CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIRST LEGISLATIVE DAY

FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 1, 1954

The Assembly met pursuant to the provisions of the Proclamation of His Excellency, Goodwin J. Knight, Governor of the State of California, dated February 26, 1954, convening the Legislature of the State of California on this day in extraordinary session.

Hon. James W. Silliman, Speaker of the Assembly for the 1954 Regular (Budget) Session, presiding.

ANNOUNCEMENT

Hon. James W. Silliman, Speaker of the Assembly, announced that, pursuant to the requirements of the Government Code, Section 9150, the following officers of the Assembly of the 1954 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.

PROCLAMATION OF THE GOVERNOR

The Speaker 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:

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, GOODWIN J. KNIGHT, 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 the first day of March, 1954, at 12.20 p.m. of said day for the following purposes and to legislate upon the following subjects:

Item No. 1. To consider and act upon legislation relating to alcoholic beverages and the administration of the alcoholic beverage laws.

Item No. 2. To consider and act upon legislation relative to increasing unemployment insurance benefits.

Item No. 3. To consider and act upon legislation relative to the providing of funds for the purchase of farms and homes under the Veterans' Farm and Home Purchase Act of 1943.

Item No. 4. To consider and act upon legislation relative to validating the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies.

Item No 5. To consider and act upon legislation relative to the size and number of license plates for registered vehicles

Item No. 6. To consider and act upon legislation relative to the administration of the Department of the California Highway Patrol.

Item No. 7. To consider and act upon legislation amending Section 53021 of the Government Code to remove budgetary and other restrictions upon the authority of local agencies to spend funds in meeting emergencies created by great public calamity, such as extraordinary fire, flood, storm, epidemic, earthquake or other disaster.

Item No. 8 To consider and act upon legislation to provide for the reinclusion in State Highway Route 75 of the portion of said route from Route 4 near Stockton via Copperopolis to Route 65 near Altaville and to provide for the payment of maintenance costs of the highway constituting such portion of said route on and after October 6, 1953.

Item No. 9. To consider and act upon legislation relative to short term financing of water districts organized under the California Water District Law.

Item No. 10. To consider and act upon legislation concerning school districts reorganized pursant to Chapter 16 of Division 2 of the Education Code.

Item No. 11. To consider and act upon legislation relative to providing for an additional bond issue to finance capital outlay for construction or improvement of public schools.

Item No. 12. To consider and act upon legislation relative to student transportation districts.

Item No. 13. To consider and act upon legislation relative to the Military Department, the National Guard, and the wearing of military uniforms.

Item No. 14. To consider and act upon legislation to repeal an act entitled "An act for the certification of land titles and the simplification of the transfer of real estate," approved March 17, 1897, as amended by initiative approved by the electors November 3, 1914, and to provide for the submission thereof to the electors pursuant to Section 1b of Article IV of the State Constitution

Item No. 15 To consider and act upon legislation relative to extending the period for which a city may lease property owned by it

Item No 16 To consider and act upon legislation relative to extending the provisions of Chapter 47 of the 1944 Fourth Extraordinary Session and the provisions of the Construction and Employment Act to newly incorporated cities

Item No. 17 To consider and act upon legislation relative to the exclusion from a sanitary district of territory situated within the corporate limits of a city.

Item No. 18 To consider and act upon legislation relative to depositories of funds for community services districts

Item No. 19 To consider and act upon legislation relative to allocations to counties for highway projects completed during the 1953-1954 Fiscal Year.

Item No 20 To consider and act upon legislation to grant to the City of Redwood City the right to construct flood control projects on certain lands of the State of California in San Mateo County.

Item No. 21. To consider and act upon legislation relative to amending the Water Conservation Act of 1931 with respect to the issuance and payment of bonds and the levy and collection of special assessment taxes pursuant to that act.

Item No. 22 To consider and act upon legislation relating to the continuation of an authorized excess tax rate by a school district following unification of school districts.

Item No 23. To consider and act upon legislation to provide adequate minimum retirement allowances for school teachers retired for age before rendering services sufficient to entitle them to full benefits for service retirement.

Item No 24. 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 twenty-sixth day of February, 1954.

(SEAL) GOODWIN J KNIGHT, Governor of California

ATTEST FRANK M JORDAN, Secretary of State

ANNOUNCEMENT

The Speaker announced that the next order of business was the nomination and election of officers for the 1954 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. Levering:

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 1954 (First Extraordinary) Session, with the per diem as fixed by statute or resolution:

Hon. James W. Silliman ..... *Speaker*
Hon. Thomas A. Maloney ..... *Speaker pro Tempore*
Arthur A. Ohnimus ..... *Chief Clerk*
Geraldine B. Hadsell ..... *Minute Clerk*
Wilkie Ogg ..... *Sergeant-at-Arms*
Rev. James D. Poole ..... *Chaplain*

Request for Unanimous Consent

Mr. Levering 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—75

NOES—None

OATHS OF OFFICE ADMINISTERED

Hon. James W. Silliman, 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 Rev James D. Poole, Chaplain-elect; took and subscribed to the following oath, administered by Hon. Frank M. Jordan, Secretary of State.

I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

And I do further swear (or affirm) that I do not advocate, nor am I a member of any party or organization, political or otherwise, that now advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means; that within the five years immediately preceding the taking of this oath (or affirmation) I have not been a member of any party or organization, political or otherwise, that advocated the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means except as follows:

No Exceptions

and that during such time as I hold the office to which I have been elected I will not advocate nor become a member of any party or organization, political or otherwise, that advocates the overthrow of the Government of the United States or of the State of California by force or violence or other unlawful means.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Cloyed.

RESOLUTIONS

The following resolutions were offered:

By Mr. Levering:

House Resolution No. 2

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint a Committee of Three to inform the Senate that the Assembly is in session pursuant to the Proclamation of His Excellency, the Governor, dated the twenty-sixth day of February, 1954, and ready for the transaction of legislative business, with the following officers, to wit:

Hon. James W. Silliman ..... *Speaker*
Hon. Thomas A. Maloney ..... *Speaker pro Tempore*
Arthur A. Ohnimus ..... *Chief Clerk*
Geraldine B. Hadsell ..... *Minute Clerk*
Wilkie Ogg ..... *Sergeant-at-Arms*
Rev. James D. Poole ..... *Chaplain*

Request for Unanimous Consent

Mr. Levering 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 Fleury, Clark L. Bradley, and Brady as such Select Committee to wait upon the Senate.

By Mr. Levering:

House Resolution No. 3

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

Request for Unanimous Consent

Mr. Levering 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. Hinckley, Collier, Conrad, Henderson, and Shaw as such Select Committee to wait upon the Governor.

By Mr. Levering:

House Resolution No. 4

Resolved by the Assembly of the State of California, That the Standing Rules of the 1953 Regular Session, as amended, be and the same are hereby adopted as the Temporary Rules for the 1954 First Extraordinary Session.

Request for Unanimous Consent

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

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—75.

NOES—None.

By Mr. Levering:

House Resolution No. 5

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

Request for Unanimous Consent

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

Resolution read, and adopted.

By Mr. Levering:

House Resolution No. 6

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 1954 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 _____ dollars ($_____) 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 _____.

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

By Mr. Levering:

House Resolution No. 7

Relative to filling vacancies existing in the standing or interim committees

The Speaker of the Assembly is authorized to fill vacancies existing in the membership of any of the standing or interim committees.

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

ANNOUNCEMENT

Speaker Silliman announced that a series of bills which relate to alcoholic beverage control legislation, is being held for a few minutes

at the desk of Mr. Weinberger for the purpose of permitting members desiring to be co-authors to affix their signatures, at this time.

COMMITTEE FROM THE SENATE

Senators Cunningham, Way, and Dale C. Williams appeared before the bar of the Assembly, and announced that the Senate had organized, and was now ready to proceed with the regular business.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 1: By Mr Fleury—An act to amend Sections 1280 and 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 2: By Messrs Stanley, Silliman, and Clark L. Bradley—An act to add Section 39 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a postwar public works program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs, making an appropriation to be allocated to cities incorporated on or after November 30, 1953, and before March 31, 1954, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 3: By Messrs Stanley, Silliman, and Clark L Bradley—An act to add Sections 47 and 48 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

REPORTS OF SELECT COMMITTEES

The Select Committee appointed to wait upon the Senate reported that the Senate was in recess until 3 p m.

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

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

The following resolution was offered:

Assembly Concurrent Resolution No. 1: By Mr. McGee—Relative to expressing the congratulations of the people of the State of California to the Honorable Earl Warren upon his appointment as Chief Justice of the United States

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT OPINIONS BE PRINTED IN THE JOURNAL

Mr. Stanley asked for, and was granted, unanimous consent that an opinion of the Legislative Counsel relating to Penalty Assessments on Traffic Offenses for support of Driver Training Courses—No. 819, and an opinion of the Legislative Counsel relating to Public School Driver Training Courses—No. 821, be ordered printed in the Journal, in 10-point type, as follows:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, February 11, 1954

Honorable Earl W. Stanley
225 Marine, Balboa Island, California

Penalty Assessments on Traffic Offenses for Support of Driver Training Courses—No. 819

DEAR MR STANLEY:

Question

You have asked us if Vehicle Code Section 773, added by Chapter 1878 of the Statutes of 1953, is constitutional.

Opinion

It is our opinion that the section is valid under the State Constitution and Federal Constitution.

Analysis

Vehicle Code Section 773 provides:

"773 To reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to Section 5153.6 of the Education Code, on and after January 1, 1954, there shall be levied a penalty assessment on all offenses involving a violation of a section of this code or of a city or county ordinance, relating to the operation of motor vehicles, except offenses relating to parking or registration, in the following amounts:

(1) Jail sentence without fine	$1	
(2) Where a fine is imposed	$1	for each $20 of fine, or fraction thereof.
(3) If sentence is suspended	$1	if jail only, otherwise based on the amount of the fine levied, as in subsection (2).
(4) If bail is forfeited	$1	for each $20 of bail, or fraction thereof.
(5) Where multiple offenses are involved		The penalty assessment shall be based on the total fine or bail for all offenses, or $1 for each jail sentence.

When a fine is suspended, in whole or in part, the penalty assessment shall be reduced in proportion to the suspension.

After a determination by the court of the amount due, the clerk of the court shall collect the same and transmit it to the county treasury. It shall then be transmitted to the State Treasury to be deposited in the General Fund. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the State by a county."

It has been contended that this law is violative of the State or Federal Constitution in the following respects:

1. The penalty assessment constitutes a tax and since the collection thereof is vested in the judiciary rather than the executive branch of of the government, the provisions of Article III, Section 1 of the California Constitution prohibiting any person charged with the exercise of powers properly belonging to any one of the three branches of state government—legislative, executive, and judicial—from exercising any function appertaining to either of the others, except as provided in the Constitution.

2. The law is *ex post facto* in violation of Article 1, Section 16 of the California Constitution.

3. The law would result in placing a person in double jeopardy in violation of Article 1, Section 13 of the State Constitution and the Fifth Amendment of the Federal Constitution.

4. The law violates Article 1, Section 6 of the State Constitution in that it interferes with the right of all persons to be bailable by sufficient sureties.

5. The law imposes an excessive fine and an excessive bail in violation of Article 1, Section 6 of the State Constitution and the Seventh Amendment of the Federal Constitution.

Each of these contentions is separately considered below:

1. *The penalty assessment as a tax.*

We have been able to find no cases interpreting the phrase "penalty assessment." In many cases the word "penalty" used in a statute has been held to be synonymous with the word "fine" (*Weidman* vs. *Horgan*, 56 N.W. 688, 55 Minn. 183, and other cases collected in 31 *Words and Phrases, Penalty*, 602. In other cases "fine" has been held to mean pecuniary punishment imposed by lawful tribunal upon a person convicted of a crime or misdemeanor while a "penalty" is recoverable in a civil action (*City of Hudson* vs. *Granger*, 52 N.Y.S. 9, 23 Misc. 401, and other cases collected in 31 *Words and Phrases, Penalty*, 599). "Assessment" also has several meanings. According to *Webster's New International Dictionary, Second Edition*, the word means:

"Assessment 1. Act of assessing; act of apportioning or determining an amount or amounts to be paid; as, an *assessment* of damages.

2. A valuation of property for the purpose of taxation; such valuation and an adjudging of the sum to be levied; as, an *assessment* on property.

3. The entire plan or scheme fixed upon for charging or taxing; also, the valuation, or a specific charge or tax, determined upon; amount assessed.

4. Figuratively, an appraisal; an evaluation.

5a. An apportionment of an amount subscribed for stock into successive installments, also, one of these installments.

5b A demand, by a company, for payment of the remainder, or part of the remainder, of the price of stock not yet fully paid for—in England termed a *call.*

6a *U.S.* A demand made, under various statutory provisions, upon holders of stock in a bank, for proportional contribution to make good capital losses.

6b. A similar demand on holders of other kinds of stock.

7. *Ins.* A levy, variable in amount, collected by assessment insurance companies from certificate, or policy, holders in order to meet their obligations.

8. *Politics.* A levy made on appointive officers for campaign expenses. *U.S.*

SYN. Valuation; levy, fee.

There have been several cases decided in the United States Supreme Court in which it was necessary to determine whether a particular charge imposed by a statute was a penalty or a tax. In *United States* v. *LaFranca*, 282 U.S. 568, 75 L. ed. 551, the court held that the word "tax" meant penalty when used in a statute providing that any person who makes an illegal sale of liquor shall be liable to pay a "tax" in double the amount of the tax imposed by preexisting law for making a legal sale which existing law renders it impossible to make. The court stated:

> "A tax is an enforced contribution to provide for the support of government; and penalty, as the word is here used, is an exaction imposed by statute as punishment for an unlawful act. The two words are not interchangeable one for the other. No mere exercise of the art of lexicography can alter the essential nature of the act or thing; and if an exaction be clearly a penalty it cannot be converted into a tax by the simple expedient of calling it such." (75 L. ed. 551, at 555.)

In the case of *Hodge* vs. *Muscatine County,* 196 U.S. 276, 49 L. ed. 477, the court held that the word "tax" meant tax rather than penalty in a statute which assessed a tax of $300 a year against every person and upon the real property and the owner thereof whereupon cigarettes are sold, which tax was to be in addition to all other taxes and penalties and assessed, collected and distributed in the same manner as the mulct liquor tax and to be a property lien upon all property used in connection with the business The court stated:

> "It is not easy to draw an exact line of demarcation between a tax and a penalty, but, in view of the fact that the statute denominates the assessment a 'tax,' and provides proceedings appropriate for the collection of a tax, but not for the enforcement of a penalty, and does not contemplate a criminal prosecution, we cannot go far afield in treating it as a tax rather than a penalty. Section 5006 does, indeed, impose a penalty, but § 5007 imposes a tax, with an additional provision that the payment of the tax shall not absolve the party from the penalty. It would be a distortion of the words employed to speak of § 5007 as imposing an

additional penalty. The act itself provides in terms that such a tax shall be an addition to all other taxes *and penalties*, and elaborate provision is made for its enforcement. The mere fact that the charge, whatever it may be, is made a lien upon the real estate, and a personal claim against the landlord, indicates that it is in the nature of a tax rather than a penalty." (**Red underlining** added by us for emphasis.) 49 L. ed. 477, at 481.

The California courts have also held that a "fine" signifies a pecuniary punishment for an offense committed (*Petersen* vs. *Civil Service Board*, 67 Cal. App. 70 at 75; *People* vs. *Sutter*, 129 Cal. 545, at 548).

In Vehicle Code Section 773, the penalty assessment is levied upon traffic offenses, that is, violations of the Vehicle Code or county or city ordinances relating to the operation of motor vehicles, except offenses relating to parking or registration. In this context the phrase "penalty assessment" is used as a pecuniary payment imposed for a criminal offense. Following the reasoning used in the cases cited above we believe it is clear that in this statute the Legislature intended that "penalty assessment" be used in the sense of a fine and not a tax. The words are used in immediate juxtaposition with designated crimes. The method of collecting penalty assessments in the statute is the same method as collecting fines.

Under the law in effect as of September 9, 1953, amounts collected as fines or forfeitures of bail for misdemeanors under the Vehicle Code are transferred by the county treasurer to the traffic safety funds of the cities, the special road funds of the counties, and the general funds of the counties (Pen. C. Sec. 1463, and Veh. C. Secs. 770 and 771, all as amended by Ch. 1582, Stats. 1953). Subdivision 2 of Penal Code Section 1463 provides that any money deposited with the court or the clerk which is by law payable to the State shall be paid to the State by warrant of the county auditor which shall be drawn upon requisition of the clerk of the court.

In enacting Vehicle Code Section 773, the Legislature could have provided that a certain percentage of each fine or forfeited bail should be transmitted to the State Treasury to be used for the driver training program. Such a provision would not substantially differ from the method actually prescribed by the Legislature. In effect, the Legislature, in enacting Vehicle Code Section 773, merely increased the fine or amount of bail to be imposed for traffic offenses. We do not believe there is any valid constitutional objection to either method. Article 1, Section 6 of the Constitution only prohibits "excessive bail" and "excessive fines," and the Legislature may exercise all powers not forbidden by the State or Federal Constitution (*People* v. *Coleman*, 4 Cal. 46). Thus, the Legislature may designate certain acts crimes, and prescribe the penalties therefor, and provide for the disposition of any money collected as such penalties.

The fact that the penalty assessments are not divided between the cities and counties as are traffic fines generally does not prevent the conclusion that the penalty assessment is in the nature of a fine. In the absence of any constitutional limitation the Legislature may provide for the disposition of fines by any method it deems desirable.

There are many examples of the Legislature providing for the disposition of fines to funds other than county or city funds: the fines imposed for violation of the State Medical Practice Act are divided between the county of collection and the Contingent Fund of the Board of Medical Examiners (B. & P. C. Sec. 2455); the fines imposed for fish and game law violations are divided between the State Fish and Game Preservation Fund and the county fish and game propagation fund (F. & G. C. Sec. 48); fines imposed pursuant to the Insurance Code are deposited in the State Insurance Fund (Ins. C. Sec. 12974); fines for certain Labor Code violations are deposited in the State General Fund (Lab. C. Secs. 355 & 409); fines for violations of laws relating to employment of minors are divided between the State General Fund and the school funds of the county (Lab. C. Secs. 1305 & 1310).

It thus appears obvious that the Legislature did not intend the penalty assessment to be a tax but in the nature of a fine.

If the penalty assessment is in the nature of a fine, and is not a tax, the argument that Vehicle Section 773 violates the constitutional provision requiring the separation of powers fails (Cal. Const., Art. III, Sec. 1).

2. *The law is ex post facto.*

While it is true that Vehicle Code Section 773 would have an *ex post facto* effect if the penalty assessment were levied against offenses committed before its operative date, it does not appear that the Legislature intended that the law be applied retroactively.

A law is not construed as retroactive unless it is expressly so declared or is necessarily implied from the words thereof (*People* vs. *Allied Architects Assn.,* 201 Cal. 428). There is nothing in Vehicle Code Section 773 which requires that it be invalidly applied to offenses committed prior to its operative date. Thus we believe that Vehicle Code Section 773 is not invalid as an *ex post facto* enactment, and if any court imposed the penalty assessment on an offense committed prior to the operative date of the section the action was not in accordance with the provisions of the section.

3. *The law places a person twice in jeopardy.*

"Once in jeopardy" has no application to service of a sentence, but applies only to being twice put upon "trial" for the same offense (*In re Wilson,* 196 Cal. 515; *People* vs. *Tibbits,* 60 Cal. App. 2d 335).

We are unable to see any substance in the argument that Vehicle Code Section 773 places a traffic offender twice in jeopardy, or in effect requires two trials for the same offense.

It may be argued to no legal avail that Vehicle Code Section 773 imposes two penalties for the same offense. In that the section imposes the penalty assessment in addition to a jail sentence it imposes two penalties for the same offense. When imposed in connection with a fine, the penalty assessment may be considered as either two fines or as part of the fine otherwise imposed for traffic offenses.

In any event, there is no prohibition against imposing two, three, or any number of penalties for an offense if they do not constitute cruel and unusual punishment and are not ex post facto (*People* vs. *Durant,* 119 Cal. 201 at 209).

It has also been held that the imposition of a fine and jail sentence for one offense does not violate any constitutional provisions (*People* vs. *Phillips,* 30 Cal. App. 31; *People* vs *Boren,* 139 Cal. 210 at 214). The Legislature may designate certain crimes and prescribe the penalties therefor (*People* vs. *Perini,* 94 Cal. 573).

4. *The law interferes with the right of all persons to be bailable by sufficient sureties.*

It is contended that Vehicle Code Section 773 requires a person charged with a traffic violation to deposit *in cash* the amount of the penalty assessment when he is admitted to bail upon sureties as well as when he deposits cash bail, and that if a bail bond cannot be accepted unless the defendant also deposits in cash the penalty assessment the right of the defendant to be bailable upon sufficient sureties is impaired in violation of the California Constitution, Article 1, Section 6.

In *Ex Parte Duncan,* 54 Cal. 75, the California Supreme Court stated that the sole purpose which should guide the court in fixing the amount of bail should always be to secure the personal appearance of the accused to answer the charge against him.

There is another factor which enters into the setting of bail for the great bulk of traffic offenses which are misdemeanors. Vehicle Code Section 739 makes provision for deposit of bail by persons arrested for certain misdemeanor violations of the Vehicle Code or for violations of local ordinances relating to traffic offenses The arresting officer may issue to the offender a written notice to appear in court before a magistrate or before a person authorized to receive a deposit of bail in accordance with a schedule of bail approved by the judges of the court, or a deposit of bail as fixed by magistrate and endorsed upon the notice. If the offender deposits the amount of bail before the date set for his appearance in court and does not appear, the magistrate may declare the bail forfeited and order that no further proceedings shall be had in the case. In effect the deposit of bail is used in lieu of the defendant's appearance in court for trial and imposition of fine The purpose of this procedure is to expedite, for the court and for the defendant, the processing of traffic offenses.

In order to serve either the purpose of insuring the defendant's appearance or the purpose of the procedure of Section 739, the bail amount must at least equal the amount of the fine for the offense. When the Legislature provides that any traffic fine shall be increased by 5 percent, that is, imposes the penalty assessment, the bail amount must be increased correspondingly in order to serve either of the purposes for which it is accepted.

The procedure provided for in Vehicle Code Section 739 is used in disposing of the great bulk of traffic offenses. This is recognized in Vehicle Code Sections 294 and 744 which provide that for certain purposes a forfeiture of bail is equivalent to a conviction.

It is apparent that the Legislature had in mind both of the purposes which bail may serve when it provided for the levying of the penalty assessment on forfeited bail as well as upon a fine or jail sentence. The pertinent portion of the section provides:

> "When any deposit of bail is made for an offense to which this section applies, the person making such deposit shall also deposit a sufficient amount to include the penalty assessment prescribed in

this section for forfeited bail. If bail is forfeited, the amount of such penalty assessment shall be transmitted by the clerk of the court to the county treasury and thence to the State Treasury pursuant to this section."

