

CALIFORNIA LEGISLATURE
1950 SECOND EXTRAORDINARY SESSION

SENATE DAILY JOURNAL

FIRST LEGISLATIVE DAY
FIRST CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO

Monday, March 6, 1950

The Senate met at 12.15 p m 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.

Lieutenant Governor Goodwin J Knight, President of the Senate of the 1949 Regular Session, in the chair, called the Senate to order.

Pursuant to the provisions of Section 9150 of the Government Code, Joseph A. Beek, Secretary of the Senate; John F. Lea, Minute Clerk of the Senate; Joseph F. Nolan, Sergeant-at-Arms of the Senate, were present and occupied their respective positions.

ROLL CALL

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

Senators 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.

Quorum present.

PRAYER

By invitation of the President, prayer was offered by Rev. Nelson E. Hinman, Chaplain of the Senate for the 1949 Regular Session.

PROCLAMATION OF THE GOVERNOR

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

Whereupon the Secretary read the following Proclamation :

Proclamation

EXECUTIVE DEPARTMENT, State of California

WHEREAS, An extraordinary occasion has arisen and now exists requiring that the Legislature of the State of California be convened 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 12.15 p.m. of said day for the following purpose and to legislate upon the following subject :

To consider and act upon legislation to change the compensation for public service in counties and for judicial officers and attaches.

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 March, 1950.

[SEAL]

EARL WARREN, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State

By: CHAS. J. HAGERTY, Deputy Secretary of State

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE

SACRAMENTO, March 6, 1950

*The Honorable Members of the Senate
California State Legislature*

GENTLEMEN: At the request of the President pro Tempore of the Senate and the Speaker of the Assembly I have called you into an extraordinary session to meet at 12 15 p.m. on Monday, March 6th.

The purpose of this session is to permit the correction of an error in a county government bill fixing salaries in one county, enacted by the Legislature at its regular session last year and to consider such other county government bills as you may desire.

It is necessary to call an extraordinary session on this item alone and it cannot be included in the extraordinary session which I have called earlier because of the provisions of our Constitution relative to measures fixing the salaries of county officers. Such measures cannot be urgency measures. Neither can they change the salary of a county officer during his term or after his election. Some such officers will be elected at the primary election to be held on June 6th of this year. To affect the salary of any officer so elected, such measure must be adopted at a session which adjourns not less than 90 days prior to June 6th. This means that such a session must adjourn by midnight of Tuesday, March 7th.

For this reason I have issued a proclamation calling you into extraordinary session on this one subject with the hope you may be able to correct the error in this one measure previously enacted by you and to enact such other measures on the subject as you may find advisable.

Respectfully submitted,

EARL WARREN, Governor

Message read, and ordered printed in the Journal.

RESOLUTIONS

The following resolutions were offered :

By Senator Swing :

Senate Resolution No. 1

Resolved, That the Senate do now organize and proceed to elect officers and employees for this 1950 Second Extraordinary Session.

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

By Senator Brown :

Senate Resolution No. 2

Resolved, That Senator Harold J. Powers be and he is hereby elected President pro Tempore of the Senate; that Joseph A. Beek be and he is hereby elected Secretary of the Senate; that Joseph F. Nolan be and he is hereby elected Sergeant-at-Arms

of the Senate; that John F. Lea be and he is hereby elected Minute Clerk of the Senate; that Rev. Nelson E. Hinman be and he is hereby elected Chaplain of the Senate.

Resolution read.

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

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

NOES—None.

OATHS OF OFFICE ADMINISTERED

The newly elected officers of the Senate, Senator Harold J. Powers, President pro Tempore; Joseph A. Beek, Secretary of the Senate; Joseph F. Nolan, Sergeant-at-Arms; John F. Lea, Minute Clerk; and Rev. Nelson E. Hinman, Chaplain; took and subscribed to the following oath administered by the Honorable Paul Peek, Associate Justice of the Third District Court of Appeal:

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

RESOLUTIONS

The following resolutions were offered:

By Senator Powers:

Senate Resolution No. 3

Resolved, That the following members be and the same are hereby elected members of the Senate Committee on Rules:

Senators Brown, Hatfield, Hulse, and Keating.

Resolution read.

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

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Keating, Kraft, Mayo, McBride, Miller, O'Gara, Parkman, Powers, Regan, Rich, Swing, Tenney, Ward, Watson, Way, Weybret, and Williams—33.

NOES—None.

By Senator Desmond:

Senate Resolution No. 4

Resolved, That the Standing Rules of the Senate as adopted for the 1950 Regular Session be and the same are hereby adopted as the Standing Rules of the Senate for this 1950 Second Extraordinary Session.

Resolution read.

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

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Coombs, Crittenden, Cunningham, Desmond, Dillinger, Dilworth, Donnelly, Dorsey, Drobish, Gibson, Jespersen, Johnson, Judah, Keating, Kraft, Mayo, Miller, Parkman, Powers, Regan, Rich, Sutton, Swing, Tenney, Ward, Watson, Way, Weybret, and Williams—34.

