chapter 4 of the Statutes of the First Extraordinary Session of 1949" printed in the Assembly Daily Journal of March 8, 1950 (1950 Regular Session), at pages 40 to 46, inclusive, we believe Section 9906 is independent of Sections 9900 to 9905, inclusive, and is entirely self-contained. Moreover, Section 9904 refers to a *statement* required by the chapter to be

filed. Section 9906 does not require a statement to be filed, but rather requires a person subject to it to *register* and to file a *report*.

Question No. 2

All reports filed under Section 9906 are required by that section and Section 9907 to be made under oath before an officer authorized to administer oaths. In other words, failure to have such documents notarized renders them null insofar as compliance with Section 9906 is concerned.

Therefore, although we find no requirement of law that the Chief Clerk notify persons who have presented reports which are not notarized, we can see no legal objection to his informing the registrant by letter that he is not filing the report since it is defective due to failure to comply with the requirement of Section 9907 of the Government Code that such reports be notarized.

Question No. 3

Concerning what should be done with reports which are not notarized, as above indicated, we believe the Chief Clerk may properly return the defective reports to the registrant, or may retain them, in his discretion.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By ROBERT G. HINSHAW, Deputy

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO 2, CALIFORNIA, April 12, 1950

Mr. Arthur Ohnimus

*Chief Clerk of the Assembly
State Capitol, Sacramento, California*

**PUBLICATION OF REPORTS FILED BY REGISTRANTS UNDER SECTION 9906
OF THE GOVERNMENT CODE—No. 1916**

DEAR MR. OHNIMUS: You asked whether the Chief Clerk of the Assembly must publish the reports of money received and expended which are filed by registrants under Subdivision (a) of Section 9906 of the Government Code.

Subdivision (b) of Section 9906 requires the Chief Clerk of the Assembly and the Secretary of the Senate, acting jointly, to compile all information (including monthly reports of money received and expended) filed by registrants pursuant to Subdivision (a) of the section as soon as practicable after the close of the calendar month with respect to which such information is filed. Subdivision (b) further provides that the information so compiled shall be printed in the Journal of the Senate and the Journal of the Assembly if the Legislature is in session, and if it is not in session as soon as practicable after the Legislature next convenes.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By ROBERT G. HINSHAW, Deputy

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns without further action:

Assembly Bill No. 3
Assembly Bill No. 6
Assembly Bill No. 13
Assembly Bill No. 14
Assembly Bill No. 21
Assembly Bill No. 35
Assembly Bill No. 43

Assembly Bill No. 60
Assembly Bill No. 61
Assembly Bill No. 62
Assembly Bill No. 63
Assembly Bill No. 69
Assembly Bill No. 134
Assembly Bill No. 147

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

SENATE CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns without further action:

Assembly Concurrent Resolution No. 16
Assembly Concurrent Resolution No. 17
Assembly Joint Resolution No. 3

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

REPORTS OF STANDING COMMITTEES**Committee on Rules**

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 7
Assembly Concurrent Resolution No. 9
Assembly Concurrent Resolution No. 13

Respectfully reports the same back without further action.

DICKEY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Joint Resolution No. 1 Assembly Joint Resolution No. 6
Assembly Joint Resolution No. 2 Assembly Joint Resolution No. 7
Assembly Joint Resolution No. 5 Assembly Joint Resolution No. 9

Respectfully reports the same back without further action.

DICKEY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

Assembly Concurrent Resolution No. 2
Assembly Concurrent Resolution No. 3
Assembly Concurrent Resolution No. 4
Assembly Concurrent Resolution No. 5
Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No. 19
Assembly Concurrent Resolution No. 20
Assembly Concurrent Resolution No. 21
Assembly Concurrent Resolution No. 26

Respectfully reports the same back without further action.

DICKEY, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Rules, to which was referred:

Senate Joint Resolution No. 7

Respectfully reports the same back without further action.

DICKEY, Chairman

Above reported resolution ordered transmitted to the Senate,

• ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 7	House Resolution No. 67
House Resolution No. 15	House Resolution No. 76
House Resolution No. 20	House Resolution No. 79
House Resolution No. 21	House Resolution No. 81
House Resolution No. 36	House Resolution No. 96
House Resolution No. 54	

Respectfully reports the same back without further action.