When "deposit of bail," as above quoted, is used in Vehicle Code Section 773 we believe it must be read to mean deposit of cash bail or deposit of bail bond. As this phrase is used in Vehicle Code Sections 737.1 and 739 it is apparent that it refers to both cash bail and a bail bond. We believe a court would hold that the phrase is used with the same meaning in Section 773.

When a defendant deposits cash bail we can see no objection to requiring the deposit of the penalty assessment in cash at the same time. Under the procedure prescribed in Vehicle Code Section 739, by which cash bail in the amount of the fine which would be imposed by the court for the offense is accepted in lieu of the defendant's appearance in court for trial and imposition of fine, it is necessary to collect the penalty assessment in cash at the same time as the cash bail is deposited or the procedure prescribed in Section 739 fails to achieve the purpose it was intended to serve—that of expediting for the court and for the defendant the processing of traffic offenses. If the defendant deposits cash bail and does not intend to forfeit it in order to save himself the inconvenience of appearing in court, it is still necessary that the bail be of a sufficient amount to cover the penalty assessment and regular fine or there would be no assurance that the defendant would appear.

If the defendant does not desire, or is unable, to take advantage of the cash bail procedure he may proffer a bail bond with sufficient sureties. In this event we believe it necessarily follows that he must include in the bond amount (not in cash) a sufficient sum to pay the penalty assessment if bail is forfeited. We believe that the provisions of Section 773 can be so read and in view of the fact that to read it otherwise would reach an unconstitutional result, we believe Section 773 must be so read (*French* vs. *Teschemaker,* 24 Cal. 518):

> "When any deposit of bail [cash or bond] is made for an offense to which this section applies, the person making such deposit [of cash or bond] must also deposit [by cash or bond] a sufficient amount to *include* the penalty assessment." (Italics added.)

The "deposit of bail" referred to in Section 773 refers to deposit of cash bail or deposit of bail bond The section requires that the person making the *deposit* of cash or bond also *deposit* a sufficient sum to *include* the penalty assessment. It is to be noted that the sum of penalty assessment is to be *included.* It follows that the penalty assessment amount is to be included in the cash amount, if cash is given, or in the bond amount if bond is given.

5. *The law imposes an excessive fine or excessive bail.*

Whether a fine is excessive and unjust is a question of law and the courts will not adjudge a fine to be so disproportionate to the offense as to come within the constitutional prohibition unless there is a plain conflict between the Constitution and an enactment of the Legislature (15 Am. Jur., p. 186, Criminal Law Sec. 551.).

It appears doubtful to us that a 5 percent increase in the amount of any fine would be sufficient to make a fine excessive in violation of the constitutional provisions. This is particularly true in view of the fact that the amount of fine for a traffic offense varies from time to time and also varies in different communities.

As discussed above, the general rule is that the guiding purpose of the court in setting bail is to insure the personal appearance of the defendant (*Ex Parte Daniels*, 54 Cal. 75), with the modification in connection with certain traffic offenses that under Vehicle Code Section 739 bail is often used in lieu of appearance for trial and imposition of fine In order to serve either purpose the bail amount must ordinarily at least equal the amount of the fine for the offense. When the Legislature has increased the fine by the imposition of an additional fine or penalty assessment, the bail amount must be correspondingly increased in order to serve the purpose for which it is accepted.

Thus it appears that any deposit of bail fixed in an amount equal to the fine plus the penalty assessment would not be excessive and would be reasonable as required by the constitutional provisions (see 6 Am. Jur., p. 99, Bail and Recognizance, Sec. 82).

We are unaware of any state or federal cases holding a 5 percent increase over the ordinary amount of a fine or bail excessive, nor of any California cases which have held a prescribed amount of fine or bail excessive. This lends force to the general rule that the amount of fine or bail must be obviously disproportionate to the degree of the offense under the circumstances involved in order that the amount be deemed excessive A 5 percent increase does not appear to us to render a fine or amount of bail excessive and we doubt that any court would hold Vehicle Code Section 773 invalid on such a basis.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By BARBARA COCHRANE CALAIS, Deputy

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, February 17, 1954

Honorable Earl W. Stanley
225 Marine, Balboa Island, California

Public School Driver Training Courses—No. 821

DEAR MR. STANLEY:

Question

You have asked us the following questions:

1. If Vehicle Code Section 773 (Stats. 1953, Ch 1878) were held unconstitutional would the Education Code Sections added by Statutes 1953, Chapter 1877, be inoperative?

2. May the Legislature impose the penalty assessment, provided for in Vehicle Code Section 773, upon violations of local ordinances?

3. If the court imposes a jail sentence without fine upon any offense to which Vehicle Code Section 773 applies, and if the defendant fails or is unable to pay the $1 penalty assessment, can the court impose an additional period in jail in order to cover the penalty assessment?

Opinion

1. While the matter is not entirely free from doubt, we believe that if a court held Vehicle Code Section 773 unconstitutional, it would follow that Chapter 1877 is inoperative.

2. We know of no basis for holding invalid the imposition of the penalty assessment on violations of local traffic ordinances.

3. If a jail sentence only is imposed upon a traffic law violation, and the defendant fails or refuses to pay the $1 penalty assessment, we believe the jail sentence can be extended as a substitute for the payment of the penalty assessment if pursuant to Penal Code Section 1205 the judgment directs that the defendant be imprisoned until the fine (penalty assessment) is satisfied.

Analysis

1. *Effect of invalidity of Vehicle Code Section 773 upon the Statutes 1953, Chapter 1877.*

Section 11 of Chapter 1877 of the Statutes of 1953 provides:

> "This act is an urgency measure necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect, to be operative on July 1, 1953, to be operative only if Assembly Bill No. 3491 is enacted by the Legislature at its 1953 Regular Session."

Assembly Bill No. 3491, referred to above, became Chapter 1878 of the 1953 Statutes, adding Vehicle Code Section 773.

Chapter 1877 provides for the maintenance by school districts of a driver training program. It appropriates from the General Fund the money necessary for apportionment to the school districts in order to support the program.

Chapter 1878 provides for the imposition of a penalty assessment upon certain traffic offenses "to reimburse the General Fund for amounts appropriated therefrom for driver training pursuant to" Chapter 1877.

Chapter 1878 contains an operative date contingent upon the enactment of A. B. 1840 (Chapter 1877) at the 1953 Regular Session.

Chapter 1877, the enabling act, is complete in itself. Reference to the revenue provisions of Chapter 1878 is not necessary in order to properly interpret or administer the enabling act. The two laws are tied together by the legislative declaration that one shall not operate unless the Legislature enacts the other. There is thus a clear legislative intent that the two acts should be a unit or package.

The Legislature "enacted" or passed both the acts at its 1953 Regular Session.

However, the California Supreme Court in *Brandenstein* vs. *Hoke*, 101 Cal. 131, at 135 quoted the United States Supreme Court as follows:

> "'An unconstitutional act is not a law. It confers no right. It imposes no duties. It affords no protection. It creates no office. *It is, in legal contemplation, as inoperative as though it had never been passed*'."

It has also been stated by the California Supreme Court that an unconstitutional act is utterly void and has no legal force or existence. (*Wheeler* vs. *Herbert,* 152 Cal. 224, at 228; *Reclamation District No. 1500* vs. *Superior Court of Sutter County,* 171 Cal. 672 at 676.)

Thus, when the language in the above cited decisions is applied to the question under consideration, it would appear that if Chapter 1878 is ruled unconstitutional by a court of competent jurisdiction, the effect would be the same as if the law had never been enacted. Under this reasoning the condition upon which the operation of the enabling act (Ch. 1877) is made contingent has not occurred and the enabling act cannot become inoperative.

On the other hand, it is possible to reason that the condition—the enactment of the revenue provisions of Chapter 1877—upon which the enabling act is made contingent goes only to the act of passage of the revenue provision by the Legislature and its approval by the Governor. Once this has occurred the prescribed condition has occurred and nothing happening thereafter can affect the operation of the enabling act

We have been unable to find any cases concerning this situation and thus cannot state positively what a court would hold if the question were presented to it.

However, in view of the expressed legislative intent to tie the two acts together, we are inclined to the view that if Chapter 1878 is held invalid, Chapter 1877 becomes inoperative.

2. *Validity of Imposition of Penalty Assessment Upon Violations of Local Ordinances.*

Generally speaking, the source of authority for enacting local police ordinances is, in the case of a county or a nonchartered city, Section 11, Article 11 of the State Constitution which provides:

> "Any county, city * * * may make and enforce within its limits all such local, police, sanitary, and other regulations as are *not in conflict with general laws.*" (Italics added).

In the case of a chartered city the source of authority is either Section 11, above quoted, or Section 8 of Article 11 which gives a chartered city complete control over its "municipal affairs" notwithstanding general laws to the contrary.

Since the decision in the case of *Ex parte Daniels,* 183 Cal. 636, it has been well settled that the field of traffic regulations within a city is not strictly a municipal affair. With respect to any part of the field of traffic regulation which is covered by a state law, a city of county may not enact a conflicting ordinance. With respect to any part of the field not covered, however, a city or county may enact an ordinance, under its police power, or, in the case of most chartered cities, under its municipal affairs power. If the State has not regulated a particular portion of the field of traffic regulation, it may not prohibit a city or county from regulating such portion because such a state law would be an interference with the rights of a city or county granted by Sections 8 or 11 of Article XI of the Constitution.

In effect, the penalty assessment provided for in Vehicle Code Section 773, when applied to a violation of a local traffic ordinance, is a state imposed fine for a violation of a local ordinance.

While such a provision is somewhat unusual, no real basis for holding it invalid occurs to us. It does not interfere with the right of the city or county to enact traffic ordinances in that part of the field of traffic regulation not occupied by the State. The collection and imposition of the penalty assessment is imposed upon the judicial system, which, although it enforces both the local ordinances and the state laws, is a matter of State rather than local concern.

3. *Imprisonment for Failure to Pay Penalty Assessment.*

Penal Code Section 1205 provides:

> "A judgment that the defendant pay *a fine, with or without other punishment,* may also direct that he be imprisoned until the fine is satisfied and may further direct that such imprisonment begin at and continue after the expiration of any imprisonment imposed as a part of the punishment or of any other imprisonment to which he may theretofore have been sentenced. Every such judgment must specify the extent of the imprisonment for nonpayment of the fine, which must not be more than one day for each two dollars ($2) of the fine, nor exceed in any case the term for which the defendant might be sentenced to imprisonment for the offense of which he has been convicted. * * * The provisions of this section shall apply to any violation of any of the codes or statutes of the State of California punishable by a fine or by a fine and imprisonment. [Am. Stats. 1951, Ch. 1674, Sec. 128; Stats. 1953, Ch. 613, Sec. 1]."

This section is applicable to the situation under consideration only if the penalty assessment is a fine.

From an examination of Vehicle Code Section 773, which provides for the levy of a penalty assessment upon a fine or jail sentence imposed for certain traffic violations, it appears to us that the penalty assessment was intended by the Legislature to be in the nature of an additional fine for a traffic offense. The terms "penalty" and "fine" have been held to be synonymous (see cases collected in *31 Words and Phrases*, Penalty, 602). A fine is a pecuniary punishment for an offense committed. (*Petersen* vs. *Civil Service Board,* 67 Cal. App. 70 at 75; *People* vs. *Sutter Street Ry Co.,* 129 Cal. 545, at 548). We have been unable to find decisions of any jurisdiction which have construed the meaning of "penalty assessment." The phrase is used in Section 286, subsection (d) of Chapter 16 (Automobiles) of the 1935 Colorado Statutes Annotated. The Colorado statute sets forth a schedule of penalty assessments in prescribed amounts for various traffic offenses. A person charged with violation can mail to the State Motor Vehicle Department the prescribed amount and no further proceedings are taken. The procedure is somewhat similar to and serves the same purpose as the cash bail procedure allowable in California pursuant to Vehicle Code Section 739. That the "penalty assessment" in the Colorado statute is used to mean a "fine" is clearly illustrated by the fact that another subdivision of the section in which the phrase appears

refers to the "fines set forth in the schedule in subsection d" (Sec. 286, subs. (e) of Ch. 16, 1935 Colorado Stats. Ann.).

In the California statute the penalty assessment is levied in addition to any other fine or jail sentence imposed by a court. The amount of the penalty assessment is imposed as a pecuniary punishment for a criminal offense, it is based on the amount of the fine, in case of a fine, and is collected and disposed of in the same manner as other fines. In other words, it has all of the earmarks of a fine.

Thus, we believe that a court would hold that the penalty assessment is a fine within the meaning of Penal Code Section 1205, so that if a judge imposes a jail sentence and a penalty assessment of $1 he may provide in the judgment that the defendant be imprisoned until the penalty assessment is satisfied.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By BARBARA COCHRANE CALAIS, Deputy

REQUEST FOR UNANIMOUS CONSENT THAT OPINIONS BE PRINTED AS A SEPARATE DOCUMENT

Mr. Stanley asked for, and was granted, unanimous consent that the above opinions be ordered printed as a separate document, and that 500 copies be printed.

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

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

Assembly Bill No. 4: By Messrs. Weinberger, Coolidge, Rumford, Chapel, Allen, Brown, Burke, Caldecott, Collier, Conrad, Donald D Doyle, Fleury, Hobbie, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Nielsen, Silliman, Stewart, and Thomas—An act to add Section 24077 to the Business and Professions Code, relating to the transfer of licenses under the Alcoholic Beverage Control Act.

Held at Assembly desk.

Assembly Bill No. 5: By Messrs. Weinberger, Coolidge, Rumford, Chapel, Allen, Brown, Burke, Caldecott, Collier, Conrad, Donald D. Doyle, Fleury, Hobbie, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Nielsen, Silliman, Stewart, and Thomas—An act to amend Sections 23987 and 23988 of the Business and Professions Code, relating to alcoholic beverage licenses.

Held at Assembly desk.

Assembly Bill No. 6: By Messrs. Weinberger, Coolidge, Rumford, Caldecott, Allen, Belotti, Brown, Burke, Collier, Conrad, Mrs. Davis, Mr. Donald D. Doyle, Miss Donahoe, Messrs. Erwin, Fleury, Hobbie, Klocksiem, Lanterman, Lindsay, Luckel, Nielsen, Silliman, Stewart, and Thomas—An act to add Chapter 1.5 to Division 9 of the Business and Professions Code, and to amend Section 11551 of the Government Code, relating to the creation of the Department of Alcoholic Beverage

Control, to be administered by the Director of Alcoholic Beverage Control, and the Alcoholic Beverage Commission, and providing for the organization, powers, and duties thereof, including the transfer of certain personnel and property of the State Board of Equalization to the Department of Alcoholic Beverage Control.

Held at Assembly desk.

Assembly Bill No. 7: By Messrs Coolidge, Weinberger, Rumford, Morris, Allen, Belotti, Burke, Clarke, Conrad, Donald D. Doyle, Ernest R Geddes, Hansen, Hobbie, Kelly, Lindsay, Lowrey, Luckel, Marsh, Meyers, Nielsen, Patterson, Dahl, and Stewart—An act to add Section 653 to the Penal Code, and to amend Section 25660 of the Business and Professions Code, relating to the issuance and use of identification cards.

Held at Assembly desk.

Assembly Bill No. 8: By Messrs Coolidge, Weinberger, Rumford, Morris, Allen, Belotti, Burke, Clarke, Conrad, Donald D. Doyle, Hansen, Hobbie, Lindsay, Luckel, Meyers, Nielsen, Dahl, and Stewart—An act to amend Section 25761 of, and to add Section 25761.5 to, the Business and Professions Code, relating to alcoholic beverage control.

Held at Assembly desk.

Assembly Bill No. 9: By Messrs. Coolidge, Weinberger, Rumford, Morris, Allen, Belotti, Burke, Clarke, Conrad, Donald D Doyle, Ernest R. Geddes, Hansen, Hobbie, Lindsay, Luckel, Meyers, Nielsen, Dahl, and Stewart—An act to amend Section 23320 of, and to add Chapter 18 to Division 9 of, the Business and Professions Code, relating to alcoholic beverages.

Held at Assembly desk.

Assembly Bill No. 10: By Messrs. Coolidge, Weinberger, Rumford, Morris, Allen, Belotti, Burke, Clarke, Conrad, Donald D. Doyle, Hansen, Hobbie, Lindsay, Lowrey, Luckel, Marsh, Meyers, Nielsen, Patterson, Dahl, and Stewart—An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act.

Held at Assembly desk.

Assembly Bill No. 11: By Messrs Rumford, Coolidge, Weinberger, Brown, Allen, Burke, Caldecott, Donald D. Doyle, Dunn, Fleury, Samuel R. Geddes, Hobbie, Lowrey, Luckel, Nielsen, Dahl, and Stanley —An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages.

Held at Assembly desk.

Assembly Bill No. 12: By Messrs. Rumford, Coolidge, Weinberger, Brown, Allen, Burke, Caldecott, Donald D. Doyle, Thomas J. Doyle, Dunn, Fleury, Ernest R. Geddes, Samuel R Geddes, Hobbie, Kelly, Lindsay, Lowrey, Luckel, Nielsen, Dahl, and Stanley—An act to repeal Sections 23788, 23957, and 24044 of, to amend Section 23951 of, and to add Section 23962 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Held at Assembly desk.

Assembly Bill No. 13: By Messrs. Rumford, Coolidge, Weinberger, Brown, Allen, Burke, Caldecott, Donald D. Doyle, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hobbie, Lowrey, Luckel, Nielsen, Dahl, and Stanley—An act to amend Section 24070 of, and to add Sections 24070.1, 24070.2, and 24070.3 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Held at Assembly desk.

Assembly Bill No. 14: By Messrs. Rumford, Coolidge, Weinberger, Brown, Allen, Burke, Caldecott, Donald D. Doyle, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hobbie, Kelly, Lowrey, Luckel, Nielsen, Dahl, and Stanley—An act to add Section 23791.5 to the Business and Professions Code, relating to alcoholic beverages.

Held at Assembly desk.

Assembly Bill No. 15: By Messrs Rumford, Coolidge, Weinberger, Brown, Allen, Burke, Caldecott, Donald D. Doyle, Dunn, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hobbie, Kelly, Lowrey, Luckel, Nielsen, Dahl, and Stanley—An act to amend Section 11502 of the Government Code, relating to administrative adjudication proceedings of the State Board of Equalization.

Held at Assembly desk.

Assembly Constitutional Amendment No. 1: By Messrs. Weinberger, Coolidge, Rumford, Allen, Belotti, Brown, Burke, Caldecott, Chapel, Collier, Conrad, Mrs. Davis, Miss Donahoe, Messrs. Donald D. Doyle, Erwin, Fleury, Hobbie, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Marsh, Nielsen, Silliman, Stewart, and Thomas—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Held at Assembly desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate has elected the following statutory officers for the 1954 First Extraordinary Session:

President pro Tempore—Clarence C. Ward
Secretary of the Senate—J. A. Beek
Sergeant-at-Arms—Joseph F. Nolan
Minute Clerk—John F. Lea
Chaplain—Rabbi Irving I. Hausman

J. A. BEEK, Secretary of the Senate

GUESTS EXTENDED COURTESIES OF THE ASSEMBLY

On request of Speaker Silliman, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. Robert Eaton and daughter, April, of Los Angeles; Mrs. Harold J. Powers of Eagleville; and Mrs. James W. Silliman of Salinas.

On request of Messrs. McGee and Conrad, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Charles N. Reynolds of Sherman Oaks, and Mrs. Ida R. Koverman and Miss Grace Stoermer of Los Angeles.

ADJOURNMENT

At 2.20 p.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a.m., Tuesday, March 2, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 2, 1954

The Assembly met at 10.15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloved, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O My God, I come before Thee again at the beginning of another day to offer Thee anew the homage of my heart. I acknowledge Thee as my Supreme Lord and Master. I believe in Thee, because Thou art all powerful and faithful to Thy promises; I love Thee above all things because Thou art all good and worthy of all my love, and for Thy sake I love my neighbor as myself. Give me, O Lord, the grace to carry out these resolutions, through Christ our Lord.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Lanterman.

ANNOUNCEMENT

Speaker Silliman announced that, according to the Rules, the term of membership for previously elected members of the Assembly Committee on Rules has expired. He requested that, upon adjournment, the Republicans go immediately to Room 3184 and the Democrats to Room 2170 for the purpose of caucusing and nominating three members from each party to serve on said committee.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 16: By Messrs. Lanterman, Ernest R. Geddes, Stewart, Burke, and Erwin—An act to amend Section 53021 of the Government Code, relating to emergency expenditures and services by local agencies, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 17: By Mr. Hobbie—An act to validate acts, proceedings, and elections in connection with bonds of school districts, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 18: By Messrs Porter, Stewart, Erwin, and Thomas—An act to amend Section 25762 of the Business and Professions Code, relating to the disposition of fines and forfeitures imposed for violations of the Alcoholic Beverage Control Act.

Held at Assembly desk.

Assembly Bill No. 19: By Mr. Thomas—An act to add Section 37395 to the Government Code, relating to the leasing of city owned property.

Referred to Committee on Municipal and County Government.

Assembly Concurrent Resolution No. 2: By Messrs. Elliott and Hawkins—Relative to Governor Braulio Maldonado of Baja California Norte.

Referred to Committee on Rules.

RECESS

At 11 a m , on motion of Mr. Levering, the Assembly recessed until 11.15 a m.

REASSEMBLED

At 11.15 a.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

COMMUNICATIONS

The following communications were presented by the Chief Clerk:

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO, CALIFORNIA, March 2, 1954

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

DEAR MR. OHNIMUS: This is to advise you that the Republican Caucus on this day has elected the following three members to the Rules Committee:

Hon. Harold K. Levering
Hon. Ralph R. Cloyed
Hon. L. H. Lincoln

Very truly yours,

GORDON A. FLEURY, Chairman
Republican Caucus

ASSEMBLY, CALIFORNIA LEGISLATURE
SACRAMENTO, CALIFORNIA, March 2, 1954

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

DEAR MR. OHNIMUS: This is to advise you that the Democratic Caucus on this day has elected the following three members to the Rules Committee:

Hon. Bernard R. Brady
Hon. Augustus F. Hawkins
Hon. John J. McFall

Very truly yours,

VINCENT THOMAS, Chairman
Democratic Caucus

ANNOUNCEMENT

Speaker Silliman announced that the next order of business will be the approval or rejection of the nominees of the Republican and Democratic caucuses for membership on the Committee on Rules.

ELECTION OF MEMBERS RULES COMMITTEE

The question being: Shall the Republican nominees of the Republican Caucus be approved or rejected?

By unanimous consent, the Republican nominees were approved.

The question being: Shall the Democratic nominees of the Democratic Caucus be approved or rejected?

By unanimous consent, the Democratic nominees were approved.

Speaker Silliman announced the above mentioned six members duly elected to membership on 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. 20: By Mr. Cooke—An act to amend Sections 161, 162, 232, 258, 416, and 643 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military Affairs.