NOES—None.

By Senator Donnelly :

Senate Resolution No. 5

Resolved, That the standing committees of the Senate for the 1949 Regular Session be and the same are hereby adopted as the standing committees of this 1950 Second Extraordinary Session.

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

By Senator Johnson :

Senate Resolution No. 6

Resolved, That the Controller be and he is hereby directed to deliver to Joseph F. Nolan, Sergeant-at-Arms, or such of his assistants as the Sergeant-at-Arms may designate, warrants for salaries and expenses of Members and officers of the Senate.

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

By Senator Williams :

Senate Resolution No. 7

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

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

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Williams, Coombs, and Johnson.

By Senator Way :

Senate Resolution No. 8

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

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

Appointment of Special Committee

The President announced, in accordance with the above resolution, the appointment of Senators Way, Sutton, and Gibson.

REPORTS OF SPECIAL COMMITTEES

The following reports of special committees were received :

Senators Williams, Coombs, and Johnson, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Way, Sutton, and Gibson, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported they had performed their duty.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

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

Senate Bill No. 1 (Second Extra Session) : By Senator Dillinger—
An act to amend Section 28142 of the Government Code, relating to county officers' salaries.

Motion to Print With Rush Order and Place on File

Senator Dillinger moved that Senate Bill No. 1 be sent to print with a rush order and that it be placed on file for further consideration.

Motion carried.

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

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

Senate Bill No. 2 (Second Extra Session): By Senator Hatfield—
An act to amend Section 28124 of the Government Code, relating to
compensation for public services.

Referred to Committee on Local Government.

RECESS

At 1.35 p.m., on motion of Senator Powers, the Senate recessed until
2 p.m.

REASSEMBLED

At 2 p.m., the Senate reconvened.

Hon. Goodwin J. Knight, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

REQUEST FOR UNANIMOUS CONSENT

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

Consideration of Senate Bill No. 1

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Senator Dillinger:

Resolved, That Senate Bill No. 1 presents a case of urgency, as that term is
used in Article IV, Section 15, of the Constitution, and the provision of that section
requiring that the bill be read on three several days in each house is hereby dispensed
with, and it is ordered that said bill be read the second and third times, considered
engrossed, and placed upon its passage

Resolution read.

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

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Cunningham, Des-
mond, Dillinger, Dilworth, Dorsey, Drobish, Gibson, Hatfield, Hulse, Jespersen,
Johnson, Judah, Keating, Kraft, McBride, Miller, O'Gara, Parkman, Powers, Regan,
Rich, Sutton, Swing, Ward, Watson, Way, Weybret, and Williams—33.

NOES—None.

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

Consideration of Senate Bill No. 1

Senate Bill No. 1—An act to amend Section 28142 of the Govern-
ment Code, relating to county officers' salaries.

Bill read second time.

Senate Bill No. 1—An act to amend Section 28142 of the Govern-
ment Code, relating to county officers' salaries.

Bill read third time.

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

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Cunningham, Des-
mond, Dillinger, Dilworth, Donnelly, Drobish, Gibson, Hatfield, Hulse, Jespersen,
Johnson, Judah, Keating, Kraft, Mayo, Miller, O'Gara, Parkman, Powers, Regan,
Rich, Sutton, Swing, Ward, Watson, Way, Weybret, and Williams—33.

NOES—None.

Bill ordered transmitted to the Assembly.

INTRODUCTION, FIRST READING, AND REFERENCE OF SENATE BILLS

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

Senate Bill No. 3 (Second Extra Session) : By Senator Powers—An act to amend Section 737y of the Political Code, relating to the compensation of the superior judge in and for the County of Modoc.

Referred to Committee on Local Government.

Senate Bill No. 4 (Second Extra Session) : By Senator Powers—An act to amend Section 28149 of the Government Code, relating to compensation for public services in counties of the forty-ninth class.

Referred to Committee on Local Government.

Senate Bill No. 5 (Second Extra Session) : By Senator Powers—An act to amend Section 28140 of the Government Code, relating to compensation for public services in counties of the fortieth class.

Referred to Committee on Local Government.

Senate Bill No. 6 (Second Extra Session) : By Senator Dorsey—An act to amend Section 28109 of the Government Code, relating to compensation for public services in counties of the ninth class.

Referred to Committee on Local Government.

Senate Bill No. 7 (Second Extra Session) : By Senator Dorsey—An act to amend Section 261b of the Code of Civil Procedure as added by Chapter 1039 of the Statutes of 1943, and to add Section 260 to said code, relating to court commissioners.

Referred to Committee on Local Government.

Senate Bill No. 8 (Second Extra Session) : By Senator Dorsey—An act to amend Section 7370 of the Political Code, relating to the salary of superior court judges in for the County of Kern.

Referred to Committee on Local Government.

Senate Bill No. 9 (Second Extra Session) : By Senator Parkman—An act to amend Section 28112 of the Government Code, relating to compensation for public services in counties.

Referred to Committee on Local Government.