DICKEY, Chairman

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 93
Assembly Bill No. 108

Respectfully reports the same back without further action.

STANLEY, Chairman

Committee on Social Welfare

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which was referred:
Senate Bill No. 41

Respectfully reports the same back without further action.

NIEHOUSE, Chairman

Above reported bill ordered transmitted to the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Social Welfare, to which were referred:

Assembly Bill No. 16	Assembly Bill No. 71
Assembly Bill No. 17	Assembly Bill No. 72
Assembly Bill No. 70	

Respectfully reports the same back without further action.

NIEHOUSE, Chairman

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which were referred:

Assembly Bill No. 2	Assembly Bill No. 114
Assembly Bill No. 42	Assembly Bill No. 115
Assembly Bill No. 44	Assembly Bill No. 121
Assembly Bill No. 48	Assembly Bill No. 125
Assembly Bill No. 64	Assembly Bill No. 135
Assembly Bill No. 96	

Respectfully reports the same back without further action.

STEWART, Chairman

Committee on Public Utilities and Corporations

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Public Utilities and Corporations, to which was referred:

Assembly Bill No. 67

Respectfully reports the same back without further action.

EVANS, Chairman

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Judiciary, to which was referred:

Senate Bill No. 24

Respectfully reports the same back without further action.

BROWN, Chairman

Above reported bill ordered transmitted to the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 51	Assembly Bill No. 122
Assembly Bill No. 54	Assembly Bill No. 123
Assembly Bill No. 89	Assembly Bill No. 130
Assembly Bill No. 99	

Respectfully reports the same back without further action.

BROWN, Chairman

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Revenue and Taxation, to which were referred:

Assembly Bill No. 38
Assembly Bill No. 119
Assembly Bill No. 131

Respectfully reports the same back without further action.

HOLLIBAUGH, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 148

Respectfully reports the same back without further action.

HOLLIBAUGH, Chairman

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Elections and Reapportionment, to which was referred:

Assembly Bill No. 15

Respectfully reports the same back without further action.

WATERS, Chairman

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Finance and Insurance, to which were referred:

Assembly Bill No. 56	Assembly Bill No. 86
Assembly Bill No. 57	Assembly Bill No. 87
Assembly Bill No. 58	Assembly Bill No. 88
Assembly Bill No. 59	Assembly Bill No. 90
Assembly Bill No. 66	Assembly Bill No. 91
Assembly Bill No. 75	Assembly Bill No. 94
Assembly Bill No. 76	Assembly Bill No. 101
Assembly Bill No. 78	Assembly Bill No. 111
Assembly Bill No. 79	Assembly Bill No. 113
Assembly Bill No. 85	

Respectfully reports the same back without further action.

GEDDES, Chairman

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 8	Assembly Bill No. 83
Assembly Bill No. 18	Assembly Bill No. 102
Assembly Bill No. 27	Assembly Bill No. 133
Assembly Bill No. 82	Assembly Bill No. 145

Respectfully reports the same back without further action.

SHERWIN, Chairman

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Education, to which were referred:

Assembly Bill No. 4

Assembly Bill No. 138

Respectfully reports the same back without further action.

DUNN, Chairman

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Constitutional Amendments, to which were referred:

Assembly Constitutional Amendment No. 1

Assembly Constitutional Amendment No. 2

Respectfully reports the same back without further action.

CROWLEY, Chairman

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which were referred:

Assembly Bill No. 139

Assembly Bill No. 140

Respectfully reports the same back without further action.

WEBER, Chairman

REPORTS OF STANDING COMMITTEES**Committee on Legislative Procedure**

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Bill No. 25—An act to amend Sections 111, 3076, 3078, and 3461 of the Welfare and Institutions Code, relating to aid to the blind and to the organization and powers of the State Department of Social Welfare in relation thereto;

Assembly Bill No. 26—An act to add Section 3079.5 to and to amend Section 3082 of the Welfare and Institutions Code, relating to the administration of aid to the needy blind and aid to partially self-supporting blind residents;

Assembly Bill No. 29—An act to amend Sections 3047 and 3047.3 of, and to add Sections 3047.01, 3047.02, 3047.2, 3047.21, 3047.24, 3047.25 and 3047.27 to, and to repeal Section 3047.1 of, the Welfare and Institutions Code, relating to aid to the needy blind, including property qualifications of applicants and recipients;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of April, 1950, at 10 a.m.