ANNOUNCEMENTS

Mr. Fleury announced that a Republican luncheon and Caucus will be held in the Mirror Room of the Hotel Sacramento today, upon adjournment.

Mr. Thomas announced that a Democratic luncheon and Caucus will be held in Room 4 of the Hotel Sacramento today, upon adjournment.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today at 2 p.m.—

Ways and Means, in Room 4202.

Tomorrow, Wednesday, March 3d, at 9 a.m.—

Rules, in Room 3186.

ADJOURNMENT

At 11.32 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.30 a.m., Wednesday, March 3, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

THIRD LEGISLATIVE DAY

THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, March 3, 1954

The Assembly met at 10.30 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloved, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—77.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

Look mercifully, O Lord, And with a pleased and kind attention upon our prayers, and do Thou accept them even as Thou wast pleased to accept the offerings of Thy just servant Abel, and the sacrifice of Abraham, our patriarch, and that which Melchisedech, Thy high priest, offered up to Thee, a holy sacrifice, and a spotless victim.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Shaw, 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:

Mrs. Niehouse, on motion of Mr. Dickey.

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

Mr. Samuel R. Geddes, 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. 21: By Mr. Belotti—An act to amend Section 21629 of the Education Code, relating to student transportation districts.

Referred to Committee on Education.

Assembly Concurrent Resolution No. 3: By Mr. Fleury—Relative to a study of the Uniform Commercial Code by the Interim Judiciary Committees of the Assembly and the Senate.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1954

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

Assembly Concurrent Resolution No. 1
Assembly Concurrent Resolution No. 2

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

SILLIMAN, Chairman

Above reported resolutions ordered engrossed.

ANNOUNCEMENT

Mr. Thomas announced that a Democratic Caucus will be held today, upon adjournment, in Room 2170.

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

The following resolution was offered:

Assembly Constitutional Amendment No. 2: By Messrs. Donald D. Doyle, Henderson, Dunn, Allen, Masterson, Belotti, Miss Donahoe, Messrs. McFall, and Patterson—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds to provide loans and grants to school districts of the State.

Referred to Committee on Constitutional Amendments.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Elliott and Kilpatrick:

House Resolution No. 8

Relative to the passing of the Honorable Parley P. Christensen

WHEREAS, The Members of the Assembly have learned with sorrow of the recent passing of the Honorable Parley P. Christensen, a former member of the Los Angeles City Council; and

WHEREAS, The Honorable Parley P. Christensen was born in the State of Utah, and upon his graduation from the Cornell University School of Law entered the private practice of law in that State, and thereafter served the citizens of Utah with distinction, first, as a school district superintendent, then as a district attorney, and, finally, as the Speaker of the House of the Utah State Legislature; and

WHEREAS, The Honorable Parley P. Christensen came to California in the Nineteen-Twenties, and was elected to the City Council of the City of Los Angeles in 1935, and served honorably on that body for a period of six terms, retiring in the year 1949; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body desire to convey by this resolution its most profound sympathy to the bereaved members of the family of the Honorable Parley P. Christensen, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to Mrs. Eleanor Lamiman and to Mrs. Esther Cronholm, sisters of the Honorable Parley P. Christensen.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 2, 1954

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

Senate Joint Resolution No. 1

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 1—Relative to memorializing Congress to enact H.J.R. 355 and S.J.R. 121 authorizing the United States Department of Labor to carry on a unilateral program for the recruitment of Mexican nationals for temporary farm work in the United States.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 1, 1954

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

Senate Concurrent Resolution No. 1
Senate Concurrent Resolution No. 2
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 resolutions were read:

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 2—Relative to the death of Hon. Allen G. Thurman.

Referred to Committee on Rules.

Senate Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifteenth day of June, 1953.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr. Conrad asked for, and was granted, unanimous consent that an opinion of the Legislative Counsel relative to Meetings of Public Bodies —No. 1123, be ordered printed in the Journal in 10-point type, as follows:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, March 1, 1954

Honorable Charles J. Conrad
Assembly Chamber

Meetings of Public Bodies—No. 1123

DEAR MR. CONRAD: You have asked us if the provisions of Sections 54950 to 54958 of the Government Code, relating to meetings of legislative bodies of local agencies, are applicable to meetings of county and state central committees.

In our opinion they are not.

Chapter 9 (Secs. 54950-54958, incl.) was added to Part 1, Division 2, Title 5 of the Government Code by Chapter 1588 of the Statutes of 1953. The relating clause of the act is "relating to meetings of legislative bodies of local agencies."

Section 54951 of the code reads:

> "54951. As used in this chapter, 'local agency' means a county, city, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency."

Section 54952 of the code reads:

> "54952. As used in this chapter, 'legislative body' means the *governing* board, commission, directors or body of a local agency, or any board or commission thereof." (Italics ours)

In the remainder of the chapter the legislative bodies of local agencies are required to hold open meetings except in specified situations (Secs. 54953 and 54957, Gov. C.).

We think it is clear that what the legislature was concerned with in enacting the chapter was the meetings of governing bodies of local governmental units. The central committee of a political party is not a governing body as there is no agency for it to govern. A central committee of a political party is an agency of that party and the business it transacts is party business.

While the central committees are provided for by law, in a certain sense the members of the committee are not considered to be public

officers. For example, Senators and Assemblymen are ex officio members of the county central committees (Sec 2838, Elec. C) and are also members of the state conventions (Sec. 2791, Elec. C) and the state central committee (Sec. 2802, Elec. C.).

Section 19 of Article IV of the Constitution prohibits Senators and Assemblymen from holding an office under the State during the terms for which they are elected, except elective offices This has never been considered as preventing them from being members of the state central committees, presumably on the theory that such membership does not constitute the holding of an office under the State but rather a party office.

In any event, we think that it would be somewhat incongruous to require meetings of the central committees to be open to the public, including members of the opposing party, and that if the Legislature had intended any such result it would have specifically so provided.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By JOSEPH W. PAULUCCI, Deputy

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

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

Assembly Bill No. 22: By Mr Clarke—An act to add Chapter 5 to Part 6 of Division 13 of the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works.

BILLS PREVIOUSLY HELD AT DESK ORDERED REFERRED TO COMMITTEE

Speaker Silliman ordered the following bills, being held at the desk, referred to committees, as follows:

Assembly Bills Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 18 to the Committee on Government Organization.

Assembly Constitutional Amendment No. 1 to the Committee on Constitutional Amendments.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Next Tuesday, March 9th

At 2 p.m.—

Conservation, Planning, and Public Works, in Room 4164. Subject: Assembly Bill No. 22

At 8 p.m.—

Constitutional Amendments, in Room 4202. Subject: Assembly Constitutional Amendment No. 1

Next Wednesday, March 10th

At 3 p.m.—

Government Organization, in Room 4202. Subject: Assembly Bills Nos. 4 to 15, inclusive.

ADJOURNMENT

At 10.53 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.30 a.m., Friday, March 5, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FOURTH LEGISLATIVE DAY

FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, March 5, 1954

The Assembly met at 10.30 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Dunn, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—69

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O God, In whose hands rest the destiny of nations, be patient with us during these days of trial. Grant us Thy grace that we may curb our human impatience and learn that for them that love God all things work together unto good. Give us confidence in Thee, and teach us how to watch and pray, that we may never choose unjust means for the accomplishment of our designs, but always wait in patience for the day when Thou wilt crown our efforts with success, through Christ our Lord.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Levering, 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:

Mrs. Niehouse, on motion of Mr. Charles W. Lyon.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Thomas J. Doyle, on motion of Mr. Charles W. Lyon.
Mr. Caldecott, on motion of Mr. Charles W. Lyon.
Mr. Patterson, on motion of Mr. Hobbie.
Mr. Rumford, on motion of Mr. Charles W. Lyon.
Mr. LeRoy E. Lyon, on motion of Mr. Stanley.
Mr. McGee, on motion of Mr. Charles W. Lyon.
Mr. Donald D. Doyle, on motion of Mr. Hobbie.

The following member was granted leave of absence for the day, because of legislative business elsewhere, and because weather conditions have delayed his arrival:

Mr. Elliott, on motion of Mr. Hawkins.

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

Mr. Lincoln, on motion of Mr. Charles W. Lyon.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Joint Resolution No. 1: By Messrs. Erwin, Thomas J. Doyle, Ernest R. Geddes, Munnell, and Burke—Relative to the Congress of the United States enacting legislation to rebate to each state 5 percent of the federal taxes collected in the State with the rebate to be used for local education.

Referred to Committee on Rules.

Assembly Bill No. 23: By Mr. Chapel—An act to add Section 24077 to the Business and Professions Code, relating to the transfer of liquor licenses.

Referred to Committee on Government Organization.

Assembly Bill No. 24: By Messrs. Munnell, Levering, Allen, Collins, and Hobbie—An act to amend Section 24465 of the Business and Professions Code, relating to the taxation of distilled spirits, to take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 25: By Mr. Levering—An act to amend Section 601 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 26: By Mr. Levering—An act to amend Section 1306 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 27: By Mr. Levering—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 28: By Mr. Levering—An act to amend Section 1251 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 29: By Mr. Morris—An act to amend Section 172a of the Penal Code, relating to sale of alcoholic beverages near certain universities.

Referred to Committee on Government Organization.

Assembly Bill No. 30: By Mr. Morris—An act to amend Section 1032 of the Unemployment Insurance Code, relating to unemployment insurance benefits.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 31: By Mr. Ernest R. Geddes—An act to amend Section 4965.1 of the Education Code, relating to school district taxes, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 32: By Mr. Ernest R. Geddes—An act to add Section 23795 to the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 33: By Mr. Ernest R. Geddes—An act to add Section 23794 to the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 34: By Mr. Ernest R. Geddes—An act to add Section 23793 to the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 35: By Mr. Ernest R. Geddes—An act to add Section 25631.5 to the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 36: By Messrs. Brown, Lindsay, McFall, Samuel R. Geddes, Donald D. Doyle, and Masterson—An act to amend Section 375 of the Streets and Highways Code, relating to State Highway Route 75, and to provide for the payment of the cost of maintenance of the portion of said route deleted by Chapter 1737 of the Statutes of 1953, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works.

Assembly Constitutional Amendment No. 3: By Messrs. Henderson, Hansen, Brown, and McFall—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 19 to Article XVI thereof, relating to the issuance of bonds to provide loans and grants to school districts of the State.

Referred to Committee on Constitutional Amendments

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1954

MR SPEAKER: Your Committee on Rules, to which were referred:

House Resolution No. 6
House Resolution No. 7

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

SILLIMAN, Chairman

Above reported resolutions ordered on file.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1954

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

Assembly Concurrent Resolution No 1
Assembly Concurrent Resolution No 2

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

REQUEST FOR UNANIMOUS CONSENT THAT PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1 BE PRINTED IN JOURNAL

Mr. Fleury asked for, and was granted, unanimous consent that proposed amendments to Assembly Bill No 1 be ordered printed in the Journal, without action, as follows:

PROPOSED AMENDMENTS TO ASSEMBLY BILL NO. 1

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert

"

A Amount of wages in highest quarter	*B* Weekly benefit amount
$75 00-$199.99	$10
200.00- 219.99	11
220.00- 239.99	12
240 00- 259.99	13
260.00- 279 99	14
280.00- 299.99	15
300.00- 319.99	16
320 00- 339 99	17
340.00- 359 99	18
360 00- 379.99	19
380 00- 419.99	20
420 00- 459.99	21
460 00- 499 99	22
500 00- 539.99	23
540 00- 579 99	24
580 00- 619.99	25
620 00- 659.99	26
660 00- 699.99	27
700 00- 739.99	28
740 00- 779.99	29
780.00 and over	30".

Amendment No. 2

On page 2, lines 5 and 6, of said bill, strike out "hundred dollars (-00)", and insert "three hundred dollars ($300)".

Amendment No. 3

On page 2, line 14, of said bill, after "than", insert "one-half the total wages paid to the individual during his base period".

BIRTHDAY CONGRATULATIONS EXPRESSED TO MR. BRADY

Mr. Evans expressed, on behalf of the Members of the Assembly, cordial birthday congratulations to Mr. Brady, whose birthday will occur on next Sunday, March 7th.

REQUEST FOR UNANIMOUS CONSENT

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

CONSIDERATION OF HOUSE RESOLUTION NO. 6

By Mr. Levering:

House Resolution No. 6

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 1954 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 _____ dollars ($_____) 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 _____.

Resolution read.

Motion to Amend

Mr. Levering moved the adoption of the following amendments:

Amendment No. 1

In line 16 of the resolution, after "sum of", insert "fifteen"; and after "$", insert "15".

Amendment No. 2

In line 20 of said resolution, after "over", insert "2,500".

Amendments read, and adopted.

Consideration of House Resolution No. 6, as Amended

By Mr. Levering:

House Resolution No. 6

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 1954 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, as amended, and adopted.

REQUEST FOR UNANIMOUS CONSENT

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

CONSIDERATION OF HOUSE RESOLUTION NO. 7

By Mr. Levering:

House Resolution No. 7

Relative to filling vacancies existing in the standing or interim committees

The Speaker of the Assembly is authorized to fill vacancies existing in the membership of any of the standing or interim committees.

Resolution read, and adopted.

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

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

Assembly Bill No. 37: By Mr. McMillan—An act to add Section 23793 to the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 38: By Mr. Tomlinson—An act to amend Section 23817 of the Business and Professions Code, relating to alcoholic beverage licenses.

Referred to Committee on Government Organization.

Assembly Joint Resolution No. 2: By Messrs. Cloyed, Bulen, and Luckel—Relative to Congress appropriating funds for the construction of a fence along the Mexican Boundary from the Pacific Ocean to the Arizona State Line.

Referred to Committee on Rules

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY BILL NO. 22 FROM COMMITTEE

Mr. Clarke asked for, and was granted, unanimous consent that Assembly Bill No. 22 be withdrawn from the Committee on Conservation, Planning, and Public Works, for purpose of reading the bill the second time, and ordering it engrossed.

SECOND READING OF ASSEMBLY BILL NO. 22 (BY UNANIMOUS CONSENT)

Assembly Bill No. 22—An act to add Chapter 5 to Part 6 of Division 13 of the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1954

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

Assembly Bill No. 22

And reports the same correctly engrossed.

BURKE, Chairman

Re-reference of Bill

By order of the Speaker, Assembly Bill No. 22 was re-referred to the Committee on Conservation, Planning, and Public Works.

ADJOURNMENT

At 10.58 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 11.15 a.m., Monday, March 8, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIFTH LEGISLATIVE DAY

EIGHTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 8, 1954

The Assembly met at 11 15 a m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—76

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O God of Justice and Truth, Who hast dominion over all nations and rulers, we pray to Thee in this time of crisis. Recognizing our own shortcomings and sins, we first ask for forgiveness; and then we humbly beg Thy help and protection, that this Country, which is dedicated to Thee, may be the means of bringing peace and tranquility to a world that has forgotten Thee. Grant that hardships and sacrifices required of us may be a means of purifying us and bringing us to a deeper knowledge and love of Thy ways, through Christ our Lord —AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr Charles W. Lyon, 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:

Mrs. Niehouse, on motion of Mr. Evans.

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

Mr. Dunn, on motion of Mr Evans

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 1—Relative to expressing the congratulations of the people of the State of California to the Honorable Earl Warren upon his appointment as Chief Justice of the United States.

Resolution read.

Request for Unanimous Consent That Names of All Members Voting for Adoption of Assembly Concurrent Resolution No. 1 Be Named Co-authors

Mr. McGee asked for, and was granted, unanimous consent to have the names of all members voting for the adoption of Assembly Concurrent Resolution No. 1 included as co-authors on the printed measure.

Roll Call

The roll was called, the resolution adopted by the following vote, and the members voting thereon ordered placed upon the printed measure as co-authors:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—74.

NOES—None.

Above resolution ordered reprinted, re-engrossed, and transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT ADDITIONAL PROPOSED AMENDMENT TO ASSEMBLY BILL NO. 1 BE PRINTED IN JOURNAL

Mr. Fleury asked for, and was granted, unanimous consent that an additional proposed amendment to Assembly Bill No. 1 be ordered printed in the Journal, without action, as follows:

Additional Proposed Amendment to Assembly Bill No. 1

'For the purposes of this section, when an individual has been paid remuneration which would be taxable except for the three thousand dollar ($3,000) limitation on taxable wages, the "quarter of his base period in which his wages were the highest" may be determined by allocating to any quarter of the calendar year falling within

the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or seven hundred eighty dollars ($780), whichever is the lesser. The term "remuneration" as used in this section means taxable wages as well as wages which would be taxable except for the three thousand dollar ($3,000) limitation on taxable wages."

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 2—Relative to Governor Braulio Maldonado of Baja California Norte.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—70.

NOES—None

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL, RECOMMENDATIONS, AND FINDINGS AND CONCLUSIONS BE PRINTED IN JOURNAL

Mr. Erwin asked for, and was granted, unanimous consent that a letter of transmittal, recommendations, and findings and conclusions relative to the taxation of horse racing in California be ordered printed in the Journal, as follows:

LETTER OF TRANSMITTAL.

March 8, 1954

Speaker of the Assembly
California Legislature
State Capitol, Sacramento, California

MR. SPEAKER AND MEMBERS OF THE ASSEMBLY: Acting pursuant to House Resolution No. 141, read and adopted on 6/10/53, by the Assembly of California at the 1953 Regular Session of the Legislature, the Assembly Interim Revenue and Taxation Committee herewith submits a Report Concerning the Taxation of Horse Racing in California.

Respectfully submitted.

THOMAS M. ERWIN, Chairman

TAXATION OF HORSE RACING IN CALIFORNIA

INTRODUCTION

The Chairman of the Assembly Interim Committee on Revenue and Taxation, pursuant to provisions of House Resolution No. 141, appointed a subcommittee to examine into the taxation of horse racing in California.

This subcommittee requested the Department of Finance and the Legislative Auditor to make certain studies and to present reports on specified phases of horse racing taxation. The subcommittee thereafter

communicated with the racing associations and requested that they be prepared to provide factual information to the subcommittee relative to the questions before it

Two hearings were held by the subcommittee, one in Los Angeles on October 14 and 15, 1953, and one in San Francisco on December 14, 1953, for the purpose of hearing testimony from state officials, from representatives of racing associations, and from the public at large The following is a list of the persons, and organizations represented, who appeared at those hearings:

Los Angeles

A. Alan Post, Legislative Auditor.

Gilbert G Lentz, Office of the Legislative Auditor.

Arthur E Buck, Jr, Office of the Legislative Auditor.

T. H. Mugford, Chief, Division of Budgets and Accounts, Department of Finance.

James D. Garibaldi, Hollywood Turf Club operating Hollywood Park Race Track.

James Stewart, General Manager, Hollywood Turf Club.

Thore Brekke, Assistant General Manager, Hollywood Turf Club.

Ralph Swing, Los Angeles Turf Club operating Santa Anita Race Track.

Robert E. King, Treasurer and Controller, Los Angeles Turf Club.

Gwynne Wilson, Executive Vice President and General Manager, Los Angeles Turf Club.

San Francisco

A. Alan Post, Legislative Auditor.

Gilbert G. Lentz, Office of the Legislative Auditor.

T H. Mugford, Chief, Division of Budgets and Accounts, Department of Finance.

William Hornblower, California Jockey Club operating Bay Meadows Race Track.

Charles E. Coughlin, General Manager Pacific Turf Club operating Golden Gate Fields Track.

Fred H. Ryan, General Manager Tanforan Company, Ltd., operating Tanforan Race Track.

Testimony presented by the above witnesses has been examined by the subcommittee as a basis for recommendations made hereafter. The significant information developed by the Department of Finance, the Legislative Auditor, and the racing associations appears in the exhibits of this report.

The subcommittee wishes to express its sincere appreciation to each of the persons and organizations represented for their cooperation and assistance.

RECOMMENDATIONS

The committee recommends to the Legislature as follows:

1. That there be no changes at this time in the State's horse racing revenue formula which would increase those revenues.

2. That 50 percent, or approximately $8,000,000 of the State's horse racing revenues which go to the Fair and Exposition Fund be transferred from the Fair and Exposition Fund to the General Fund for the

1954-1955 Budget, leaving a like amount in the Fair and Exposition Fund for distribution in accordance with the existing formula.

3. That a detailed study of the programs and expenditures of all fairs receiving state allocations be made at the earliest possible date.

4. That, in the event added state revenues are needed at a later time, the Legislature give consideration to those materials developed by this committee relative to increasing state revenues from pari mutuel betting and allied activities.

FINDINGS AND CONCLUSIONS

The committee has examined the proposal contained in Assembly Bill No. 2644 (1953), which would increase the State's revenues from pari-mutuel betting, and has also received testimony upon other selected subjects allied thereto. Following the receipt of testimony and examination of reports submitted by the racing organizations, the Legislative Auditor and the Department of Finance, the committee makes findings and reaches conclusions as follows:

1. The committee is of the opinion that no new or increased taxes are required by the State at this time. Expressions from many sources, both within and without the State Government, indicate conclusively that no extensive program of tax expansion can be expected at the coming session of the Legislature. On this basis the committee makes no recommendation for increased taxes on pari mutuel betting at this time.

2. The committee finds that the proposal contained in Assembly Bill No 2644 would affect only two major race tracks and would produce additional state revenues of approximately $2,000,000 yearly.

3. California is not collecting revenues from pari-mutuel betting that are of the same magnitude as those collected by other states. In 1952, California's total tax take-out amounted to 5.6 percent of the pari mutuel pool. In that same year the total tax take-out for all states amounted to 5.9 percent of their pari mutuel pools. In the four states other than California having the largest pari mutuel pools the total tax take-outs were as follows: Florida, 8.3 percent; Illinois, 6.5 percent; New Jersey, 7.7 percent; and New York, 6.3 percent.

4. While the committee does not have recommendations at this time for increasing state revenues from horse racing, there are several ways in which such increases might be accomplished if revenue conditions of the State should warrant Among these are:

a. Increasing the breakage multiple;
b. Revising the existing breakage sharing formula between the State and the racing associations;
c. Increasing the tax take-out to some larger percentage;
d. Changing the nature of the pari mutuel license tax to a system that would, in effect, limit track profits to a fair return upon their investment, as determined by the Legislature, the balance of what is now track profits going to the State.

5. The committee finds that an amount equivalent to 4 percent of the total pari mutuel handle in California goes into the Fair and Exposition Fund. In 1953-1954 this will produce over $15,700,000 which

will be expended primarily for state and local fairs and related purposes The committee questions the need for continued expenditures of this magnitude for these purposes in a time when existing state revenues are hard pressed to provide what the committee believes to be more fundamental and more necessary services.

6. Under existing statutes charity days at race tracks do not affect the State's revenues from horse racing because the State receives the same revenue from charity day racing under the same provisions that determine revenue from regular racing days The State's revenues from charity days exceeds $1,500,000 yearly Other questions concerning charity days are not considered within the purview of this committee, that being the responsibility of another duly constituted committee of the Assembly.