Senate Bill No. 10 (Second Extra Session) : By Senator Mayo—An act to amend Section 28153 of the Government Code, relating to compensation for public services in counties of the fifty-third class.

Referred to Committee on Local Government.

Senate Bill No. 11 (Second Extra Session) : By Senator Swing—An act to amend Section 28108 of the Government Code, relating to compensation for public service in counties of the eighth class.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

At 2.40 p.m., a committee from the Assembly, consisting of Assemblymen Cloyed, Moss and Kirkwood, appeared at the bar of the Senate and announced that the Assembly was duly organized and ready to proceed with the business of the State.

RECESS

At 2 40 p.m., on motion of Senator Powers, the Senate recessed until 4.30 p.m.

REASSEMBLED

At 4.30 p.m., the Senate reconvened.

Hon. Harold J. Powers, President pro Tempore of the Senate, presiding.

Secretary J. A. Beek at the desk.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1950

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

Senate Bill No. 1

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

Above bill ordered enrolled.

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

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

Senate Bill No. 12 (Second Extra Session): By Senator Crittenden—An act to amend Section 737mm of the Political Code, relating to the salary of the judges of the Superior Court in and for the County of San Joaquin.

Referred to Committee on Local Government.

MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1950

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

Assembly Concurrent Resolution No. 1

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

FIRST READING AND REFERENCE OF ASSEMBLY BILLS

The following resolution was read:

Assembly Concurrent Resolution No. 1—Relative to adjournment sine die of the 1950 Second Extraordinary Session of the Legislature of the State of California.

Motion to Consider Assembly Concurrent Resolution No. 1

Senator Cunningham moved that Assembly Concurrent Resolution No. 1 be taken up at this time for consideration.

Motion carried.

Consideration of Assembly Concurrent Resolution No. 1

Assembly Concurrent Resolution No. 1—Relative to adjournment sine die of the 1950 Second Extraordinary Session of the Legislature of the State of California.

Resolution read.

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

AYES—Senators Abshire, Breed, Brown, Busch, Coombs, Cunningham, Desmond, Dillinger, Donnelly, Drobish, Gibson, Hulse, Johnson, Judah, Keating, Kraft, Miller, O'Gara, Parkman, Regan, Rich, Tenney, Ward, Watson, and Williams—25.

NOES—Senators Crittenden, Dorsey, Mayo, Sutton, and Way—5

Resolution ordered transmitted to the Assembly.

By Senator Donnelly :

Senate Resolution No. 9

Resolved, That a committee of three be appointed to notify the Governor that the Senate is ready to adjourn sine die, pursuant to the provisions of A. C. R. No. 1, and to ask if the Governor has any further communications to transmit to the Senate.

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

Pursuant to the above resolution, the President announced the appointment of Senators Donnelly, Keating, and Breed.

By Senator Mayo :

Senate Resolution No. 10

Resolved, That a committee of three be appointed to notify the Assembly that the Senate is ready to adjourn sine die, pursuant to the provisions of A. C. R. No. 1 and to ask if the Assembly has any further communications to transmit to the Senate.

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

Pursuant to the above resolution, the President announced the appointment of Senators Mayo, Coombs, and Abshire.

MESSAGES FROM THE ASSEMBLY

Messrs. Morris, Huyek, and Burke appeared at the bar of the Senate and announced that the Assembly had completed its work and was ready to adjourn sine die.

REPORTS OF SPECIAL COMMITTEES

Senators Donnelly, Keating, and Breed appointed to wait upon the Governor and notify him of the readiness of the Senate to adjourn sine die, reported they had performed their duty.

Senators Mayo, Coombs, and Abshire appointed to notify the Assembly of the readiness of the Senate to adjourn sine die, reported they had performed their duty.

REPORTS OF STANDING COMMITTEES

Committee on Local Government

SENATE CHAMBER, SACRAMENTO, March 6, 1950

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 2	Senate Bill No. 8
Senate Bill No. 3	Senate Bill No. 9
Senate Bill No. 4	Senate Bill No. 10
Senate Bill No. 5	Senate Bill No. 11
Senate Bill No. 6	Senate Bill No. 12
Senate Bill No. 7	

Respectfully reports the same back without recommendation for the reason that no committee action has been taken.

CUNNINGHAM, Chairman

REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, SACRAMENTO, March 6, 1950

MR. PRESIDENT. The Committee on Rules has examined:

Senate Bill No. 1—An act to amend Section 28142 of the Government Code, relating to county officers' salaries;

And reports that the same has been correctly enrolled, and presented to the Governor on the sixth day of March, 1950, at 5 30 p m.

POWERS, Chairman

APPROVAL OF THE MINUTES

Senator Powers moved that the minutes for this legislative day be read, and approved as read.

Motion carried.

ADJOURNMENT SINE DIE

Whereupon the hour of 6 p.m. having arrived, Senator Harold J. Powers, President pro Tempore of the Senate, presiding, declared the 1950 Second Extraordinary Session of the Senate of the State of California adjourned sine die, in accordance with the provisions of Assembly Concurrent Resolution No. 1.

JOHN F. LEA, Minute Clerk