COATS, Acting Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Bill No. 55—An act to amend Sections 16441 and 16443, and to add Article 6, comprising Sections 16501 to 16503, inclusive, to Chapter 3 of Division 8 of the Education Code, relating to the health supervision of public school children and providing for facilities for detecting and treating children who evidence impaired mental health;

Assembly Bill No. 98—An act to provide for scientific research into the problem of sex crimes, including the causes and cure of sex deviation, and making an appropriation;

Assembly Bill No. 110—An act to add Sections 14078 1, 14238, 14259 and 14292 to the Health and Safety Code, relating to the financing of public works and improvements by fire protection districts and the levy of taxes to pay principal and interest of bonds issued by such districts, declaring the urgency of this act, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the fifteenth day of April, 1950, at 10 a.m.

COATS, Acting Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Concurrent Resolution No. 10—Relative to a survey and preparation of plans by the Department of Public Works, Division of Highways, for a highway from the vicinity of Doyle, in Lassen County, to the Sierra Ordnance Depot;

Assembly Concurrent Resolution No. 15—Relative to commending the Pacific Southwest Area Council of Y. M. C. A.'s for sponsoring the Model Legislature;

Assembly Concurrent Resolution No. 22—Relative to the establishment of a thorough and coordinated program of research and experimentation in all phases of agricultural aviation;

Assembly Concurrent Resolution No. 23—Relative to requesting the California Highway Commission and the Department of Public Works to survey a highway route to the Colorado River in Imperial County;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the fifteenth day of April, 1950, at 10 a. m.

COATS, Acting Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Concurrent Resolution No. 24—Approving a certain amendment to the charter of the City of Santa Clara, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the third day of April, 1950;

Assembly Concurrent Resolution No. 28—Relative to the introduction of bills at the request of state agencies during the 1951 General Session of the Legislature;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the fifteenth day of April, 1950, at 10 a. m.

COATS, Acting Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Joint Resolution No. 12—Relative to the proposed closing of the Birmingham Veterans Hospital at Van Nuys, California, and the Long Beach Naval Hospital at Long Beach, California, and to the use of the Corona Naval Hospital;

Assembly Joint Resolution No. 14—Memorializing the Director of the United States Fish and Wildlife Service to establish a continuous waterfowl season for the counties of Modoc, Lassen, Siskiyou, Del Norte, and Shasta;

Assembly Joint Resolution No. 15—Relative to memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construction project;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the fifteenth day of April, 1950, at 10 a. m.

COATS, Acting Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Bill No. 65—An act to repeal Section 10 of an act entitled "An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code; to add Chapters 2, 12, 13, 14, 15, and 16 to said code; to amend Section 8761 of said code; and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved May 28, 1947 (Chapter 401, Statutes of 1947), to provide for the continuance in effect of an act entitled "An act to amend Section 10 of an act entitled 'An act to repeal Chapters 2, 3, 4, 12, 13, 13.5, 13.6, 14, 15, 15.5, 16, and 16.5 of the Education Code, to add Chapters 2, 12, 13, 14, 15, and 16 to said code, to amend Section 8761 of said code, and to add Section 8704 to said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately,' approved May 28, 1947 (Chapter 401, Statutes of 1947); to repeal Sections 6713, 7039, 7052, 7064, 7068, 7117, 7126, 7128, and 7147 of the Education Code; to repeal Article 4 of Chapter 13, and Article 6 of Chapter 14, of Division 3 of said code; to add Article 4 to Chapter 13, Article 6 to Chapter 14, and Articles 1 and 13.5 to Chapter 15, of Division 3 of said code; to add Sections 5157, 7126, 7132, and 7151 to said code; to amend the headings of Articles 1 and 13 of Chapter 15 of Division 3 of said code; and to amend Sections 5152, 5153, 5156, 6703, 6714, 6812, 7002, 7012, 7023, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7041, 7061, 7062, 7063, 7067, 7081, 7091, 7092, 7094, 7095, 7101, 7103, 7111, 7112, 7113, 7114, 7115, 7116, 7121, 7122, 7124, 7130, 7146, 7146 1, 7148, 7149,