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr. Erwin asked for, and was granted, unanimous consent that the letter of transmittal, recommendations, and findings and conclusions, as printed above with the report, above mentioned, be ordered printed as a separate document, in 10-point type, and that 200 copies be printed.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 39: By Mr. Shaw—An act to add Section 116 to an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by the electors November 3, 1914, relating to the powers of the Legislature with respect to said act, to provide for the submission of said amendment to the electors, in accordance with Section 1b of Article IV of the Constitution of California, at the general election on November 2, 1954, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Judiciary.

Assembly Bill No. 40: By Mr. Morris—An act to amend Section 1051 of the Unemployment Insurance Code, relating to employer contributions to the Unemployment Fund.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 41: By Mr. Morris—An act to amend Section 1309 of the Unemployment Insurance Code, relating to unemployment insurance benefit charges.

Referred to Committee on Finance and Insurance.

Assembly Concurrent Resolution No. 4: By Mr. Fleury—Relative to the Report of the Annual Convention of the Marine Corps League of the Department of California

Referred to Committee on Rules

Assembly Bill No. 42: By Mr. Morris—An act to amend Section 1052 of the Unemployment Insurance Code, relating to employer contributions to the Unemployment Fund.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 43: By Mr. Morris—An act to amend Section 1029 of the Unemployment Insurance Code, relating to the computation of unemployment insurance contribution rate.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 44: By Mr. Morris—An act to amend Section 989 of the Unemployment Insurance Code, relating to unemployment insurance tax rates.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 45: By Mr. Morris—An act to amend Section 980 of the Unemployment Insurance Code, relating to the Unemployment Insurance Fund.

Referred to Committee on Finance and Insurance.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Cooke asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 20 in the Committee on Military Affairs, upon adjournment, at his desk, for reasons of urgency.

COMMUNICATIONS

The following communication was presented by the Speaker:

CAPITOL CORRESPONDENTS ASSOCIATION OF CALIFORNIA
SACRAMENTO, March 8, 1954

Honorable James W. Silliman
Speaker of the Assembly
Assembly Chamber, State Capitol
Sacramento, California

DEAR SIR: In compliance with Rules of the Legislature, the Standing Committee of the Capitol Correspondents Association has examined applications for authentication as accredited press representatives and makes the following recommendation:

Approved for Press Cards

Associated Press: Morrie Landsberg, Wayne Harbert, Joseph J. Lipper, Eugene Kramer, Alan Cline, Roger Barr, Allen Barton, Wilbur Jones
Capitol News Service: Henry C. MacArthur, Raymond V. Toman
International News Service: Frederic J. Rupp, Andrew Anderson.
Fresno Bee and Modesto Bee: James McClatchy.
Los Angeles Daily News: Leslie E. Claypool.
Los Angeles Examiner: Carl Greenberg
Los Angeles Mirror: Richard C. Bergholz.
Los Angeles Times Chester G. Hanson
McClatchy Broadcasting Company: Tony Koester, Victor Blanks
Oakland Tribune Don Thomas
Sacramento Bee. Herbert L. Phillips, Richard Rodda, Thomas Arden, A. E. Lyons, Robert J. Markson, Walter P. Jones, Myron V. Depew, George E. Helmer, Hamilton Hintz, Rudy Hickey, Robert Handsaker, Robert M. Blanchard.
San Francisco Chronicle: Earl C. Behrens, Jackson Doyle
San Francisco Call-Bulletin C. Lyn Fox
San Francisco Examiner: Clint Moshier, A. J. Welter.
San Francisco News: Vernon O'Reilly
United Press: James C. Anderson, Edwin S. Capps, Walter L. Barkdull, Wayne Sargent, R. D. Wagner, Jerry Keating, Jerry Reynolds
San Diego Union: Henry Love

Sincerely,

EARL C. BEHRENS, President

ANNOUNCEMENT

Mr. Shaw announced that he is holding a bill at his desk relative to air pollution, and that any member desiring to affix his signature may do so, at this time.

MEMBER EXCUSED

At 11.32 a.m., Mr. Munnell asked for, and was granted, unanimous consent that Mr. Miller 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 4202.

Today Upon Adjournment—

Military Affairs, at desk of Mr. Cooke.

Thursday, March 18th—At 8 p m

Revenue and Taxation, in Room 2170.

It was announced that the following committee would hold no meeting on Thursday, March 11th, at 8 p m.:

Finance and Insurance.

ADJOURNMENT

At 11.33 a m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10 15 a m . Tuesday, March 9, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SIXTH LEGISLATIVE DAY

NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 9, 1954

The Assembly met at 10 15 a m
Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—78.

Quorum present

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

Wisdom is better than strength, and a wise man is better than a strong man Hear, therefore, ye kings, and understand: Learn, ye that are judges of the ends of the earth Give ear, you that rule the people, and that please yourselves in multitudes of nations. For power is given you by the Lord, and strength by the Most High, who will examine your works and search out your thoughts (Wisdom 6, 1). Exercise this power then, that you may be able to answer to God—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.

LEAVES OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Collier.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 46: By Mr Thomas J. Doyle—An act to repeal Sections 23039, 23786, 23787, and 25605 of the Business and Professions Code, relating to the sale of alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 47: By Mr. Lanterman—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. 48: By Mr. Lanterman—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. 49: By Mr. Morris—An act to add Section 23793 to the Business and Professions Code, relating to on-sale and off-sale liquor licenses.

Referred to Committee on Government Organization.

Assembly Bill No. 50: By Messrs. Hawkins, Elliott, and Kilpatrick—An act to amend Section 15600 of the Government Code, relating to state equalization districts.

Referred to Committee on Government Oroganization.

Assembly Bill No. 51: By Mr Dolwig—An act authorizing the State Lands Commission to exchange property of the State of California for property in San Mateo County for purposes of navigation and flood control and providing for actions against the State to quiet title to the land exchanged and to determine the validity of the title to such land, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 52: By Mr. Dolwig—An act to amend Section 1 of Chapter 1359 of the Statutes of 1945, relating to the granting of certain lands, salt marsh, tidelands, submerged lands, swamp and overflowed lands of the State of California to the City of Redwood City, including the management, use and control thereof.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 53: By Mr. Stanley—An act to amend Section 18600 of the Health and Safety Code, relating to auto and trailer parks.

Referred to Committee on Public Health.

Assembly Constitutional Amendment No. 4: By Mr. Thomas J. Doyle—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages

Referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 5: By Mr. Morris—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to intoxicating liquors.

Referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 6: By Messrs. Hawkins, Elliott, and Kilpatrick—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 9 of Article XIII thereof, relating to the State Board of Equalization.

Referred to Committee on Constitutional Amendments

Assembly Constitutional Amendment No. 7: By Mr. Ernest R. Geddes—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to intoxicating liquors

Referred to Committee on Constitutional Amendments

Assembly Constitutional Amendment No. 8: By Mr. Morris—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 23 to Article XX thereof, relating to alcoholic beverages.

Referred to Committee on Constitutional Amendments.

Assembly Concurrent Resolution No. 5: By Messrs. Donald D. Doyle, Masterson, Samuel R. Geddes, Lindsay, Allen, Belotti, Cloyed, Hansen, and Lincoln—Relative to the resumption of surveys, plans, and estimates for a toll or other bridge across Carquinez Straits between the Cities of Benicia and Martinez.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

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

Assembly Concurrent Resolution No. 1

And reports the same correctly re-engrossed

BURKE, Chairman

Above reported resolution ordered transmitted to the Senate.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Levering, the Assembly Journals for Monday, March 1, 1954; Tuesday, March 2, 1954; Wednesday, March 3, 1954; and Friday, March 5, 1954, were approved, as corrected by the Minute Clerk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

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

House Resolution No. 8

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

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

Assembly Concurrent Resolution No. 3

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

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

Senate Concurrent Resolution No. 1
Senate Concurrent Resolution No. 3

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

SILLIMAN, Chairman

Above reported resolutions ordered on file

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

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

Senate Concurrent Resolution No. 2

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

ANNOUNCEMENTS

Mr. Thomas announced that a Democratic luncheon and Caucus will be held today, at 12 noon, at the Hotel Sacramento.

Mr. Fleury announced that a Republican luncheon and Caucus will be held today, at 12 noon, at the Hotel Sacramento.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Conservation, Planning, and Public Works, in Room 4164.

Subcommittee of Finance and Insurance on Fraudulent and Improper Payments, in Room 3184

At 8 p.m.—

Constitutional Amendments, in Room 4202.

ADJOURNMENT

At 10.30 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.45 a.m., Wednesday, March 10, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SEVENTH LEGISLATIVE DAY

TENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, March 10, 1954

The Assembly met at 10.45 a m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloved, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—78

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

Grant us, O Lord, In all the actions of this day to desire ardently whatever is pleasing to Thee Inspire us with Thy wisdom that we may examine prudently all our projects and always choose the means that Thou wouldst have us use. Finally strengthen us with the spirit of fortitude that we may accomplish perfectly all that we have undertaken for the praise and glory of Thy name and the good of our fellowmen, through Christ our Lord —AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Stanley, 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:

Mrs. Niehouse, on motion of Mr. LeRoy E. Lyon.

REQUEST FOR UNANIMOUS CONSENT THAT NAME OF MEMBER ATTENDING MEETING OF ALLOCATIONS BOARD BE PLACED UPON MORNING ROLL CALL

Mr. Luckel asked for, and was granted, unanimous consent that the name of the member attending the meeting of the Allocations Board, at this time, be placed upon the morning roll call as follows:

Mr. Munnell.

MESSAGES FROM THE GOVERNOR

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on March 1, 1954; 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, GOODWIN J. KNIGHT, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated February 26, 1954, 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:

Item No 25. To consider and act upon legislation relative to flood control in Lake County.

Item No. 26. To consider and act upon legislation relative to the number and compensation of officers and attaches of the municipal court established in a district embracing the City of North Sacramento.

Item No. 27. To consider and act upon legislation relative to penalties for violation of the narcotics law.

Item No. 28. To consider and act upon legislation to authorize county boards of supervisors to fix the number and compensation of employees of municipal courts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this ninth day of March 1954.

(SEAL) GOODWIN J. KNIGHT, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State

RESOLUTIONS

The following resolution was offered:

By Messrs. Shell, LeRoy E. Lyon, Smith, Ross, Burke, Ernest R. Geddes, Lanterman, Chapel, Morris, Thomas J. Doyle, Miller, Maloney, Stewart, Hansen, Collier, Evans, Levering, and Marsh:

House Resolution No. 9

Relating to the University of Southern California winning the Pacific Coast Conference Basketball Championship

WHEREAS, The University of Southern California, a privately endowed and operated institution, won the Southern Division Basketball Championship of the Pacific Coast Conference; and

WHEREAS, The University of Southern California entered into a three game playoff with Oregon State College, the Northern Division winners, to determine the champion for the entire Pacific Coast Conference, and

WHEREAS, The University of Southern California entered the championship playoff at a disadvantage because the Oregon State College team had a superiority in height and previous scoring record; and

WHEREAS, The University of Southern California went on to defeat Oregon State College in two out of three of the play-off games; and

WHEREAS, The University of Southern California won the Pacific Coast Conference Championship and the right to represent the Pacific Coast Conference in the National Tourney; now, therefore, be it

Resolved by the Assembly of the State of California, That this House congratulates the University of Southern California, the University's basketball team, and its coach, Forrest Twogood, for their outstanding performance in representing this State in athletic competition; and be it further

Resolved, That the Chief Clerk of the Assembly transmit suitable copies of this resolution to the University of Southern California, to each member of the University's basketball team, and to Coach Forrest Twogood.

Request for Unanimous Consent

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

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, Weinberger, and Mr. Speaker—68

NOES—None.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 54: By Mr Chapel—An act to amend Section 11714 of the Health and Safety Code, relating to the sale of narcotics to a minor.

Referred to Committee on Judiciary.

Assembly Bill No. 55: By Mr. Chapel—An act to amend Section 11713 of, and to add Section 11713.5 to. the Health and Safety Code, relating to narcotics.

Referred to Committee on Judiciary.

Assembly Bill No. 56: By Mr. Chapel—An act to amend Section 11713 of, and to add Section 11713.5 to, the Health and Safety Code, relating to narcotics.

Referred to Committee on Judiciary.

Assembly Bill No. 57: By Mr. Chapel—An act to amend Section 11714 of the Health and Safety Code, relating to the sale of narcotics to a minor.

Referred to Committee on Judiciary.

Assembly Bill No. 58: By Mr. Chapel—An act to amend Sections 11615, 11616, 11617, 11625 of, and to add Sections 11611.5, 11612.5, 11614.1, 11614.2, and 11616 5 to, the Health and Safety Code, relating to forfeiture of vehicles used to transport narcotics.

Referred to Committee on Judiciary.

Assembly Bill No. 59: By Mr. Creedon—An act to amend Section 6910 of the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 60: By Mr. Smith—An act to amend Section 11721 of the Health and Safety Code, relating to unlawful use of narcotics.

Referred to Committee on Judiciary.

Assembly Bill No. 61: By Messrs. Hawkins and Elliott—An act to add Division 2 to the Unemployment Insurance Code, relating to the economic development of the State.

Referred to Committee on Finance and Insurance.

Assembly Constitutional Amendment No. 9: By Mr. Collier (By Request)—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Referred to Committee on Constitutional Amendments

Assembly Constitutional Amendment No. 10: By Messrs. LeRoy E. Lyon and Collier—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Referred to Committee on Constitutional Amendments

Assembly Bill No. 62: By Mr. Morris—An act to amend Sections 404, 1035, 1055, 1134, 1179, 1180, 1182, 1817, 1951 and 1953 of the Unemployment Insurance Code, relating to unemployment insurance and appeals procedure thereunder.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 63: By Mr. Morris—An act to amend Section 1026 of the Unemployment Insurance Code, relating to unemployment insurance benefit charges.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 64: By Mr. Morris—An act to amend Section 1276 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 65: By Mr. McMillan—An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Concurrent Resolution No. 6: By Messrs. LeRoy E. Lyon, Shell, Lanterman, and Smith—Relative to the Fullerton Junior College Championship Basketball Team.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

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

Assembly Constitutional Amendment No 1

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

BELOTTI, Chairman.

Above reported resolution ordered on file.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

MR SPEAKER Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 3

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred:

Assembly Bill No 22

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

LINDSAY, Chairman

Above reported bill ordered to third reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Concurrent Resolution No. 2—Relative to the death of Hon Allen G. Thurman.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1 of the printed resolution, beginning with line 20, strike out the balance of the page; and all of page 2, and insert

"WHEREAS, Allen G. Thurman's career was most successful, and he shared the progress he made with his loving wife, Ruth Tuttle Thurman, whom he married in 1916 She was a real partner, and they were an ideal couple. Allen G. Thurman loved life and loved people His services as Postmaster in the years from 1924 to 1933 were greatly appreciated by the citizens of his community. His stewardship as a Member of the Legislature was outstanding His membership in the Elks, Eagles, Lions, and many other civic organizations classified him as an outstanding American and a great citizen; now, therefore, be it

Resolved, by the Senate of the State of California, the Assembly thereof concurring, That the Members of the Legislature express profound regret that the death of Allen G. Thurman has taken from California an able and sincere citizen whose life and background contributed to making America the outstanding Country it is today; and be it further

Resolved, That the Members of the Senate and the Assembly of the State of California, do hereby express to Mrs. Allen G. Thurman their heartfelt sympathy and sorrow in her hours of bereavement; and be it further

Resolved, That the Secretary of the Senate be and he is hereby directed to forward a properly prepared copy of this resolution to Mrs. Allen G Thurman, widow of the Honorable Allen G Thurman.

Amendment read, and adopted.

Resolution ordered reprinted, and on file.

THIRD READING OF ASSEMBLY BILLS
CONSIDERATION OF HOUSE RESOLUTION NO. 8

By Messrs. Elliott and Kilpatrick:

House Resolution No. 8

Relative to the passing of the Honorable Parley P. Christensen

WHEREAS, The Members of the Assembly have learned with sorrow of the recent passing of the Honorable Parley P. Christensen, a former member of the Los Angeles City Council; and

WHEREAS, The Honorable Parley P. Christensen was born in the State of Utah, and upon his graduation from the Cornell University School of Law entered the private practice of law in that State, and thereafter served the citizens of Utah with distinction, first, as a school district superintendent, then as a district attorney, and, finally, as the Speaker of the House of the Utah State Legislature; and

WHEREAS, The Honorable Parley P. Christensen came to California in the Nineteen-Twenties, and was elected to the City Council of the City of Los Angeles in 1935, and served honorably on that body for a period of six terms, retiring in the year 1949; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body desire to convey by this resolution its most profound sympathy to the bereaved members of the family of the Honorable Parley P. Christensen, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit suitably engrossed copies of this resolution to Mrs. Eleanor Lamman and to Mrs. Esther Cronholm, sisters of the Honorable Parley P. Christensen.

Resolution read, and adopted.

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Senate and Assembly.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—69.

NOES—None.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 3—Relative to approving certain amendments to the charter of the City of Eureka, a municipal corporation in the County of Humboldt, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the fifteenth day of June, 1953

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—73

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 3

Mr. Fleury asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 3, temporarily passed on file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 3

Assembly Concurrent Resolution No. 3—Relative to a study of the Uniform Commercial Code by the Interim Judiciary Committees of the Assembly and the Senate.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, and Weinberger—69.

NOES—None

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, March 10, 1954

To the Honorable Members of the Assembly
State of California
State Capitol, Sacramento, California

GENTLEMEN: Pursuant to the provisions of Section 1774 of the Government Code, which provides that within 10 days after the meeting of the Legislature the Governor must transmit to it a list of all appointments made by him in accordance with that section I have the honor to transmit to you herewith a list of all appointments so made.

Respectfully,

GOODWIN J. KNIGHT, Governor

REQUEST FOR UNANIMOUS CONSENT THAT APPOINTMENTS BY GOVERNOR BE PRINTED IN JOURNAL

Mr. Levering asked for, and was granted, unanimous consent that the above transmitted appointments by the Governor be ordered printed in the Journal, as follows:

LIST OF APPOINTMENTS BY GOVERNOR KNIGHT

JOHN BABBAGE, A resident of Riverside; attorney; former member of the F.B.I., and until recently was a Member of the California State Assembly, was appointed January 27, 1954, as member of the California Law Revision Commission, original appointment.

RICHARD C. FILDEW, A resident of Los Angeles; practicing attorney; admitted to the Bar in 1938; was appointed January 27, 1954, as member of the California Law Revision Commission, original appointment.

BERT W. LEVIT, A resident of San Francisco, member of the San Francisco Board of Education and a special lecturer at Stanford Law School, as well as Assistant District Attorney of San Francisco; was appointed January 27, 1954, as member of the California Law Revision Commission, original appointment.

THOMAS E. STANTON, A resident of San Francisco; practicing attorney in San Francisco; a member of the California Bar since 1935; was appointed January 27, 1954, as member of the California Law Revision Commission, original appointment.

JOHN HAROLD SWAN, A resident of Sacramento; former State Senator; Dean of the McGeorge College of Law and an instructor at the Sacramento Junior College; was appointed January 27, 1954, as member of the California Law Revision Commission, *original appointment.*

SAMUEL THURMAN, JR., A resident of Atherton; Professor of Law at Stanford University; holds an A B. degree from the University of Utah and an LL B. degree from Stanford He is a member of the American Bar, the State Bar of Utah and California, and the American Law Institute; was appointed February 9, 1954, as member of the California Law Revision Commission, original appointment

APPOINTMENTS TO COMMITTEES

Speaker Silliman announced the appointment of the following members to committees:

Mr. Shell to the Joint Interim Committee on Governmental Reorganization, vice Mr. Lipscomb.

Mr. Hansen to the Standing and Interim Committees on Ways and Means, vice Mr. Lipscomb.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 3 p.m.—

Government Organization, in Room 4202.

At 8 p.m —

Municipal and County Government, in Room 4164.

Finance and Insurance, in Room 2170.

Tomorrow, Thursday, March 11th, upon adjournment—

Ways and Means, in Room 3130. Subject: Proposed amendment by Mr. Erwin re fairs and expositions.

ADJOURNMENT

At 11.16 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 9 45 a m., Thursday, March 11, 1954.

JAMES M. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

EIGHTH LEGISLATIVE DAY

ELEVENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, March 11, 1954

The Assembly met at 9.45 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloved, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—78

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Almighty and Eternal God, Creator of Heaven and Earth, Lord and Master of All Things; we adore Thee, we praise Thee, we thank Thee. Thy infinite good has brought us into existence and destined us for an eternal happiness with Thee. Thy boundless love has placed us above every creature of this world and showered us with countless other blessings. Thy divine mercy stands ready to forgive us our faults and negligences. Help us to know Thee and love Thee and serve Thee well that we may deserve to be called Thy Children, through Christ our Lord.—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.

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr Morris.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 66: By Mr. McMillan—An act to repeal Sections 24864 and 24865, and to amend Section 24866, of the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 67: By Mr. McMillan—An act to amend Section 25631 of the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Bill No. 68: By Mr. Ross—An act to amend and to add to the Health and Safety Code, relating to the forfeiture of vehicles used in violation of the Narcotic Laws.

Referred to Committee on Judiciary.

Assembly Bill No. 69: By Mr Lowrey—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, inclusive, to the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to flood control and water conservation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works.

Assembly Bill No. 70: By Mr. Cooke—An act to amend Sections 161, 232, 258, 416, and 643 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military Affairs.

Assembly Constitutional Amendment No. 11: By Mr. Morris—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

MR SPEAKER Your Committee on Municipal and County Government, to which was referred:

Assembly Bill No. 17

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.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 17—An act to validate acts, proceedings, and elections in connection with bonds of school districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

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: Be adopted.

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Assembly Bill No. 1

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

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 1—An act to amend Sections 1280 and 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1 of the printed bill, between lines 8 and 9, insert

A Amount of wages in highest quarter	B Weekly-benefit amount
$75.00-$199.99	$10
200.00- 219.99	11
220.00- 239.99	12
240.00- 259.99	13
260.00- 279.99	14
280.00- 299.99	15
300.00- 319.99	16
320.00- 339.99	17
340.00- 359.99	18
360.00- 379.99	19
380.00- 419.99	20
420.00- 459.99	21
460.00- 499.99	22
500.00- 539.99	23
540.00- 579.99	24
580.00- 619.99	25
620.00- 659.99	26
660.00- 699.99	27
700.00- 739.99	28
740.00- 779.99	29
780.00 and over	30

For the purposes of this section, when an individual has been paid remuneration which would be taxable except for the three thousand dollars ($3,000) limitation on taxable wages, the "quarter of his base period in which his wages were the highest" may be determined by allocating to any quarter of the calendar year falling within the base period that portion of the taxable wages which is equal to the amount of remuneration paid to him in that quarter or seven hundred and eighty dollars ($780), whichever is the lesser. The term "remuneration" as used in this section means taxable wages as well as wages which would be taxable except for the three thousand dollar ($3,000) limitation on taxable wages.

The provisions of this section as amended at the 1954 First Extraordinary Session shall be applicable to new claims for unemployment compensation benefits filed on and after July 1, 1954. The provisions of this section as they existed prior to the effective date of the amendments enacted at the 1954 First Extraordinary Session shall remain applicable to new claims filed prior to July 1, 1954."

Amendment No. 2

On page 2, lines 5 and 6, of said bill, strike out "hundred dollars (00)", and insert "three hundred dollars ($300)".

Amendment No. 3

On page 2, line 14, of said bill, after "than", insert "one-half the total wages paid to the individual during his base period".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1954

MR SPEAKER: Your Committee on Finance and Insurance, to which was referred: Assembly Bill No. 30

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 30—An act to amend Section 1032 of the Unemployment Insurance Code, relating to unemployment insurance benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 6, of the printed bill, after "claimant", strike out "with"; and strike out all of lines 7 to 9, inclusive and insert "which are based upon".

Amendment No. 2

On page 1, line 10, of said bill, after "employer", insert "during the uninterrupted period of employment immediately".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance.

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

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

Assembly Bill No. 9

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to the Committee on Ways and Means.

WEINBERGER, Chairman

Above reported bill ordered re-referred to the Committee on Ways and Means.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 16
Assembly Bill No. 19

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

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 16—An act to amend Section 53021 of the Government Code, relating to emergency expenditures and services by local agencies, 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 Municipal and County Government:

Amendment No. 1

On page 1, lines 19 and 20, of the printed bill, strike out "during the period of", and insert "in connection with"

Amendment read, and adopted.
Bill ordered reprinted, and engrossed.

Assembly Bill No. 19—An act to add Section 37395 to the Government Code, relating to the leasing of city owned property.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Municipal and County Government:

Amendment No. 1

On page 1, line 4, of the printed bill, strike out "when not", and strike out all of lines 5 to 7, inclusive, and insert "for commercial development for business purposes, when the governing body determines by ordinance or resolution that such property is not required for other city purposes."

Amendment read, and adopted.
Bill ordered reprinted, and engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

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

Assembly Bill No. 4

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

WEINBERGER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 4—An act to add Section 24077 to the Business and Professions Code, relating to the transfer of licenses under the Alcoholic Beverage Control Act.

Bill read second time, and ordered engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

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

Assembly Bill No. 6

Has had the same under consideration, and reports the same back with the recommendation: Do pass, as amended, and be re-referred to the Committee on Ways and Means.

WEINBERGER, Chairman

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 6—An act to add Chapter 1.5 to Division 9 of the Business and Professions Code, and to amend Section 11551 of the Government Code, relating to the creation of the Department of Alcoholic Beverage Control, to be administered by the Director of Alcoholic Beverage Control, and the Alcoholic Beverage Commission, and providing for the organization, powers, and duties thereof, including the transfer of certain personnel and property of the State Board of Equalization to the Department of Alcoholic Beverage Control.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

On page 2, line 43, of the printed bill, after "director", insert ", in accordance with the State Civil Service Act,".

Amendment No. 2

On page 2, line 47, of said bill, after "funds", insert ", in accordance with the State Civil Service Act".

Amendment No. 3

On page 3, of said bill, strike out lines 21 and 22.

Amendment No. 4

On page 3, line 23, of said bill, strike out "f", and insert "e".

Amendment No. 5

On page 3, line 25, of said bill, strike out "g", and insert "f".

Amendment No. 6

On page 3, line 27, of said bill, strike out "(h)", and insert "(g) Knowingly".

Amendment No. 7

On page 3, line 29, of said bill, strike out "(i)", and insert "(h) Knowingly".

Amendment No. 8

On page 3, line 32, of said bill, after the period, insert "As to any civil service employee, the foregoing shall constitute grounds for the discipline of such employee under the State Civil Service Act."

Amendment No. 9

On page 4, line 28, of said bill, after "(g)", insert "Knowingly".

Amendment No. 10

On page 4, line 30, of said bill, after "(h)", insert "Knowingly".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

REPORTS OF STANDING COMMITTEES

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

MR SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 2
Assembly Bill No 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

STANLEY, Chairman

Above reported bills ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 2—An act to add Section 39 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a Postwar Public Works Program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs, making an appropriation to be allocated to cities incorporated on or after November 30, 1953, and before March 31, 1954, 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

In line 11 of the title of the printed bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendment No. 2

On page 1, line 8, of said bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendment No. 3

On page 1, line 10, of said bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendment No. 4

On page 2, line 1, of said bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means.

Assembly Bill No. 3—An act to add Sections 47 and 48 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor 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, line 4, of the printed bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendment No. 2

On page 1, line 11, of said bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendment No. 3

On page 2, lines 4 and 5, of said bill, strike out "March 31, 1954", and insert "March 1, 1954".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

MR. SPEAKER: Your Committee on Government Organization, to which were referred:

Assembly Bill No. 5
Assembly Bill No. 7

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

WEINBERGER, Chairman

Above reported bills ordered to second reading

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 5—An act to amend Sections 23987 and 23988 of the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "and 23988", and insert ", 23988, and 24203".

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

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Amendment No. 2

On page 1 of said bill, after line 27, insert

"SEC. 3. Section 24203 is amended to read:

24203 Accusations against any on-sale or off-sale licensee may be filed with the board by *the Attorney General, by the commanding officer of the military installation nearest the premises, by the sheriff, chief of police, county public health officer, city public health officer, or district attorney of the locality in which the premises are situated, by* the legislative body of any city in which the premises in question are located, or if the premises are in unincorporated territory, [then] by the board of supervisors of the county, requesting the suspension or revocation of any retail license. Upon the filing of the accusation, the board shall provide for a public hearing thereon within the county in which the premises are located and determine whether or not the license should be revoked or suspended. Whenever the [local legislative] *person or* body *filing the accusation* certifies that the public safety, health, or welfare requires an immediate hearing of the accusation, the public hearing shall be held within five (5) days after the filing of the accusation with the board."

Amendment No. 3

On page 1, line 4, of said bill, after "license", insert "or an application for transfer of any license".

Amendment No. 4

On page 1, line 4, of said bill, after "thereof", insert ", which shall consist of a copy of the application,".

Amendment No. 5

On page 1, line 15, of said bill, after "issued", insert "or transferred".

Amendment No. 6

On page 1, line 21, of said bill, after "license", insert "issuance or transfer".

Amendment No. 7

On page 1, line 22, of said bill, after "issuance", insert "or transfer".

Amendment No. 8

On page 1, line 23, of said bill, after "issue", insert "or transfer"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 7—An act to add Section 653 to the Penal Code, and to amend Section 25660 of the Business and Professions Code, relating to the issuance and use of identification cards.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

On page 1, line 21, of the printed bill, after "care", insert "in examining evidence of majority shown, and under all of the other circumstances".

Amendment No. 2

On page 1, line 7, of said bill, after "face", insert "and issued by a state or federal agency,".

Amendment No. 3

On page 1, line 16, of said bill, after the comma, insert "a document issued by a state or federal agency containing evidence of majority and identity of the person, such as".

Amendment No. 4

On page 1, lines 18 and 19, of said bill, strike out "or other bona fide documentary evidence of majority and identity of the person"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 10, 1954

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 18
Senate Bill No. 19
Senate Bill No. 22
Senate Bill No. 27

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 18—An act to amend Section 139.53 of the Vehicle Code relating to promotions.

Referred to Committee on Civil Service and State Personnel.

Senate Bill No. 19—An act to repeal Sections 139.52 and 139.56 of the Vehicle Code, relating to efficiency ratings and punitive action.

Referred to Committee on Civil Service and State Personnel.

Senate Bill No. 22—An act to amend Sections 44, 44.1, 44.2, 44.5, 44.7, 44.9, 44.10, and 44.11 of the Vehicle Code, relating to authorized emergency vehicles.

Referred to Committee on Transportation and Commerce.

Senate Bill No. 27—An act to amend Sections 28, 30 and 36 of the Water Conservation Act of 1931, relating to the issuance and payment of bonds and the levy and collection of special assessment taxes, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works

CONSIDERATION OF DAILY FILE
SECOND READING OF ASSEMBLY BILLS

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 amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 2, line 7, of the printed measure, after "Control", insert "shall be the head of the Department of Alcoholic Beverage Control,".

Amendment No. 2

On page 2, line 22, of said measure, after "law", strike out the period, and insert "involving moral turpitude."

Amendments read, and adopted.

Resolution ordered reprinted, and re-engrossed.

Point of Order

Mr. Weinberger arose to the following point of order: That Assembly Constitutional Amendment No. 1 carries an implied appropriation, and should be re-referred to the Committee on Ways and Means.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Assembly Constitutional Amendment No. 1 ordered re-referred to the Committee on Ways and Means after it has been reprinted and re-engrossed.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 22—An act to add Chapter 5 to Part 6 of Division 13 of the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Bulen, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Tomlinson, Weinberger, and Mr. Speaker—61.
NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Bulen, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Tomlinson, Weinberger, and Mr. Speaker—61.
NOES—None.

Bill ordered transmitted to the Senate

THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 2—Relative to the death of Hon. Allen G. Thurman

Resolution read, and adopted unanimously by a rising vote.

Resolution ordered transmitted to the Senate.

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

Mr. Stanley asked for, and was granted, unanimous consent that letters of transmittal and a Final Report by the Assembly Interim Committee on Municipal and County Government as transmitted to the committee by the Subcommittee on the Fixing of County Salaries be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

CALIFORNIA STATE LEGISLATURE
SACRAMENTO, CALIFORNIA, March 9, 1954

Hon. James W. Silliman, Speaker of the Assembly
State Capitol
Sacramento, California

DEAR MR. SPEAKER:

Submitted herewith is a Final Report by the Assembly Interim Committee on Municipal and County Government as transmitted to the committee by the Subcommittee on the Fixing of County Salaries. This final report was prepared pursuant to H. R. 128 of the 1953 Regular Session.

This final report represents the findings and recommendations of the committee on the subject of the control of the municipal court attaches with regard to their salaries and number of positions.

The committee takes this opportunity to express its appreciation for the generous and wholehearted cooperation of the individuals and groups who appeared before the committee and submitted information which made possible the preparation of this report.

Respectfully submitted.

EARL W. STANLEY, Chairman
HERBERT R. KLOCKSIEM, Vice Chairman
FRANK G. BONELLI
DANIEL J. CREEDON
WALTER I. DAHL
DONALD D. DOYLE
FRANK LANTERMAN
ROY J. NIELSEN
WM. BYRON RUMFORD
A. I. STEWART
STANLEY T. TOMLINSON

Final Report of the Subcommittee on the Fixing of County Salaries Assembly Interim Committee on Municipal and County Government

March, 1954

Hon. Earl W. Stanley, Chairman
Assembly Interim Committee on
Municipal and County Government
State Capitol, Sacramento, California

DEAR MR. STANLEY:

Transmitted herewith is the Final Report of the Subcommittee on the Fixing of County Salaries concerning the control of municipal court attaches with regard to their salaries and the number of positions.

This report represents the subcommittee's findings and recommendations on the aforementioned subject based on information presented at its hearings, as supplemented by the staff's research.

It is the recommendation of the subcommittee that the following report be submitted to the 1954 Budget Session as the final report on this subject by the subcommittee.

Respectfully submitted.

HERBERT R. KLOCKSIEM, Chairman
WALTER I. DAHL
ROY J. NIELSEN
STANLEY T. TOMLINSON

REFERRAL TO THE COMMITTEE AND STUDY PROCEDURES

Under the authority and direction of H.R. 128 (1953), the Assembly Interim Committee on Municipal and County Government, through its Subcommittee on the Fixing of County Salaries, has concentrated its study of legislatively fixed salaries of certain county officials and employees upon the salaries of attaches of municipal courts. The issue involved in this study centers upon the method of control of the attaches with reference to the determination of the number of attaches needed and their respective salaries.

The terms of H.R. 128 (1953) are as follows:

Relating to an Interim Study of Problems Regarding the Fixing of Compensation of County Officers

WHEREAS, During the regular session of the Legislature there are introduced many bills fixing the compensation of county officers; and

WHEREAS, The salaries of county officers must be paid from county funds and the people of the several counties are most vitally interested in the amount of taxes which they are required to pay to meet such expenditures and are in a better position to visualize the local problems and control which should be exercised over the expenditures of local funds than the Legislature whose members are necessarily drawn from all parts of the State; and

WHEREAS, it is reasonable to believe that greater economy and closer adjustment to local conditions might be effectuated if the salaries of county officers were fixed by action of local authorities rather than by the Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Municipal and County Government is hereby authorized and directed to ascertain, study and analyze all facts and problems relating to the fixing of salaries of county officers including, but not limited to, the operation, effect, administration, enforcement and needed revision of any and all laws and constitutional provisions in any way bearing upon or relating to the subject of this resolution and to report thereon to the Legislature, including in its report its recommendations.

Under Art. III, Sec. 11, of the Constitution of California, the Legislature has been vested with the function and responsibility of establishing the number and salaries of municipal court attaches. The question at issue is whether the status quo should be maintained or whether this function and responsibility should be turned over to the boards of supervisors of the various counties.

In its study the committee has attempted to hear from all interested individuals and groups so that it might consider all the facets of the problem. Accordingly, at hearings held in Los Angeles, Santa Ana, and Sacramento, there were represented officials from the Counties of Los Angeles, Orange, San Diego, Kern, Alameda and San Mateo, individual municipal court judges and attaches, and representatives of the League of California Cities, the County Supervisors' Association of California, the Judges', Marshals' and Constables' Association, the Association

of Municipal Court Clerks of California, and the California Personnel Administrators Association

Furthermore, questionnaires were sent out by the staff to the 21 counties having municipal courts wherein the following questions were asked with respect to officers and employees whose salaries and employment is fixed by the Legislature:

1. What is the method now employed by your county in arriving at the staffing pattern and the salaries of these positions?
2. How do such salaries compare with salaries paid to comparable employees in other departments and agencies in the county?
3. What are the civil service procedures applying to classification, examination, and recruitment for these positions?
4. What are the fringe benefits attaching to these positions as compared to other comparable positions?

In addition to the above, conditions as they existed prior to the inferior court reorganization were investigated, as well as the comparison with practices applying to superior court attaches and justice court attaches.

HISTORICAL BACKGROUND

In a number of respects the present method of setting salaries of the municipal court attaches is related to the history of the inferior courts of California Prior to the inferior court reorganization of 1953, there were 767 courts in California which were inferior to the superior courts. These were divided in varying degrees between six basic types of inferior courts. Of the total number of lower courts (767, the Legislature set the salaries and number of the attaches of 16. Twelve of these were of the municipal court proper type located in five counties, and four were city justice courts located in two counties

For the other 751 inferior courts, the number and salaries of attaches was set locally by either the city or the county governing body. It should be noted that the operational cost of all these courts was carried locally by the city and/or county.

With the inferior court reorganization in 1953, effective with the adoption of the amendment of ART. VI, Sec. 11, of the California Constitution and code provisions pertaining thereto, the plan for these courts was simplified. The reorganization provided for two types of courts inferior to the superior courts· municipal courts and justice courts. The difference between these courts is essentialy threefold: (1) population within the judicial district (must be 40,000 or more within the district to be a municipal court); (2) jurisdiction; and (3) legislative control. With regard to legislative control, the number and salary of the municipal court judges and attaches is established by action of the Legislature, whereas those of the justice court are set by the boards of supervisors. The financial support of all inferior courts as they now exist is carried by the county.

As noted above, the number and salaries of the municipal court attaches is set by the Legislature. In actual practice, however, the Legislature as a matter of fixed practice acts on these matters only after receiving recommendations from the boards of supervisors and the grand

juries of the respective counties. Although such procedure is not a statutory requirement, it was established as a general policy by former Governor Warren that the same procedure should be followed with respect to these matters as applied to district attorneys and county auditors. This procedure was considered to be an aid to the Legislature in setting salaries which must be paid by another agency of government and in which the local conditions are not readily available or are unknown to the Legislature.

CURRENT OPERATIONS UNDER THE PROVISIONS OF THE INFERIOR COURT REORGANIZATION

As a result of the inferior court reorganization, the municipal courts have grown in number from 12 in five counties (as of December 31, 1951) to 52 court districts in 21 counties on September 9, 1953. The number of individual salary bills which must be considered and passed at each regular session of the Legislature has of course increased proportionately with the increase in the number of courts

The following general observations may be made with regard to present procedures at the county level in arriving at recommendations to the Legislature for setting the number of and salaries of the municipal court attaches:

1. The staffing pattern and salaries are ascertained on the same basis as other county employees (civil service or other classification system), or by the judges who in this case may be likened to department heads.

2 The salaries of the municipal court attaches are generally comparable to other county employees.

3. The classification, examination, and recruitment procedures for municipal court attaches conform to county classification or civil service systems, the same as with other county employees.

4. Municipal court attaches receive the same fringe benefits as other county employees.

The above observations are made on the basis of questionnaire information submitted to the committee from the 21 counties having municipal courts Appendix A shows for each of the counties the information submitted.

From the facts submitted by the counties, it may be generally stated that municipal court attaches are on a comparable level with other county employees This is a generalization applied on a state-wide basis, however, which in turn came from generalizations made at the county level The committee has received testimony at hearings which indicate that in individual cases salaries are higher for attaches than other comparable county positions Conversely, lower than average salaries in individual cases has been alleged in testimony presented to the committee.

The committee is firmly of the opinion after hearing the testimony on both sides of the question that legislative action on a biennial basis lends itself to a salary situation which can never be equalized. Salaries of attaches are bound to be either higher or lower in individual cases when compared to salaries of county employees in general, which are subject to review at any time by local governing boards.

REASONS FOR RETAINING LEGISLATIVE CONTROL OF THE NUMBER AND SALARIES OF MUNICIPAL COURT ATTACHES

In receiving testimony at the hearings, the committee has been presented with certain basic reasons for leaving control over the municipal court attaches with the Legislature. Those who spoke for these reasons were the attaches themselves, various municipal court judges, and their respective associations. A summary of these arguments is as follows:

1. Maintaining the status quo keeps the courts as an independent branch of the government. This is one of the basic concepts set forth by both the State and Federal Constitutions.

2. Municipal court attaches are constitutional state officers, carrying out state laws for which they are directly responsible. As constitutional officers, they should be controlled at the state level and not at the local level.

3. If control of municipal court attaches is transferred to boards of supervisors, there is a possibility of undue pressure upon the courts. The nature of cases handled by the courts (vice, petty crime, traffic violations) increases the possibility of this situation developing. This condition of affairs does not exist in the superior courts because of the "higher" level of cases, nor does it exist in the justice courts because justice courts are located primarily in non-metropolitan areas where racketeering elements are not apt to exist.

4 There may be unfairness or a lack of basic understanding by county supervisors and county administrative officials with regard to the work done by municipal court attaches.

5. The present method of control by the Legislature is considered to be generally satisfactory and should be given an opportunity to perfect its procedures during the next few years.

6. The inferior court reorganization is of recent origin. Like any new plan, there is often misunderstanding as to its operation, and in this case, to the need for proper staffing. It is pointed out that this misunderstanding has resulted in considerable conflict at the local level and often has been carried up to the state level in passing on the necessary legislation. Time should eliminate temporary difficulties which are incident to any new organization

7. The recency of the present system is again urged as reason to not transfer control to the local level The State should continue in control over its operations as a means of guiding its development at least until such time as procedures are well understood and stability is reached.

REASONS FOR TRANSFERRING CONTROL OF THE NUMBER AND SALARIES OF MUNICIPAL COURT ATTACHES FROM THE LEGISLATURE TO COUNTY BOARDS OF SUPERVISORS

As in the case of maintaining the status quo, certain basic reasons have been put forth at committee hearings favoring a policy of transferring control over municipal court attaches to the counties. These

opinions have been expressed by representatives from individual counties, by the County Supervisors' Association, and by the League of California Cities A summary of the arguments is as follows:

1. There is a basic need for uniform salaries within a county and on a countywide basis. This is expressed in the principle of "like pay for like work." It applies to county salaries as a whole, as well as to salaries within the attache group.

Without adherence to this principle, two basic difficulties develop:

a. Different or special procedures must be followed in arriving at a satisfactory formula for dealing with attaches, with regard to their number and salary

b. Problems of employee morale are encountered. This is true whether the attaches' salaries are higher or lower than the prevailing level for other county positions, which is almost certain to develop because of the biennial time lag involved

2 The system of local control which is urged for municipal court attaches is a matter of long established practice with respect to the attaches of justice and superior courts. The only exception to this general rule occurs in some counties in regard to certain defined classifications of superior court attaches. Attaches of superior courts and justice courts are constitutional officers carrying out state laws in the same manner as are municipal court attaches This being the case, there is no more reason why municipal court attaches should be under state control than superior and justice court attaches.

3 Essentially, the municipal court attaches perform clerical duties. Attaches are not policy makers as are judges, district attorneys and others whose salaries are set by the Legislature For these latter officers, a sound argument may be made for direct control by the Legislature.

4. The equitable fiscal balance as set up in SB 1100 (1953) regarding the distribution of fines and forfeitures between cities and counties, may be upset if the determination of the cost of running the municipal courts is allowed to remain in the Legislature rather than in the hands of the county.

5. The lack of home rule with regard to the number of and salaries of municipal court attaches violates sound principles of public finance. Since the county must pay the expense of supporting these courts, it is only logical and proper, and in accord with good public administration, that the county should also control the costs. The counties do not have responsible control over their budgets when the State sets salaries of a large segment of their employees As an example of this, in Los Angeles County 6.8 percent of a nearly 7 million dollar budget is disbursed for county-paid, state-controlled positions The proponents of county control of municipal court attaches point out that if the State feels the need for uniformity of salaries on a state-wide basis, the State should then pay the cost of supporting these courts.

6. The Legislature now spends a great deal of time in performing a function which is essentially local in character. The number of local salaries now set by the Legislature totals 2,827, of which 1,586 are

municipal court employees Of the 2827, the county pays the entire salary on 2,534 and part of the salary on 293. This number will, of course, be increased as the number of courts increase, or if the work load of the existing courts increases so that more employees are needed. Not only is a great deal of time spent by the Legislature in this matter, but it is in effect doing work that is merely rubber-stamping recommendations made by county supervisors and county grand juries. The only conclusion is that practically speaking the control is presently at the local level and the Legislature is wasting valuable time.

FINDINGS

1. The salaries of the municipal court attaches are as a general rule comparable to other county employees; however, exceptions are found in enough instances to create trouble areas.

2. The duties performed by the municipal court attaches are essentially clerical in nature They do not involve any substantial policy decisions and are therefore without the concept of an independent judiciary as expressed in the State and Federal Constitutions.

3. Attaches in the justice courts and superior courts are under the control of the county boards of supervisors with respect to number of positions and salaries, with the exception of a few superior court attaches.