7150, 7208, 7231, and 9645 of said code, all relating to the Public School System, declaring the urgency thereof, to take effect immediately," approved July 20, 1949 (Chapter 1017, Statutes of 1949) except Section 1 thereof; to repeal Sections 6714 and 7094 of the Education Code; to add Sections 5153.3 and 6904 to said code; and to amend Sections 7091, 7092, 7095, 7113, 7116, and 6951 of said code, to repeal Articles 2 and 3 of Chapter 15, Division 3 of said code and to add Articles 2 and 11.6 to Chapter 15, Division 3 of said code all relating to the Public School System.

And reports that the same has been correctly enrolled, and presented to the Governor on the fifteenth day of April, 1950, at 11.45 a.m.

COATS, Acting Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 15, 1950

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

Assembly Concurrent Resolution No. 27—Relative to the adjournment sine die of the 1950 First Extraordinary Session of the Legislature of the State of California.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the fifteenth day of April, 1950, at 11.45 a.m.

COATS, Acting Chairman

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Dickey, the Journals for Monday, April 10, 1950; Tuesday, April 11, 1950; Wednesday, April 12, 1950; Thursday, April 13, 1950; Friday, April 14, 1950; and Saturday, April 15, 1950, were approved, as corrected by the Minute Clerk.

APPOINTMENT OF INTERIM COMMITTEE

Pursuant to the provisions of House Resolution No. 71, the Speaker announced the appointment of Mrs. Niehouse, Chairman; Messrs. Crowley, Cooke, and Levering as such Assembly Interim Committee on Social Welfare. (One vacancy to be filled.)

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Messrs. Gaffney, Condon, and the San Francisco and Alameda Delegations, the usual courtesies of the Assembly for this day were unanimously extended to Suzanne and Judy Sherry of Piedmont, daughters of Mr. and Mrs. Arthur H. Sherry.

ADJOURNMENT SINE DIE

The hour of twelve o'clock noon having arrived, pursuant to the provisions of Assembly Concurrent Resolution No. 27, the Honorable Sam L. Collins, Speaker of the Assembly, announced that the time for final adjournment of the 1950 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 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 in the bills, all bills became effective 90 days after adjournment sine die of the Legislature, or on July 15, 1950.