4 The alleged unfairness or lack of basic understanding caused by the newness of the present system or other causes may be corrected if the county has full control of the attaches with regard to their number and salaries. With full responsibility in the hands of one agency, namely the county, there will be no possibility of "passing the buck."

5. The counties under the present system are in effective control of the salaries and number of municipal court attaches since in all cases the Legislature acts only after receiving a recommendation from the boards of supervisors. The Legislature, therefore, is wasting valuable time in going through the formality of approving these recommendations.

CONCLUSIONS

In the judgment of the committee the reasons for maintaining legislative control with regard to fixing the salaries and number of positions of municipal court attaches do not measure up to those proposed for having the control vested in the county boards of supervisors. In reaching this conclusion, the committee finds the following to be of paramount interest.

1. The need for uniform salaries at the county level with respect to *all* county employees is vital to a smooth-working, effective and responsible local self-government.

2. The principle of local home rule should be invoked where the function is primarily of local concern. This principle is not being followed in the case at hand wherein the county is required to carry the cost of a function over which it has no control in determining said cost.

RECOMMENDATIONS

1. That the present legislative function and responsibility of setting the number of positions and salaries of the municipal court employees, other than judges be transferred to the county boards of supervisors.

2. That the Legislature take proper action on this matter so that a constitutional amendment incorporating the above recommendation may be submitted to the vote of the people.

3. That the Legislature enact the necessary legislation pursuant to said change in the Constitution.

APPENDIX A

	ALAMEDA	CONTRA COSTA	FRESNO	KERN	LOS ANGELES	MARIN	MONTEREY	RIVERSIDE	SACRAMENTO	SAN BERNARDINO	SAN DIEGO	SAN FRANCISCO	SAN JOAQUIN	SAN MATEO	SANTA BARBARA	SANTA CLARA	SANTA CRUZ	SOLANO	STANISLAUS	VENTURA	*
METHOD NOW EMPLOYED IN ARRIVING AT THE STAFFING PATTERN AND SALARIES: CIVIL SERVICE CLASSIFICATION STUDY CONDUCTED BY COUNTY CIVIL SERVICE	X	X	X		X	X			X	X		X	X	X	X			X			13
MUNICIPAL JUDGES ASSIGNED TO COUNTY WORK BY MUNICIPAL JUDGES								X			X					X	X				5
PLANNED BY BOARD OF SUPERVISORS							X												X		2
COMPARABLE	X	X				X	X		X	X		X	X	X	X	X			X	X	14
NOT COMPARABLE, ABOVE LEVEL					X			X													3
NOT COMPARABLE, BELOW LEVEL			X															X			3
COMPARABILITY OF SALARIES WITH OTHER COUNTY EMPLOYEES: CIVIL SERVICE PROCEDURES APPLY				X					X	X									X		5
COUNTY CLASSIFICATION SYSTEM	X				X	X	X						X	X	X		X	X			10
APPOINTED BY JUDGES AND/OR CLERKS		X	X		X			X								X					5
SAME FRINGE BENEFITS	X	X	X		X	X	X		X	X		X	X	X	X	X	X	X	X	X	17
SIMILAR FRINGE BENEFITS				X				X			X										3

* NO RETURN FROM ORANGE COUNTY

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL BE PRINTED IN JOURNAL

Mr. Stanley asked for, and was granted, unanimous consent that letters of transmittal be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

CALIFORNIA STATE LEGISLATURE
SACRAMENTO, CALIFORNIA, March 5, 1954

Hon. James W. Silliman, Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SPEAKER: Submitted herewith is a Progress Report of the Assembly Interim Committee on Municipal and County Government as transmitted to it by the Subcommittee on Annexation and Related Problems This report is made pursuant to House Resolution No. 125 and House Resolution No. 155 of the 1953 Regular Session of the Legislature.

This report is presented as a progress statement and as an indication of what is planned for the future with respect to further committee activity.

A final report on this subject will be prepared and submitted to the State Assembly at the 1955 Regular Session.

Respectfully submitted.

EARL W. STANLEY, Chairman
HERBERT R. KLOCKSIEM, Vice Chairman
FRANK G. BONELLI
DANIEL J. CREEDON
WALTER I DAHL
DONALD D. DOYLE
FRANK LANTERMAN
ROY J. NIELSEN
WM. BYRON RUMFORD
A. I. STEWART
STANLEY T. TOMLINSON

Progress Report of the Subcommittee on Annexation and Related Problems Assembly Interim Committee on Municipal and County Government

LETTER OF TRANSMITTAL

February, 1954

Hon. Earl W. Stanley, Chairman
Assembly Interim Committee on
Municipal and County Government
State Capitol, Sacramento, California

DEAR MR. STANLEY: Transmitted herewith is a Progress Report of my Subcommittee on Annexation and Related Problems covering hearings and studies carried on during the past several months since the establishment of the subcommittee on September 12, 1953

In creating the subcommittee, it was the directive of the full committee that all members of the full committee should be considered as

members of the subcommittee, and that in addition to annexation, attention should be given to related matters applying to incorporation of sixth class cities, establishment of community services districts and county service areas, as well as the relationship of special district law and procedure to annexations.

It is the recommendation of the subcommittee that the following report be submitted to the budget session as a progress statement and as an indication of what is planned for the future with respect to further committee activity.

Hearings of the subcommittee will resume after the Budget Session and a final report will be prepared for the Regular Session in 1955.

DANIEL J. CREEDON, Chairman
Subcommittee on Annexation
and Related Problems

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr. Stanley asked for, and was granted, unanimous consent that the above letters of transmittal, and a Progress Report of the Subcommittee on Annexation and Related Problems by the Assembly Interim Committee on Municipal and County Government be ordered printed as a separate document, in 10-point type, and that 500 copies be printed.

COMMUNICATIONS

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

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 6 to Assembly Bill No. 6, by striking out "Solicit", and inserting "solicit".

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED

JAMES W. SILLIMAN, Speaker of the Assembly

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 7 to Assembly Bill No. 6, by striking out "Request", and inserting "request"

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED

JAMES W. SILLIMAN, Speaker of the Assembly

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 9 to Assembly Bill No. 6, by striking out "Solicit", and inserting "solicit".

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED

JAMES W. SILLIMAN, Speaker of the Assembly

By the Chief Clerk:

MR SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 10 to Assembly Bill No. 6, by striking out "Request", and inserting "request".

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED

JAMES W SILLIMAN, Speaker of the Assembly

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today at 2 p.m.—

Government Organization, in Room 4384.

Today Upon Adjournment—

Ways and Means, in Room 3130. Subject: Erwin Amendment relative to transferring funds from Fairs and Expositions to the General Fund.

ADJOURNMENT

At 10.07 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 11.15 a.m., Monday, March 15, 1954

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

NINTH LEGISLATIVE DAY

FIFTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 15, 1954

The Assembly met at 11.15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—77.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O God, We acknowledge that we need Thy help and we beg Thee to come to our assistance. We are surrounded by many dangers First of all there is the weakness of our human nature, which inclines us to seek selfishly our own personal and immediate gain in defiance to Thy will Teach us to understand that Thy divine law must be the norm of all our actions, and not selfish, personal gain

We pray, O God, for the enlightenment to recognize at all times Thy supreme dominion over us, and for the grace of unswerving loyalty and obedience to Thy most excellent law, through Christ our Lord—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Levering, 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:

Mrs. Niehouse, on motion of Mr. Collier.

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

Mr. Dickey, on motion of Mr. Collier.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 71: By Messrs Levering, Lincoln, Hawkins, Evans, Elliott, McMillan, Porter, and Thomas—An act to add Section 17708 to the Health and Safety Code, relating to cooking in hotel rooms, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Public Health.

Assembly Bill No. 72: By Messrs Rumford, Weinberger, and Coolidge—An act to amend Section 24301 of the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

Assembly Joint Resolution No. 3: By Mr Lowrey—Relative to memorializing Congress to establish a strategic materials stockpile and shipping center at Red Bluff, California.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1954

MR SPEAKER: Your Committee on Legislative Procedure has examined
Assembly Constitutional Amendment No 1
And reports the same correctly engrossed

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1954

MR. SPEAKER Your Committee on Legislative Procedure has examined:
Assembly Bill No. 7
And reports the same correctly engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Concurrent Resolution No. 4
And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 11, 1954

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

Assembly Bill No. 4
Assembly Bill No. 17

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1954

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

Assembly Bill No. 1
Assembly Bill No. 2
Assembly Bill No. 3
Assembly Bill No. 5
Assembly Bill No. 6
Assembly Bill No. 16
Assembly Bill No. 19
Assembly Bill No. 30

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Levering, the Journals for Monday, March 8, 1954; Tuesday, March 9, 1954; Wednesday, March 10, 1954; and Thursday, March 11, 1954, were approved, as corrected by the Minute Clerk.

MOTION TO AUTHORIZE TECHNICAL CORRECTIONS IN AMENDMENTS

Mr. Levering moved that the Chief Clerk be authorized and instructed to make all necessary technical corrections to amendments adopted by the House, in order that these amendments may fit the measures so amended.

Such corrections in no way to include any substantive change in the amendments and to have approval of the Speaker before such corrections are made.

Mr. Thomas J. Doyle seconded the motion.

Motion carried.

RE-REFERENCE OF BILLS

By order of the Speaker, the following bills were withdrawn from the file, and re-referred as follows:

Assembly Bills Nos. 2, 3, and 6 re-referred to the Committee on Ways and Means.

Assembly Bill No. 30 re-referred to the Committee on Finance and Insurance.

Assembly Constitutional Amendment No. 1 re-referred to the Committee on Ways and Means.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Cooke, asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Senate Bill No. 27 in the Committee on Conservation, Planning, and Public Works on Wednesday, March 17th, at 3 p.m.

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 17—An act to validate acts, proceedings, and elections in connection with bonds 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad; Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—75.

NOES—None

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—75.

NOES—None.

Bill ordered transmitted to the Senate:

Assembly Bill No. 4—An act to add Section 24077 to the Business and Professions Code, relating to the transfer of licenses under the Alcoholic Beverage Control Act.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—70.

NOES—McMillan and Tomlinson—2

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr. Weinberger asked for, and was granted, unanimous consent that an opinion of the Legislative Counsel, relative to Alcoholic Beverages —No. 1294, be ordered printed in the Journal, as follows:

OPINION OF LEGISLATIVE COUNSEL

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, March 10, 1954

Honorable Thomas J. Doyle
Assembly Chamber

Alcoholic Beverages—No. 1294

DEAR MR. DOYLE:

Question

You have asked us for an opinion as to the constitutionality of Assembly Bill No 4 of the 1954 First Extraordinary Session, relating to the transfer of licenses under the Alcoholic Beverage Control Act.

Opinion

In our opinion, the bill would probably be held by the courts to be constitutional.

Analysis

Assembly Bill No. 4 of the First Extraordinary Session would levy an additional license fee on those licensees who do not operate under their license but who transfer the license to a third party at a profit. The tax is made retroactive to licenses issued after January 1, 1952.

The only constitutional problems raised by such a bill appear to be the classification of licensees who do not enter business, and the retroactive effect of the bill.

A classification will be upheld if there is any reasonable basis for the classification. There is a reasonable basis for the classification contained in the bill. It is reasonable for the State to exact and collect a higher license fee from a licensee who obtains a license for his own use and one who obtains a license for the purpose of selling or transferring it at a profit. The fact that the tax imposed would discourage this practice would not appear to be relevant.

The mere fact that an excise, license, or privilege tax statute has a retroactive effect is not sufficient, of itself, to establish its unconstitutionality. Generally such a tax statute is constitutional, if it is not arbitrary nor unreasonably or oppressively discriminatory, so long as it does not otherwise violate due process of law, disturb vested rights, or impair the obligations of contracts (see annotation in 146 A.L.R 1011, and cases cited therein).

This general rule applies in California (*Roth Drug* vs. *Johnson* (1936) 13 Cal. App. 2d 720, and *American States Water Service Co.* vs. *Johnson* (1939), 31 Cal App. 2d 606).

One of the leading cases on this subject is the United States Supreme Court case of *Welch* vs. *Henry* (1938), 305 U.S. 134, 118 A.L.R. 1142.

In this case a state statute enacted in 1935 imposed a tax on corporate dividends received in 1933 at rates different from those applicable in that year to other types of income tax It was contended that the tax was unconstitutional as a violation of the equal protection and

due process clauses of the Fourteenth Amendment of the United States Constitution.

The court upheld the classification, stating that any classification of taxation is permissible which has reasonable relation to a legitimate end of governmental action.

As to the retroactive feature the court held that there was no denial of equal protection or of due process. The court stated:

> "The objection chiefly urged to the taxing statute is that it is a denial of due process of law because in 1935 it imposed a tax on income received in 1933. But a tax is not necessarily unconstitutional because retroactive. *Millikin* vs. *United States*, 283 U.S. 15, 21, 75 L. Ed. 809, 814, 21 S. Ct. 324, and cases cited. Taxation is neither a penalty imposed on the taxpayer nor a liability which he assumes by contract. It is but a way of apportioning the cost of government among those who in some measure are privileged to enjoy its benefits and must bear its burdens. Since no citizen enjoys immunity from that burden, its retroactive imposition does not necessarily infringe due process, and to challenge the present tax it is not enough to point out that the taxable event, the receipt of income, antedated the statute."

It will be noted that the tax upheld by the United States Supreme Court in *Welch* vs. *Henry*, *supra*, was retroactive for a two-year period.

Therefore, it is our opinion that the retroactive period of two years in the bill would probably be held to be reasonable and, therefore, valid.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By OWEN K. KUNS, Deputy

Two copies to Hon Caspar W. Weinberger, pursuant to Joint Rule 34

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 1—An act to amend Sections 1280 and 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read third time.

Motion to Set Special Order

Mr. Dunn moved that Assembly Bill No. 1 be made a special order of business for today, March 15, 1954, at 3 p.m.

Mr. Morris seconded the motion.

Motion Withdrawn

Mr. Morris withdrew his second.

Mr. Dunn withdrew his motion.

The question being on the passage of the bill.

Motion to Amend

Mr. Smith 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 11, 1954, strike out "Sections 1280 and 1281 of", and insert "Section 1281 of, and to add Section 1280.1 to"

Amendment No. 2

On page 1 of said bill, strike out lines 1 and 2, and insert

"SECTION 1 Section 1280 1 is added to the Unemployment Insurance Code to read:".

Amendment No. 3

On page 1, line 3, of said bill, strike out "1280", and insert "1280 1"

Amendment No. 4

On page 2, lines 27 and 28, strike out "as amended at the 1954 First Extraordinary Session".

Amendment No. 5

On page 2, lines 30, 31, and 32, of said bill, strike out "this section as they existed prior to the effective date of the amendments enacted at the 1954 First Extraordinary Session", and insert "Section 1280".

Amendment No. 6

On page 2 of said bill, between lines 33 and 34, insert

"This section shall remain in effect until September 30, 1955. While this section is in effect it shall supersede Section 1280, but Section 1280 is not repealed by this section, and after this section is no longer effective, Section 1280 shall have the same force as though this section had not been enacted."

Amendments read.

Point of Order

Mr. Thomas J. Doyle arose to the following point of order: That Mr. Levering is not speaking to the question.

Ruling by the Speaker

Speaker Silliman ruled the point of order not well taken.

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 Silliman ruled the point of order not well taken.

The question being on the adoption of the amendments offered by Mr. Smith.

Motion to Recess

Mr. Evans moved that the Assembly do now recess until 3 p.m.

Mr. Brady seconded the motion.

Roll Call Demanded

Messrs. Levering, Smith, and Hinckley demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Brady, Bulen, Cloyed, Collier, Dahl, Evans, Hansen, Hinckley, McMillan, Morris, Stewart, and Mr. Speaker—12.

NOES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Chapel, Collins, Conrad, Cooke, Coolidge, Creedon, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—59.

The question being on the adoption of the amendments offered by Mr. Smith to Assembly Bill No. 1.

Demand for Previous Question

Messrs. Henderson, Hansen, Cooke, Luckel, and Chapel demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendments offered by Mr. Smith to Assembly Bill No. 1.

Roll Call Demanded

Messrs. Fleury, Lindsay, and Nielsen demanded a roll call.

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

AYES—Backstrand, Clark L. Bradley, Bulen, Burke, Casey, Clarke, Cloyed, Collier, Coolidge, Dahl, Evans, Ernest R Geddes, Hansen, Kelly, Klocksiem, Lanterman, Levering, Charles W. Lyon, LeRoy E. Lyon, Marsh, Morris, Ross, Shell, Smith, Stanley, Stewart, and Tomlinson—27.

NOES—Allen, Belotti, Berry, Bonelli, Willis W Bradley, Brady, Brown, Caldecott, Chapel, Collins, Conrad, Cooke, Creedon, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Samuel R Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Rumford, Shaw, Thomas, and Weinberger—49

The question being on the passage of Assembly Bill No. 1.

Motion to Amend

Mr. Levering moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 11, 1954, strike out lines 10 to 23, inclusive; and on page 2, strike out lines 1 to 13, inclusive, and insert

"

A Amount of wages in highest quarter	B Weekly benefit amount
$75.00–$199.99	$15
200.00– 219.99	16
220.00– 239.99	17
240.00– 259.99	18
260.00– 279.99	19
280.00– 299.99	20
300.00– 319.99	21
320.00– 339.99	22
340.00– 359.99	23
360.00– 379.99	24
380.00– 419.99	25
420.00– 459.99	26
460.00– 499.99	27
500.00– 539.99	28
540.00– 579.99	29
580.00 and over	30".

Amendment read.

Point of Order

Mr. McGee arose to the following point of order: That Assembly Bill No 1 carries an implied appropriation, and should be re-referred to the Committee on Ways and Means.

Ruling by the Speaker

Speaker Silliman ruled the point of order not well taken, as no state funds are involved.

The question being on the adoption of the amendment offered by Mr. Levering.

Motion to Recess

Mr. Collier moved that the Assembly do now recess until 3 p m.

Mr. Evans seconded the motion.

Roll Call Demanded

Messrs Levering, Smith, and Thomas J. Doyle demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Backstrand, Belotti, Bonelli, Brady, Bulen, Casey, Clarke, Cloyed, Collier, Collins, Coolidge, Dahl, Erwin, Hansen, Hinckley, Kelly, Klocksiem, Lanterman, Levering, Charles W. Lyon, LeRoy E. Lyon, McGee, McMillan, Morris, Patterson, Porter, Ross, Shell, Smith, Stanley, Stewart, Tomlinson, and Mr. Speaker—33

NOES—Allen, Berry, Clark L. Bradley, Willis W. Bradley, Burke, Caldecott, Chapel, Conrad, Cooke, Creedon, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hobbie, Kilpatrick, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Munnell, Nielsen, Rumford, Shaw, Thomas, and Weinberger—43.

The question being on the adoption of the amendment offered by Mr. Levering.

Point of Order

Mr. Smith arose to the following point of order: That Mr. Levering is not speaking to the question.

Ruling by the Speaker

Speaker Silliman ruled the point of order well taken.

The question being on the adoption of the amendment offered by Mr. Levering.

Demand for Previous Question

Messrs. Henderson, McFall, Porter, Conrad, and Nielsen demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the amendment offered by Mr. Levering.

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

AYES—Backstrand, Brady, Bulen, Burke, Casey, Cloyed, Collier, Ernest R. Geddes, Hansen, Kelly, Lanterman, Levering, Charles W. Lyon, LeRoy E. Lyon, Masterson, McCollister, McGee, Morris, Patterson, Ross, Shaw, Shell, Smith, Stewart, and Tomlinson—25.

NOES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Caldecott, Chapel, Clarke, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Marsh, McFall, McMillan, Meyers, Miller, Munnell, Nielsen, Porter, Rumford, Stanley, Thomas, and Weinberger—49.

The question being on the passage of Assembly Bill No. 1.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Chapel, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—67

NOES—Backstrand, Casey, Clarke, Cloyed, Kelly, Levering, Charles W. Lyon, Morris, Shell, and Smith—10

Bill ordered transmitted to the Senate

RECESS

At 1.17 p.m., on motion of Mr. Levering, the Assembly recessed until 3 p.m.

REASSEMBLED

At 3 p.m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

Speaker Presiding

At 3.03 p.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

ANNOUNCEMENT

Speaker Silliman announced that today the United States Supreme Court ruled, by a vote of 6 to 4, against the Tidelands Bills presented by Alabama and Rhode Island.

REQUESTS FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Fleury asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bills Nos. 39, 54, 55, 56, 57, 58, 60, and 68 in the Committee on Judiciary on Wednesday, March 17th, in Room 2170, at 8 p.m.

Mr. Caldecott asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Alcoholic Beverage Control Bills in the Committee on Ways and Means on Thursday, March 18th, at 2 p.m.

Mr. Weinberger asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 18 in the Committee on Government Organization, on Wednesday, March 17th, at 3 p.m.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 16—An act to amend Section 53021 of the Government Code, relating to emergency expenditures and services by local agencies, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Thomas J Doyle, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lowrey, Luckel, LeRoy E Lyon, Maloney, McCollister, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Mr. Speaker—57.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Thomas J. Doyle, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lowrey, Luckel, LeRoy E. Lyon, Maloney, McCollister, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Mr. Speaker—57.
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19—An act to add Section 37395 to the Government Code, relating to the leasing of city owned property.

Bill read third time.

Motion to Amend

Mr. Thomas moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in the Assembly on March 11, 1954, after "for", insert "not to exceed".

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY CONCURRENT RESOLUTION NO. 4

Mr. Fleury asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 4, temporarily passed on file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 4

Assembly Concurrent Resolution No. 4—Relative to the Report of the Annual Convention of the Marine Corps League of the Department of California.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, McCollister, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Mr. Speaker—59.
NOES—None.

Resolution ordered transmitted to the Senate.

Statement by Messrs. Marsh and Patterson

We regret that constituents called us by long distance telephone the time the vote was being taken on the adoption of Assembly Concurrent Resolution No 4. Had we been present in the Assembly Chamber, we would have voted, "Aye" upon the adoption of the resolution

WILLIAM F. MARSH
ROSCOE L. PATTERSON

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 7—An act to add Section 653 to the Penal Code, and to amend Section 25660 of the Business and Professions Code, relating to the issuance and use of identification cards.

Motion to Amend

Mr. Coolidge moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in the Assembly on March 11, 1954, after "sell", insert ", give away, or furnish".

Amendment read, and adopted

Bill ordered reprinted, and re-engrossed.

RESOLUTIONS

The following resolution was offered.

By Mr. Lindsay:

House Resolution No. 10

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 any money heretofore made available the sum of one thousand dollars ($1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Conservation, Planning and Public Works (created by House Resolution No 177, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 5

Mr. Weinberger asked for, and was granted, unanimous consent to take up Assembly Bill No. 5, temporarily passed on file.

CONSIDERATION OF ASSEMBLY BILL NO. 5

Assembly Bill No. 5—An act to amend Sections 23987 and 23988 of the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brady, Brown, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Erwin, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, LeRoy E. Lyon, Maloney, Marsh, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr Speaker—58.