A. B. Number	Chapter	Author	Subject of Title	Approved by Governor
1	18	Brown and Caldecott	Adding sections to Penal Code, relating to possession, confiscation of slot machines and penalties for violations.	Apr 26
5	25	Morris	Use of alcoholic beverages by persons convicted of certain offenses and by sexual psychopaths.	Apr 26
12	2	Thompson	Validating the expenditure of certain major city street funds by the Town of Los Gatos.	Apr 6
22	4	Waters	Validating the organization boundaries, etc., proceedings and bonds of certain defined public bodies.	Apr 11
24	38	Crowley	Amending sections of the Welfare and Institutions Code, relating to applications for aid to the blind.	May 1
25	39	Crowley	Aid to the blind and organization and powers of State Department of Social Welfare in relation thereto.	May 1
26	40	Crowley	Administration of aid to the needy blind and aid to partially self-supporting blind residents.	May 1
28	41	Crowley	Amending sections of the Welfare and Institutions Code relating to aid to partially self-supporting blind residents.	May 1
29	42	Crowley	Property qualifications of applicants and recipients of aid to the needy blind.	May 1
30	43	Crowley	Aid to needy blind persons, and purpose of laws relative thereto.	May 1
31	44	Crowley and Tomlinson	Amending Section 3447 of the Welfare and Institutions Code, relating to aid to the partially self-supporting blind.	May 1
32	45	Crowley and Tomlinson	Eligibility for aid to partially self-supporting blind residents.	May 1
33	46	Crowley	Rules and regulations of Department of Social Welfare in respect to aid to needy blind and aid to partially self-supporting blind residents.	May 1
34	17	Caldecott and Brown	Adding Section 330b to Penal Code relating to slot machines.	Apr 26
36	26	Waters	Real property qualifications of applicants and recipients of aid to the aged.	Apr 26
37	47	Kilpatrick and Rosenthal	Amending sections of the Welfare and Institutions Code relating to granting of aid to needy children.	May 1
40	10	Dolwig	Adding section to and amending section of, Education Code, relating to sewers and drains for schools.	Apr 18
41	68	Collier	Amending Section 9965 of the Government Code, relating to influencing legislation.	May 3
45	27	Niehuse	Public assistance to aged and needy blind who have removed from one county to another within the State.	Apr 26
46	6	Fleury et al	Amending Sections 5512 and 5513 of the Welfare and Institutions Code relating to sexual psychopaths.	Apr 14
47	7	Fleury et al	Amending Sections 5501, 5502, and 5503 of the Welfare and Institutions Code, relating to sexual psychopaths.	Apr 14
49	55	Lindsay	Relinquishment of portions of state highways to counties.	May 1
50	56	Rosenthal et al	Amending Section 288a of the Penal Code, relating to sex perversion.	May 1
52	34	Smith et al	Amending Section 647e of the Penal Code relating to vagrancy.	Apr 27
53	23	Smith et al	Amending Section 644 of the Penal Code, relating to habitual criminal.	Apr 26
55	64	Kilpatrick et al	Health supervision of public school children and facilities for detecting and treating children who evidence impaired mental health.	May 2
65	74	Dunn et al	Adding, amending and repealing sections of the Education Code relating to the Public School System.	May 5
74	66	Erwin et al	Amending and adding sections to the Government Code, relating to influencing the legislative process.	May 3
80	48	Crowley	Determination of blindness relative to aid to blind.	May 1
84	29	Burke and Connolly	Providing additional facilities for protection and care of mental deficient.	Apr 26
97	65	Dolwig	Amending and adding sections to the Streets and Highways Code relating to public works and improvements.	May 2
98	35	Beck et al	Appropriation to Department of Mental Hygiene for scientific research into causes and cures of sexual deviations and homosexuality, and methods of identifying potential offenders.	Apr 27

**ASSEMBLY BILLS APPROVED BY GOVERNOR, CHAPTERED AND
FILED WITH THE SECRETARY OF STATE—Continued**

A. B. Number	Chapter	Author	Subject of Title	Approved by Governor
100	57	Lowrey	Pest control and damages ensuing from pest control operations through the medium of aircraft	May 1
104	67	Collier	Adding Section 9906.1 to the Government Code relating to influencing the legislative process	May 3
106	69	Collier	Amending Section 9906 of the Government Code, relating to influencing legislation	May 3
107	13	Dolwig	Creating Butte County Water District, providing for the government and powers thereof, and for the issuance of revenue bonds	Apr 19
109	14	Lindsay	Amending sections of the Welfare and Institutions Code, relating to state hospitals for care and treatment of the insane	Apr 19
110	58	Nichouse	Financing public works and improvements by fire protection districts and levy of taxes by such districts	May 1
117	30	Hagen	Eligibility for aid to needy children	Apr 26
118	36	Fleury and Moss	Apportionment of the bonded indebtedness of school districts	Apr 27
120	59	Smith	Amending Section 6550 of the Streets and Highways Code, relating to public works and improvements	May 1
128	60	Clarke et al	Delinquent taxes and redemption of property sold therefor by county water districts	May 1
129	71	Geddes et al	Authorizing the levy of taxes and the establishment of zones in the Los Angeles County Flood Control District	May 3
132	49	Rumford	An act to dispose of certain equipment acquired for administration of aged and blind aid programs	May 1
136	21	Maloney and Dolwig	An act relating to licenses and fees to conduct horse racing meetings at which wagering is permitted	Apr 26
141	73	Coats	Granting certain state-owned lands to the County of Butte for public park purposes	May 5
142	61	Maloney and Gaffney	Investigation of cost of proper living for women and minors	May 1
143	62	Smith	Credit for prior public service and annual salary increments for officers and attaches of municipal courts in 5th class cities and cities and counties	May 1
Total			48	

ASSEMBLY BILLS POCKET VETOED BY THE GOVERNOR

11, 20, 23, 77, 105, 124, 137.