NOES—None.

Bill ordered transmitted to the Senate.

STATEMENT BY MR. CHAPEL

A conference with a constituent necessitated a temporary absence from the Assembly Chamber. Had I been present, I would have recorded "Aye" votes on the passage of Assembly Bill No. 16, the adoption of Assembly Concurrent Resolution No. 4, and the passage of Assembly Bill No. 5

CHARLES EDWARD CHAPEL

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 3.45 p.m.—

Government Organization, in Room 2170.

At 8.30 p.m.—

Finance and Insurance, in Room 2170.

Today Upon Adjournment—

Military Affairs, at the desk of Mr. Cooke.

Ways and Means, in Room 4202.

Tomorrow, At 9 a.m.—

Rules, in Room 3186.

ADJOURNMENT

At 3.28 p.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a.m., Tuesday, March 16, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TENTH LEGISLATIVE DAY

SIXTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 16, 1954

The Assembly met at 10.15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—76.

Quorum present.

PRAYER

Upon invitation of the Speaker, the following prayer was offered by Rev. Roy Peters:

Let us pray:

I offer You, O God, my whole being, and in particular all my thoughts, words, actions, and sufferings of this day.

You know my poverty and weakness, and that I am unable to do anything good without You.

Deny me not, O God, the help of Your grace; give me strength to avoid everything which You forbid, and to practice the good which You have commanded.—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 member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Clarke.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Lincoln, on motion of Mr. Dahl.

Mr. Lowrey, on motion of Mr. Clarke.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolution was offered:

Assembly Concurrent Resolution No. 7: By Mr. Patterson—Relative to approving certain amendments to the charter of the City of Tulare, a municipal corporation in the County of Tulare, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of October, 1953.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

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.

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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

Assembly Bill No. 7
Assembly Bill No. 19

And reports the same correctly re-engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

Committee on Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1954

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

Assembly Bill No. 70

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

COOKE, Chairman

Above reported bill ordered to second reading.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 15, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Assembly Bill No. 41

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

BACKSTRAND, Chairman

Above reported bill 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. 73: By Mr. Dolwig—An act to add Article 2.1 to Chapter 5, Division 9 of the Education Code relating to the leasing of school district property.

Referred to Committee on Education.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 15, 1954

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 L. RICHARDS, 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 21629 of the Education Code, relating to student transportation districts.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 7—An act to add Section 653 to the Penal Code, and to amend Section 25660 of the Business and Professions Code, relating to the issuance and use of identification cards.

Bill read third time.

Point of Order

Mr. McGee arose to the following point of order: That amended copies of the bill are not properly upon the desks of the members, and that consideration of Assembly Bill No. 7 is not in order, at this time.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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.

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 7

Assembly Bill No. 7—An act to add Section 653 to the Penal Code, and to amend Section 25660 of the Business and Professions Code, relating to the issuance and use of identification cards.

Bill read third time.

Motion to Re-refer Assembly Bill No. 7 to Committee on Judiciary

Mr. McGee moved that Assembly Bill No. 7 be withdrawn from the file, and be re-referred to the Committee on Judiciary.

Mr. Elliott seconded the motion

Motion Withdrawn

Mr. Elliott withdrew his second.

Mr McGee withdrew his motion

NOTE: The intervening business was the introduction of guests.

Motion to Re-refer Assembly Bill No. 7 to Committee on Judiciary

Mr. Masterson moved that Assembly Bill No. 7 be withdrawn from the file, and be re-referred to the Committee on Judiciary.

Mr. Elliott seconded the motion.

Demand for Previous Question

Messrs. Evans, Luckel, Conrad, Porter, and Hawkins demanded the previous question.

Demand for previous question sustained.

The question being on the motion by Mr. Masterson.

The roll was called, and the motion lost by the following vote:

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Caldecott, Chapel, Collins, Creedon, Dickey, Dills, Donald D. Doyle, Dunn, Elliott, Evans, Fleury, Hawkins, Kilpatrick, Levering, Masterson, McGee, McMillan, Miller, Porter, and Tomlinson—27.

NOES—Belotti, Bulen, Burke, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Dolwig, Erwin, Ernest R Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, Meyers, Munnell, Nielsen, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—38.

The question being on the passage of Assembly Bill No. 7.

Demand for Previous Question

Messrs. Charles W. Lyon, Hansen, Evans, McCollister, and Hinckley demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 7.

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

AYES—Allen, Backstrand, Belotti, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, McCollister, McFall, McGee, McMillan, Meyers, Miller, Munnell, Nielsen, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—63

NOES—Berry, Brady, Caldecott, Collins, Dickey, Dills, Elliott, and Masterson—8.

Bill ordered transmitted to the Senate

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Belotti asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Constitutional Amendment No 2 in the Committee on Constitutional Amendments at 8 p m. tonight, March 16th, in Room 2170.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr. Fleury asked for, and was granted, unanimous consent that an opinion of the Legislative Counsel relative to reference of Assembly Bill No. 1 to Assembly Committee on Ways and Means—No. 1497, be ordered printed in the Journal, in 10-point type as follows:

OPINION OF LEGISLATIVE COUNSEL

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, March 16, 1954

Honorable Gordon A. Fleury
Assembly Chamber

Reference of Assembly Bill No. 1 (First Extra Session) to Assembly Committee on Ways and Means—No. 1497

DEAR MR. FLEURY: You have asked us to consider whether Assembly Bill No. 1, relating to unemployment insurance, comes within the provisions of Assembly Standing Rule No. 45, which requires the reference of any bill calling for the expenditure of additional state moneys to the Assembly Committee on Ways and Means before being placed on third reading. You have stated that this issue was raised by a point of order made in the Assembly on March 15, 1954, during the course of debate on this bill.

Assembly Standing Rule No. 45 provides in part:

> "Any bill which would require the expenditure of *additional state moneys in any manner*, including any bill which creates any additional state agency or office, or adds any functions, duties, or responsibilities to an existing agency or office, shall be referred to the Ways and Means Committee before being placed on third reading."

Since Assembly Bill No. 1 does not impose additional duties on any state agency, the question is whether the increased benefits payable from the Unemployment Fund would require "the expenditure of additional state moneys." The character of the moneys in the Unemployment Fund was the subject of litigation in this State in the very early days of our Unemployment Insurance System. The Supreme Court held that these funds are "moneys in the custody of the State." (*Gillum* vs *Johnson*, 7 Cal. 2d 744, 758.) While it is true that the Unemployment Fund is a special trust fund, continuously appropriated for the purposes of unemployment insurance (Unemployment Insurance Code Section 1521), we think it is nevertheless clear that the fund constitutes "state money" within the meaning of Assembly Standing Rule No. 45. It is, therefore, our opinion that if a point of order were properly raised, Assembly Bill No. 1 should be referred to the Ways and Means Committee under the rule.

In the situation you have noted, however, the bill had already been placed on third reading and its final passage was being debated before the Assembly. Under similar circumstances, we have previously concluded that the point of order could no longer be raised under Assembly Standing Rule No. 45 When such a point of order is raised after a bill has been placed on third reading, it should not be sustained for the

reason that the rule specifically provides that the reference shall be made before the bill is "placed on third reading."

You have also asked us to investigate the customary past practice in the Assembly with respect to bills affecting unemployment insurance. While we have not searched the records in detail, we are sure that the Assembly has never enforced a strict compliance with the provisions of Assembly Standing Rule No. 45 in connection with bills relating to unemployment insurance. Unless a point of order is raised, or unless the matter is otherwise brought to the attention of the presiding officer, it has not been the practice in the Assembly to refer any bills to the Ways and Means Committee under Assembly Standing Rule No. 45. This practice was followed with unemployment insurance bills, and we are aware of only one or two cases in which the rule was applied to such bills. The practice, however, was not based upon any legal opinion to the effect that unemployment insurance bills do not come within the provisions of Assembly Standing Rule No. 45, but rather upon the fact that the Assembly generally did not choose to enforce the rule where such bills were concerned.

Yours very truly,

RALPH N. KLEPS, Legislative Counsel

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Weinberger asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bills Nos. 32, 33, 34, and 35 in a meeting of the Committee on Government Organization, Wednesday, March 17th, at 3 p.m., in Room 4202.

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

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

Assembly Bill No. 74: By Mr. Shaw—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to the compensation of Members of the Senate and the Assembly of the State of California, to take effect immediately.

Referred to Committee on Elections and Reapportionment.

Assembly Concurrent Resolution No. 8: By Messrs. Masterson, Caldecott, Collins, and Weinberger—Relative to revision of the Probate Code provisions for setting aside of estates not exceeding $2,500 in value.

Referred to Committee on Rules.

Assembly Constitutional Amendment No. 12: By Mr. McGee—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 13: By Messrs. Shaw, Tomlinson, Hinckley, Collins, Cooke, Dunn, and Stanley—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to the compensation of Members of the Legislature of California.

Referred to Committee on Constitutional Amendments.

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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

Assembly Bill No. 14

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

WEINBERGER, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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

Assembly 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.

WEINBERGER, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

MR. SPEAKER: Your Committee on Government Organization, to which were referred:

Assembly Bill No. 10
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.

WEINBERGER, Chairman

Above reported bills ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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

Assembly Concurrent Resolution No. 6

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 19

Mr. Thomas asked for, and was granted, unanimous consent to take up Assembly Bill No. 19, temporarily passed on file.

CONSIDERATION OF ASSEMBLY BILL NO. 19

Assembly Bill No. 19—An act to add Section 37395 to the Government Code, relating to the leasing of city owned property.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—70.

NOES—None.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT OF COMMITTEE APPOINTMENTS

Speaker Silliman announced an increase in membership of the following committees: Government Organization, Judiciary, and Military Affairs, and announced the following appointments:

Mr. Coolidge to membership on the Committee on Government Organization.

Mr Miller to membership on the Committee on Judiciary.

Mr Clark L Bradley to membership on the Committee on Military Affairs.

Speaker pro Tempore Presiding

At 11.20 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding

ANNOUNCEMENTS

Mr Fleury announced that a Republican luncheon and Caucus will be held today, at 12 noon, in the Mirror Room of the Hotel Sacramento.

Mr Thomas announced that a Democratic luncheon and Caucus will be held today, at 12 noon, in the Hotel Sacramento.

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

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

Assembly Bill No. 75: By Messrs. Dunn, Ernest R. Geddes, Hawkins, Kilpatrick, Berry, Brady, Collins, Cooke, Mrs Davis, Miss Donahoe, Messrs. Thomas J. Doyle, Elliott, Samuel R. Geddes, Henderson, Maloney, Masterson, McFall, McMillan, Meyers, Munell, Porter, Rumford, Shaw, and Thomas—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Concurrent Resolution No. 9: By Messrs. Bulen, Clarke, Hansen, McFall, Chapel, Cloyed, Collier, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Patterson, Porter, Ross, and Tomlinson—Relative to the creation of the Joint Committee on Fairs and Expositions.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Conrad asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 74 in the Committee on Elections and Reapportionment on Thursday, March 18th, at 3 p.m., in Room 3184.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 3 p.m.—

Public Health, in Room 4164.

At 2 p.m.—

Ways and Means, in Room 4202.

At 8 p.m.—

Ways and Means, in Room 4202.

Tomorrow, March 17th—

At 2 p.m.—

Joint meeting of Water Problems Committee and Conservation, Planning, and Public Works, in Room 4202. Subject: Feather River Project.

Subcommittee on Ways and Means, in Room 4164. Subject: Professional and Vocational Standards relative to the leasing of the Times Mirror Bldg.

ADJOURNMENT

At 11.26 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a.m., Wednesday, March 17, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

ELEVENTH LEGISLATIVE DAY

SEVENTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, March 17, 1954

The Assembly met at 10.15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Glorious St. Patrick, Patron Saint of Ireland, who brought to the Irish race the faith of Christianity and gave to the Irish people the great legacies of love of God and love of freedom, look with favor on us this day and give to us the wisdom and courage to seek that which is pleasing to God and to freedom.

Thou, who art the Spiritual Father of the sons and daughters of Erin, and of those of the greater Ireland beyond the seas, instill in our hearts the charity of Christ so that we may love our fellow men for the greater glory of God —AMEN.

READING OF THE JOURNAL DISPENSED WITH

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Chapel.

APPRECIATION EXPRESSED

Mr. Thomas J. Doyle expressed, on his, and Mrs. Doyle's behalf, appreciation to Mr. Maloney and others, whose remarks relative to their Fiftieth Wedding Anniversary have been previously printed in the Journal.

MESSAGES FROM THE GOVERNOR

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on March 1, 1954; 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, GOODWIN J. KNIGHT, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated February 26, 1954, 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:

Item No. 29. To consider and act upon legislation to permit local government agencies to loan money to, or to invest in the securities of other local public agencies

Item No. 30. To consider and act upon legislation relative to the construction of awnings, cabanas, windbreaks, and buildings as attachments to, or within six feet of, trailer coaches.

Item No. 31. To consider and act upon legislation relative to short term financing of community service districts.

Item No. 32. To consider and act upon legislation relative to advertising the sale of governmental securities.

Item No. 33. To consider and act upon legislation relative to cooking in hotel rooms.

Item No. 34. To consider and act upon legislation relative to the salary of the Director of Finance.

Item No. 35. To consider and act upon legislation relative to validation of the Orange County Water District and the provisions of the Orange County Water District Act.

Item No. 36. To consider and act upon legislation relative to the salaries of Members of the State Legislature.

Item No. 37. To consider and act upon legislation to authorize the construction of a building in Los Angeles County for the Department of Employment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this sixteenth day of March, 1954.

(SEAL) GOODWIN J. KNIGHT, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State
By CHARLES J. HAGERTY, Assistant Secretary of State

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 76: By Mr McGee—An act to add Section 1208 to the Penal Code, relating to driving while under the influence of intoxicating liquor.

Referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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

Assembly Concurrent Resolution No. 5

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

Committee on Public Health

ASSEMBLY CHAMBER, SACRAMENTO, March 16, 1954

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

Assembly Bill No. 53

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

RUMFORD, Chairman

Above reported bill ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 14—An act to add Section 23791 5 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered engrossed.

Assembly Bill No. 70—An act to amend Sections 161, 232, 258, 416, and 643 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Cooke moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 5, of the printed bill, strike out "office", and insert "officer"

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 62—An act to amend Sections 404, 1035, 1055, 1134, 1179, 1180, 1182, 1817, 1951, and 1953 of the Unemployment Insurance Code, relating to unemployment insurance and appeals procedure thereunder.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 22, of the printed bill, strike out "referee", and insert "Referee's section of the Appeals Division".

Amendment No. 2

On page 2, line 14, of said bill, strike out "referee", and insert "Referee's section of the Appeals Division".

Amendment No. 3

On page 2, line 32, of said bill, strike out "referee", and insert "Referee's section of the Appeals Division".

Amendment No. 4

On page 2, line 35, of said bill, strike out the second "the", and insert "a".

Amendment No. 5

On page 2, line 42, of said bill, strike out "but the"; and strike out lines 43 to 46, inclusive, and insert " The order or decision of the Appeals Board upon the petition for reassessment and the assessment becomes final 30 days after service upon the petitioner of notice of the order or decision."

Amendment No. 6

On page 3, line 9, of said bill, strike out "referee", and insert "Referee's section of the Appeals Division".

Amendment No. 7

On page 3, line 19, of said bill, strike out "referee", and insert "Referee's section of the Appeals Division".

Amendment No. 8

On page 3, line 21, of said bill, strike out "referee", and insert "Referee's section of the Appeals Division".

Amendment No. 9

On page 3, line 22, of said bill, strike out the second "the", and insert "a".

Amendment No. 10

On page 4, of said bill, strike out line 4, and insert "Referee's section of the Appeals Division as set forth in this article. If the Referee's section fails to mail"

Amendment No. 11

On page 4, line 17, of said bill, strike out "the", and insert "a".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 15—An act to amend Section 11502 of the Government Code, relating to administrative adjudication proceedings of the State Board of Equalization.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

In line 3 of the title of the printed bill, after "Equalization", insert ", and providing for the transfer of employees, funds, property and records".

Amendment No. 2

After line 25 of said bill, insert

"SEC 2. All persons, other than temporary employees, serving in the civil service and engaged in the performance of hearing functions which may not be performed by the State Board of Equalization through its own hearing officers after the effective date of this act shall remain in the State civil service and are hereby transferred to the Division of Administrative Procedure, Department of Professional and Vocational Standards, on the effective date of this act The status, positions and rights of such persons shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act.

SEC 3 All money available for expenditure for the exercise of the powers and duties transferred by this act and not heretofore expended by the State Board of Equalization shall not revert to the fund from which appropriated, but shall be transferred and retransferred by the Controller upon the order of the State Board of Control and shall be available for expenditure by the Division of Administrative Procedure.

SEC 4 On the effective date of this act the Division of Administrative Procedure shall succeed to and be entitled to the immediate possession and control of so much of the records, books, papers, equipment, and other personal property of the State Board of Equalization as pertains to the transferred powers and duties"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 10—An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

On page 1, line 5, of the printed bill, after "has", insert "knowingly".

Amendment No. 2

On page 1, line 7, of said bill, after "has", insert "knowingly".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 11—An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 1, line 7, of the printed bill, strike out "10", and insert "6".

Amendment read, and adopted

Bill ordered reprinted, and engrossed.

Assembly Bill No. 41—An act to amend Section 1309 of the Unemployment Insurance Code, relating to unemployment insurance benefit charges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 5, of the printed bill, after "spouse", insert "or parent,".

Amendment No. 2

On page 1, line 8, of said bill, after "from", strike out "her", and insert "his".

Amendment No. 3

On page 1, line 19, of said bill, strike out "under"; and strike out all of lines 20 and 21, and insert "subsequent to a disqualification under this section shall not be charged against the account of the employer for whom he or she worked immediately preceding the act which caused the disqualification."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Finance and Insurance.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 16, 1954

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. 2

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, March 16, 1954

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

Senate Constitutional Amendment No. 3

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Referred to Committee on Constitutional Amendments.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 16, 1954

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

Senate Bill No. 37

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. 37—An act to add Chapter 6.1, comprising Sections 60737.01 to 60737.08, to Part 5, Division 3, Title 5 of the Government Code, relating to depositaries for community services districts.

Referred to Committee on Municipal and County Government.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 16, 1954

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

Senate Bill No. 15
Senate Bill No. 16
Senate Bill No. 20
Senate Bill No. 31
Senate Bill No. 32

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, 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 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.

Senate Bill No. 16—An act to validate acts, proceedings, and elections in connection with bonds of school districts, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

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REQUESTS FOR UNANIMOUS CONSENT THAT RULES BE TEMPORARILY SUSPENDED

Mr. Weinberger asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 29 today in the Committee on Government Organization, at 3 p.m., in Room 4168.

Mr. Caldecott asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 6 in the Committee on Ways and Means, tomorrow, March 18th, at 2 p.m.

COMMUNICATIONS

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

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 1 to Assembly Bill No. 70, by striking out "years" on page 1, line 19, and inserting "year's".

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED.

JAMES W. SILLIMAN, Speaker of Assembly

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 1 to Assembly Bill No. 70, by striking out "years" on page 1, line 21, and inserting "year's".

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED:

JAMES W. SILLIMAN, Speaker of Assembly

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Conservation, Planning, and Public Works, in Room 4202. Subject: Assembly Bill No. 36 and Feather River Bill.

Subcommittee No. 8 of Committee on Ways and Means, in Room 4164.

At 3 p.m.—

Government Organization, in Room 4168. Subject: Assembly Bill No. 29.

At 8 p.m.—

Education, in Room 4202.

Municipal and County Government, in Room 4164.

Tomorrow, Wednesday, March 18th, at 9 a.m.—

Subcommittee on Education, in Room 4164. Subject: Student tuition at California Polytechnic and one other item.

Next Monday, March 22d, at 8 p.m.—

Judiciary, in Room 4202.

It was announced that the following committee will hold no meeting tonight:

Judiciary.

ADJOURNMENT

At 11.12 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a.m., Thursday, March 18, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWELFTH LEGISLATIVE DAY

EIGHTEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, March 18, 1954

The Assembly met at 10 15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lauterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—75.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

We pray, O God, for all the Members of this Assembly.

Give them, O Lord, first of all the gift of wisdom. "I called upon God, and the spirit of wisdom came upon me. And I preferred her before kingdoms and thrones, and esteemed riches nothing in comparison to her. Neither did I compare unto her any precious stone; for all gold in comparison to her, is as a little sand, and silver in respect to her shall be counted as clay. I loved her above health and beauty, and chose to have her instead of light; for her light cannot be put out." Wisdom 7, 7.

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Ernest R. Geddes, 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:

Mrs. Niehouse, on motion of Mr. McMillan.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Miss Donahoe, on motion of Mr. Creedon.
Mr. McCollister, on motion of Mr. Creedon.
Mr. Samuel R. Geddes, on motion of Mr. Creedon.
Mr. Chapel, on motion of Mr. Creedon.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 78: By Mr. Hawkins—An act to add Article 6 to Chapter 5 of Part 2 of the Unemployment Insurance Code, comprising Sections 3151 to 3156, inclusive, relating to investments in branch office buildings for the Department of Employment.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 79: By Mr. Ernest R. Geddes—An act to add Section 628.6 to the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

Assembly Bill No. 31

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

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 59

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 18, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Assembly Bill No. 51
Assembly Bill No. 52

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 Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred:

Assembly Bill No. 36

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

LINDSAY, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred:

Senate Bill No. 27

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

LINDSAY, Chairman

Above reported bill ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 17, 1954

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

Assembly Bill No. 14

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

Assembly Bill No. 15
Assembly Bill No. 62
Assembly Bill No. 70

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Bill No. 10
Assembly Bill No. 11

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

Assembly Bill No. 41

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

Speaker pro Tempore Presiding

At 10.26 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

Assembly Concurrent Resolution No. 7

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

House Resolution No. 10

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

Assembly Joint Resolution No. 2

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

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

Assembly Bill No. 33

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

WEINBERGER, Chairman

Above reported bill ordered to second reading

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR SPEAKER: Your Committee on Government Organization, to which was referred:

Assembly Bill No. 18

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

WEINBERGER, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Government Organization, to which were referred

Assembly Bill No. 12
Assembly Bill No. 13

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

WEINBERGER, 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. 80: By Mr. Elliott—An act to repeal Sections 625, 626, 627, 628, and 628.5 of the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 17, 1954

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

Senate Bill No. 29

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 29—An act to amend Section 375 of the Streets and Highways Code, relating to State Highway Route 75, and to provide for the payment of the cost of maintenance of the portion of said route deleted by Chapter 1737 of the Statutes of 1953, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 17, 1954

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 L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Joint Resolution No. 2—Relative to memorializing Congress to provide adequate fire and flood protection in the national forests of Southern California.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 27

Mr. Cooke asked for, and was granted, unanimous consent to take up Senate Bill No. 27, without reference to the second reading file, for purpose of amendment.