Total----- 7

**ASSEMBLY BILLS IN CONFERENCE COMMITTEE, ON WHICH
NO FURTHER ACTION TAKEN, UNDER JOINT RULE NO. 29**

103.

Total----- 1

ASSEMBLY BILLS STRICKEN FROM FILE IN ASSEMBLY

19, 68, 73, 81, 92, 95, 112, 116, 126, 144, 146.

Total----- 11

**ASSEMBLY BILLS, SUBJECT MATTER OF WHICH
RE-REFERRED TO INTERIM COMMITTEES**

7, 9, 10, 39, 68, 73, 92, 95, 112, 126.

Total----- 10

ASSEMBLY CONCURRENT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
6	5	Dickey et al	Investigation of water quality of waters within California	Mar 30
8	4	George D Collins et al	Adjournment in respect to memory of Albert A. Rosenshine	Mar 30
10	26	Davis	Survey and preparation of plans by Department of Public Works, Division of Highways, for a highway from vicinity of Doyle, in Lassen County, to the Sierra Ordnance Depot	Apr 15
11	18	Davis	Commending Judge J. O. Moncur on his services to the Judiciary	Apr 13
12	9	Stanley et al	Requesting California Centennials Commission to cooperate with the American Legion in publicizing the Centennial of Cali- fornia at the Legion Convention in Los Angeles	Apr 10
15	25	Anderson et al	Commending Pacific Southwest Area Council Y. M. C. A. for sponsoring the Model Legislature	Apr 15
18	19	Cloyed	Relative to leaves of absence from the State of Members of the Senate and Assembly	Apr 13
22	29	Lowrey et al	Establishment of a thorough and coordinated program of research and experimentation in all phases of agricultural aviation	Apr 15
23	30	Butters	Requesting the California Highway Commission and the Depart- ment of Public Works to survey a highway route to the Colo- rado River in Imperial County	Apr 15
24	28	Kirkwood and Thompson	Approving amendment to the charter of the City of Santa Clara	Apr 15
25	21	Meyers et al	Welcoming to California Malcolm R. Giles, Director General, Loyal Order of Moose	Apr 14
27	34	Dickey	Adjournment sine die of the 1950 First Extraordinary Session of the Legislature of the State of California	Apr. 15
28	24	Geddes et al	Relative to introduction of bills at the request of state agencies during the 1951 General Session of the Legislature	Apr. 15
Total			13	

ASSEMBLY CONCURRENT RESOLUTIONS STRICKEN FROM FILE IN ASSEMBLY

1.

Total _____ 1

ASSEMBLY JOINT RESOLUTIONS CHAPTERED, AND FILED WITH THE SECRETARY OF STATE

Number	Resolution Chapter	Author	Subject of Title	Date filed with Secretary of State
4	7	Dickey et al	Relative to control of water pollution	Apr 3
5	17	Sam L. Collins et al	Relative to tidelands and submerged lands adjacent to the coast of California	Apr 13
10	16	Coats and Lindsay	Memorializing Congress to grant former owners of Camp Beale lands first right to purchase such lands if and when the lands are sold	Apr 13
11	20	Babbage et al	Memorializing Congress to appropriate sufficient sums of money to continue activities of Bureau of Indian Affairs in California	Apr 13
12	33	Burkhalter et al	Relative to proposed closing of the Birmingham Veterans Hos- pital at Van Nuys, California, and the Long Beach Naval Hospital at Long Beach, California, and to the use of the Corona Naval Hospital	Apr 15
14	32	Davis et al	Memorializing the Director of the United States Fish and Wild- life Service to establish a continuous waterfowl season for the Counties of Modoc, Lassen, Siskiyou, Del Norte, and Shasta	Apr 15
15	31	Clarke et al	Memorializing the President and Congress to have the Mammoth Pass Road in California constructed as a postwar construc- tion project	Apr 15
Total			7	

SENATE BILLS STRICKEN FROM FILE IN ASSEMBLY, SUBJECT MATTER RE-REFERRED TO INTERIM COMMITTEE

39.

Total 1