CONSIDERATION OF SENATE BILL NO. 27 (BY UNANIMOUS CONSENT)

Senate Bill No. 27—An act to amend Sections 28, 30 and 36 of the Water Conservation Act of 1931, relating to the issuance and payment of bonds and the levy and collection of special assessment taxes, 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 Military Affairs:

Amendment No. 1

In line 2 of the title of the printed bill, after "1931", insert "(Chapter 1020 of the Statutes of 1931)".

Amendment No. 2

On page 6, lines 11 and 12, of the printed bill, strike out "upon the lands within the district".

Amendments read, and adopted

Bill ordered reprinted, and to third reading.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Senate Bill No. 27

Mr. Cooke asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Senate Bill No. 27.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 17, 1954

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

Assembly Concurrent Resolution No. 1
Assembly Concurrent Resolution No. 2

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above resolutions ordered enrolled.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 53—An act to amend Section 18600 of the Health and Safety Code, relating to auto and trailer parks.

Bill read second time, and ordered engrossed.

Assembly Concurrent Resolution No. 5—Relative to the resumption of surveys, plans, and estimates for a toll or other bridge across Carquinez Straits between the Cities of Benicia and Martinez.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 22, of the printed measure, strike out "the", and insert "preliminary engineering, traffic, and financial".

Amendment No. 2

On page 2, line 2, of said measure, strike out "construct", and insert "proceed with detailed plans, specifications and estimates for the construction of".

Amendments read, and adopted.

Resolution ordered reprinted, and engrossed.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 14—An act to add Section 23791.5 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—66.

NOES—None.

Bill ordered transmitted to the Senate.

Statement by Mr. Chapel

I have been absent from the Assembly Chamber because I was in attendance at the meeting of the California State Highway Commission. Had I been present, I would have voted "Aye" on the passage of Assembly Bill No. 14.

CHARLES EDWARD CHAPEL

Speaker Presiding

At 10.33 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

Assembly Bill No. 15—An act to amend Section 11502 of the Government Code, relating to administrative adjudication proceedings of the State Board of Equalization.

Bill read third time, and temporarily passed on file.

APPOINTMENT OF SELECT COMMITTEE

Speaker Silliman announced the appointment of Messrs. Hinckley and Porter as a Select Committee to escort to the rostrum Richard Tanguay, of Crestline, and James Krulic, of Lynwood, student winners of a state oratorical contest.

RECESS

At 10.53 a.m., on motion of Mr. Hinckley, the Assembly recessed until 11 a.m. to hear Richard Tanguay, of Crestline, and James Krulic, winning oratorical students, present their essays.

REASSEMBLED

At 11 a.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REQUEST FOR UNANIMOUS CONSENT THAT ESSAYS BE PRINTED IN JOURNAL

Mr. Kelly asked for, and was granted, unanimous consent that the following essays, given by the two above mentioned student oratorical contest winners, be ordered printed in the Journal, in 10-point type, as follows:

ESSAYS BY "OWN MY OWN HOME" CONTEST WINNERS

Why I Want to Own My Own Home

By James Krulic, Lynwood High School

Everybody wants a home of his own. Why? What does a home mean? Is it just a place to live, a place to hang your hat, as the saying goes? No, it's more than that. It's the shelter that gives you security. It is a place of your very own without a landlord hanging over you. "Sorry, I will have to have the place in thirty days." "Sorry, you will have to conform to these regulations" Or, maybe he doesn't say he's sorry at all.

Home is a place where children are welcome, yours and your neighbors. Home is a place where you don't have to apologize for loving a little puppy.

A home brings privacy to its owner, freedom to live the kind of life you want for yourself and your family.

A home can grow into what you want it to be. Add to it, change it, do anything you like to improve it. A home can reflect the personality of its owner.

Add it all up, the shelter, the security, the children, the puppies, the privacy, the development and improvement of living, and it spells home, the place that is open after a hard day's work, a haven of rest after the day's work, a place to renew your faith in God.

When you invest in a home, you invest in the future. A home gives security for life. All that you put into it comes back to you a hundredfold. With every brick, every board, every panel, you lay a foundation for a good living, for the growth of a family.

As you build a strong foundation for yourself and your family, you're helping to build a better nation, and a better world. America was built like this.

Why I Want to Own My Own Home

By Richard Tanguay, Crest Forest School

We in America are the luckiest people in the world. We have freedom, prosperity, and more security for our people than most countries. We have a strong voice in our government, plus many other blessings.

I think that owning our own home is one of the most important ways to realize these freedoms in our everyday lives and help make our nation strong. Owning our homes makes us free from depending on others and gives us personal freedom to do as we wish on our own land, from raising crops to painting our house pink.

A home owner has an investment, and does not have to pay rent, so he works toward greater goals Naturally, a home owner is more secure, does not have to move unless he wishes, feels more responsibility toward the community because he is a part of it. As a property owner he feels that he has more voice in government, especially in his own town.

His children are more secure, have a more settled place in the community and are more likely to grow up as better citizens.

By owning homes we can be stronger and happier ourselves, and all together be a stronger, happier nation. That is why I would like to own my own home.

REQUEST FOR UNANIMOUS CONSENT THAT EDITORIAL BE PRINTED IN JOURNAL

Mr. Dunn asked for, and was granted, unanimous consent on his behalf and that of Mr. Dickey, that the following editorial from a newspaper in San Leandro be ordered printed in the Journal, in 10-point type, as follows:

So Others Say

EDITOR'S NOTE—Lee Chistensen, 17-year-old San Leandro high school student, joined a speaker's contest on the subject, "What the Constitution of the United States of America Means to Me." Because American rights under the Constitution are constantly under pressure for revision or destruction, this newspaper publishes Lee's opinion as of current interest.)

* * *

Have you ever stopped to think what kind of life you would lead under the rule of a monarch or a dictator, where your life was not your own to live? Under these circumstances, individualism dwindles into oblivion. You are neither free to think, talk or act in accordance with the dictates of your own conscience.

Your answer to this question may be: Why should I wonder or worry about such things? I am an American. I am not a victim of these circumstances.

This is true. But may I then ask you another question? Did you ever stop to realize just what we have in this Country that assures you and me the right of life, liberty and the pursuit of happiness?

The thing that secures these blessings upon you and upon me is our United States Federal Government which is provided for in the supreme law of the land, "The Constitution of the United States of America."

To my way of thinking the Constitution sets up three basic points that are necessary if a democracy or any other system of government is to endure the test of the years.

The first of the three is freedom of the individual. Yes, as an American citizen I enjoy many rights and privileges, and along with these rights and privileges I must accept certain duties and obligations, for it has been proven that citizens who constantly demand their rights and neglect their duties soon find themselves without rights.

Let me give you some of these rights and privileges as set forth in the Constitution. I enjoy the right: To speak and write as I please but to use rather than abuse the privilege; To worship God as my conscience dictates while allowing all other faiths the tolerance I ask for my own; To read whatever newspaper, magazine, or book I choose no matter what political party or candidate it supports, at the same time I must keep an open mind as I read, weigh all evidence and base my opinions upon reasonable and intelligent thinking. I enjoy free education and I hope my children will also be fortunate enough to enjoy this privilege.

Many of you may remember when this Country was limited in its educational programs and higher education was so costly that few were able to finish college. You as citizens are acting under the free agency provided by the Constitution and you are providing these blessings to the youth of our Country today. When I grow older I shall support by taxes equally good educational opportunities for all my countrymen; and last but certainly not least I enjoy the right to life, liberty and the pursuit of happiness at the same time being sensitive and concerned for the welfare of others and for the problems of my Country.

It is my duty and privilege to meet and act upon these problems intelligently and unselfishly. You all remember Patrick Henry who said: "Give me liberty or give me death." But Daniel Webster said: "Liberty exists only in proportion to wholesome restraint." BOTH MEN WERE RIGHT.

The second outstanding point provided in our Constitution that is of great importance to me is the protection of individual enterprise. I have the right to engage in any lawful occupation of my own choice as long as I work to carry my own load. My fellow citizens do not owe me a living. This privilege is very important to me because in the heart of every young person there is a desire to gain success in life through achievement and attainment. How could this possibly be accomplished if you didn't have the power to choose your own occupation, one that you are interested in and one that is appreciated by your fellow citizens?

In many foreign countries today thousands of people, under the rule of dictators and the like, are forced to work, not where they choose but where the so-called leader of their country wants them to work.

Would you be satisfied under a system such as this? Would you want your children to grow up with that sort of a handicap facing them? Would as a skilled wood worker be satisfied working in a steel mill or on the other hand would a steel worker be contented in a wood shop? No, of course you wouldn't, and since these workers would be dissatisfied you may ask yourself: Are the manufactured goods turned out by discontented hands as good in quality as those put out in a country where each worker chooses his own occupation because he is actually interested in his work? Again the answer is, No. No man does his best at a job that holds no interest for him. Many of you may have had this type of experience first hand.

The third outstanding point the Constitution holds for me is the right to real elections at stated times. I mean an election which results in seating the candidate of the people's choice. When I reach the age of 21, I will take upon myself added responsibility as I will then be of legal age to vote and thereby establish my voice in the government of my Country. As our Country professes to have a democracy, and democracy means government by the people, it is not only my right but my duty to vote for the candidate of my choice and to vote intelligently and regularly at all local, state and national elections after a thoughtful study of the comparative merits of the candidates and issues. My vote together with those of my fellow citizens adds up to the voice of democracy.

Let us not forget that millions of people today are deprived of these various privileges. The United States of America is the shining example of freedom and prosperity to the rest of the world. Thousands of peoples of other lands would give all they own up to life itself to be able to make their homes on our shores. We must be constantly alert to the attempts of a few to undermine the things that make our Country great.

In general I believe in all the principles that the Constitution sets forth—the freedom of mankind to do right, to worship God according to the dictates of their own conscience, freedom, to make their living in peace and to observe and maintain their rights, their freedom, their liberty and justly recognize and equally preserve and defend the rights, freedom and liberty of their neighbors and of their fellow beings.

Is it any wonder that I think democracy as it is set forth in the Constitution is my most precious possession? For the great theme of our history was seen to be the growth of a unique social structure embracing our way of life, our belief in the individual, his freedom, his opportunity, and the increasing power of men to govern themselves intelligently and with courage.

As Chief Justice Earl Warren so ably stated in his recent speech at Columbia University: "Our strength is in our diversity. Our power is in freedom of thought and of research." These things must be preserved for posterity.

In closing I would like to leave with you a small thought that was written by Stephen Vincent Binet: "Let us all say this much to ourselves, not only with our lips, but in our hearts. Let us say this: I myself am a part of democracy—I myself must accept responsibilities. Democracy is not merely a privilege to be enjoyed—it is a trust to keep and maintain. I am an American."

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 62

Mr. Morris asked for, and was granted, unanimous consent to take up Assembly Bill No 62, temporarily passed on file.

CONSIDERATION OF ASSEMBLY BILL NO. 62

Assembly Bill No. 62—An act to amend Sections 404, 1035, 1055, 1134, 1179, 1180, 1182, 1817, 1951, and 1953 of the Unemployment Insurance Code, relating to unemployment insurance and appeals procedure thereunder.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—68.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 15

Mr. Rumford asked for, and was granted, unanimous consent to take up Assembly Bill No. 15, temporarily passed on file, out of order, for purpose of amendment.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 15

Assembly Bill No. 15—An act to amend Section 11502 of the Government Code, relating to administrative adjudication proceedings of the State Board of Equalization.

Bill read third time.

Motion to Amend

Mr. Fleury moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in the Assembly on March 17, 1954, after the period, strike out the balance of the line; and strike out all of lines 7, 8, and up to and including the period in line 9.

Amendment No. 2

On page 2, line 10, of said bill, strike out "Board of Equalization", and insert "agencies".

Amendment No. 3

On page 2, line 20, of said bill, strike out "Board of Equalization", and insert "agencies".

Amendment No. 4

On page 2, line 29, of said bill, strike out "Board of Equalization", and insert "agencies".

Amendments read.

Amendments Withdrawn

Mr. Fleury withdrew his amendments.

The question being on the passage of Assembly Bill No. 15.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—66

NOES—None.

Bill ordered transmitted to the Senate.

Speaker pro Tempore Presiding

At 11.18 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Speaker Presiding

At 11.35 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 10—An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act.

Bill read third time.

Speaker pro Tempore Presiding

At 11.40 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Speaker Presiding

At 11.45 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

Demand for Previous Question

Messrs. Clark L. Bradley, Hansen, Morris, Dahl, and Casey demanded the previous question.

Demand for previous question sustained.

The question being on the passage of Assembly Bill No. 10.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Dahl, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—68.

NOES—Bulen, Creedon, and Dunn—3

Bill ordered transmitted to the Senate.

Assembly Bill No. 11—An act to add Section 25620 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Motion to Amend

Mr. Charles W. Lyon moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in the Assembly on March 17, 1954, strike out "six", and insert "four".

Amendment read.

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

AYES—Belotti, Willis W. Bradley, Brady, Bulen, Creedon, Dickey, Dills, Dolwig, Thomas J. Doyle, Elliott, Evans, Hawkins, Hobbie, Kelly, Kilpatrick, Lincoln, Lindsay, Charles W. Lyon, Marsh, Masterson, McCollister, McGee, McMillan, Patterson, Porter, Stanley, Thomas, and Tomlinson—28.

NOES—Allen, Berry, Bonelli, Clark L Bradley, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Dahl, Erwin, Ernest R Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Klocksiem, Lanterman, Levering, Lowrey, Luckel, Maloney, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Rumford, Shaw, Shell, Stewart, and Weinberger—38

The question being on the passage of the bill.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Creedon, Dahl, Dickey, Dills, Dolwig, Thomas J. Doyle, Dunn, Erwin, Ernest R Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—64.

NOES—Brady, Elliot, and Tomlinson—3.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT

Mr. Evans announced that a luncheon meeting of the Los Angeles Delegation will be held today, upon adjournment, at the Hotel Sacramento.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 18—An act to amend Section 25762 of the Business and Professions Code, relating to the disposition of fines and forfeitures imposed for violations of the Alcoholic Beverage Control Act.

Bill read second time, and ordered engrossed.

Assembly Bill No. 12—An act to repeal Sections 23788, 23957, and 24044 of, to amend Section 23951 of, and to add Section 23962 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

On page 1, line 19, of the printed bill, after "license", insert ", for renewal of a license,".

Amendment No. 2

On page 1, line 20, of said bill, after "requirements", insert "which are applicable to the type of license involved".

Amendment No. 3

On page 1, line 21, of said bill, strike out "Be", and insert "Every applicant with respect to an on-sale general license or an on-sale general license for seasonal business shall be".

Amendment No. 4

On page 1, line 22, of said bill, strike "Have never", and insert "No applicant with respect to any license shall have".

Amendment No. 5

On page 2, line 4, of said bill, strike out "Be", and insert "Every applicant with respect to any license shall be".

Amendment No. 6

On page 2, line 5, of said bill, strike out "Have not", and insert "No applicant with respect to any license shall have".

Amendment No. 7

On page 2, line 7, of said bill, after the period, insert "This paragraph shall not apply to applicants for renewal of a license."

Amendment No. 8

On page 2, line 8, of said bill, strike out "Be", and insert "Every applicant with respect to any license shall be".

Amendment No. 9

On page 2, line 9, of said bill, strike out "Be", and insert "Every applicant with respect to any on- or off-sale license shall be".

Amendment No. 10

On page 2, line 11, of said bill, strike out "Be", and insert "Every applicant with respect to any license shall be".

Amendment No. 11

On page 2, line 13, of said bill, strike out "Be possessed of demonstrated", and insert "Every applicant with respect to any license shall present satisfactory evidence of".

Amendment No. 12

On page 2, line 15, of said bill, after the period, insert "Compliance with federal requirements, if any, with respect to financial responsibility shall be deemed to be compliance with the requirement of this paragraph."

Amendment No. 13

On page 2, line 16, of said bill, strike out "Present", and insert "Every applicant with respect to any on- or off-sale license shall present".

Amendment No. 14

On page 2, line 18, of said bill, after "law", insert "; except that the board may accept plans and specifications for premises which are to be constructed or which are in the process of construction, and if satisfied with the plans and specifications and if applicant and premises otherwise meet the requirements of this division, the board may grant preliminary approval to an application for a license. Upon the completion of the premises in accordance with the plans and specifications submitted to the board, the board shall issue a license to the applicant for such premises".

Amendment No. 15

On page 2, line 19, of said bill, strike out "Be", and insert "Every applicant with respect to any license shall be".

Amendment No. 16

On page 2, line 22, of said bill, strike out "Be", and insert "Every applicant with respect to any license shall be".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 13—An act to amend Section 24070 of, and to add Sections 24070.1, 24070.2 and 24070.3 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

On page 1, line 13, of the printed bill, after "provided", insert "in this section and".

Amendment No. 2

On page 1, line 13, of said bill, after the period, insert "On and after January 1, 1974, any person who desires to purchase the business of a licensee may file an application with the board designating the intended transferor of the business, the premises upon which the business is conducted and furnishing such other information as may be required by rule or regulation. The board shall investigate the transaction between the licensee and the intended transferee and shall satisfy itself that no part of the purchase price which is paid with respect to the transfer of the licensee's business is attributable to or compensation for the transfer of the license with respect to the premises upon which the business is conducted. If the board approves the transaction, and if the intended transferee meets the requirements of this division, it shall issue a license to the intended transferee, said license to be delivered upon the completion of the transfer of the premises and the cancellation of the existing license."

Amendment No. 3

On page 1, line 21, of said bill, strike out the period, and insert "within a period of three consecutive years."

Amendment No. 4

On page 2, line 16, of said bill, after "stock", insert "in one transaction".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 33—An act to add Section 23794 to the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

On page 1, line 3, of the printed bill, strike out "alcoholic beverage", and insert "on- or off-sale general".

Amendment No. 2

On page 1, of said bill, after line 8, insert

"This section shall not be deemed to require the issuance or transfer of an on- or off-sale general license, or to make invalid any protest with respect to the issuance or transfer of such a license, where the premises for which the license is sought are more than 600 feet from any such church, school, college, or playground.

This section shall not be applicable to the renewal of any on- or off-sale general license or to the transfer of such a license where the premises for which the license is issued are, on the effective date of this section, within 600 feet of such a church, school, college, or playground and the license is transferred to another person for use at such premises."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

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

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

Assembly Bill No. 81: By Mr. McCollister—An act to add Section 4965.2 to the Education Code, relating to tax rates in unified school districts.

Referred to Committee on Education.

Assembly Bill No. 82: By Mr. Evans—An act to amend Section 23320 of the Business and Professions Code, relating to alcoholic beverage license fees.

Referred to Committee on Government Organization.

RESOLUTIONS

The following resolution was offered:

By Mr. Conrad:

House Resolution No. 12

Relative to augmenting the funds of the Assembly Interim Committee on Elections and Reapportionment

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of one thousand five hundred and sixty-eight dollars and eighty-five cents ($1,568.85), 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 Elections and Reapportionment (created by House Resolution No. 159, 1953 Regular Session) and its members, and for any charges, expenses, or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury

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

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Belotti asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Constitutional Amendments Nos. 10 and 13 and Senate Constitutional Amendment No 3 in the Committee on Constitutional Amendments at 8 p.m., in Room 2196.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 1.45 p.m.—

Conservation, Planning, and Public Works, in Room 4202.

At 2 p m.—

Ways and Means, in Room 4202. Subject: Liquor Bills and Budget.

Constitutional Amendments, in Room 2196. Subject: Assembly Constitutional Amendment Nos. 10 and 13, and Senate Constitutional Amendment No. 3.

At 3 p.m.—

Elections and Reapportionment, in Room 3184. Subject: Salary Increase Bill.

Transportation and Commerce, in Room 2170. Subject: Senate Bill No. 22.

Civil Service and State Personnel, in Room 4164.

At 8 p.m.—

Revenue and Taxation, in Room 3184.

ADJOURNMENT

At 12.20 p m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a m., Friday, March 19, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

THIRTEENTH LEGISLATIVE DAY

NINETEENTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, March 19, 1954

The Assembly met at 10 15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—76

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole.

O Lord Jesus Christ, Who hast said: Ask and you shall receive; seek and you shall find; knock and it shall be opened unto you; grant, we beseech Thee, unto us who ask, the gift of Thy divine love, that we may ever love Thee with our hearts, and in all our words and actions never cease from showing forth Thy praise —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.

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Levering.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Joint Resolution No. 4: By Messrs. Morris, Ernest R. Geddes, Miller, Chapel, Berry, Willis W. Bradley, Burke, Collier, Collins, Conrad, Dills, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ross, Hawkins, Bonelli, Kilpatrick, Klocksiem, Lanterman, Levering, Charles W. Lyon, Maloney, Marsh, McGee, McMillan, Meyers, Munnell, Porter, Smith, Stewart, Thomas, Shell, and Weinberger—Relative to the Los Angeles International Airport.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 10: By Messrs. Fleury, Nielsen, Stewart, and Caldecott—Relative to merit awards to state employees.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Joint Resolution No. 2
And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 18
Assembly Bill No. 53
And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined
Assembly Concurrent Resolution No. 7
And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Concurrent Resolution No. 5
And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 12
Assembly Bill No. 13
Assembly Bill No. 33
And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Constitutional Amendment No. 13

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

BELOTTI, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Senate Constitutional Amendment No. 3

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted, as amended, and be re-referred to the Committee on Ways and Means.

BELOTTI, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Constitutional Amendment No. 2

Has had the same under consideration, and reports the same back with amendments with the recommendation: Be adopted, as amended, and be re-referred to the Committee on Ways and Means.

BELOTTI, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Constitutional Amendment No. 10

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

BELOTTI, Chairman

Above reported resolution ordered on file.

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR. SPEAKER: Your Committee on Transportation and Commerce, to which was referred:

Senate Bill No. 22

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

TOMLINSON, Chairman

Above reported bill ordered to second reading.

Committee on Elections and Reapportionment

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR SPEAKER: Your Committee on Elections and Reapportionment, to which was referred:

Assembly Bill No. 74

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

CONRAD, Chairman

Above reported bill ordered to second reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR SPEAKER. Your Committee on Ways and Means, to which was referred.

Assembly Bill No. 6

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

CALDECOTT, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 9

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

CALDECOTT, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

MR. SPEAKER Your Committee on Ways and Means, to which was referred:

Assembly Constitutional Amendment No. 1

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

CALDECOTT, Chairman

Above reported resolution ordered on file.

Committee on Civil Service and State Personnel

ASSEMBLY CHAMBER, SACRAMENTO, March 18, 1954

MR. SPEAKER. Your Committee on Civil Service and State Personnel, to which were referred:

Senate Bill No 18
Senate Bill No 19

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

HENDERSON, Chairman

Above reported bills ordered to second reading.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 31—An act to amend Section 4965.1 of the Education Code, relating to school district taxes, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 36—An act to amend Section 375 of the Streets and Highways Code, relating to State Highway Route 75, and to provide for the payment of the cost of maintenance of the portions of said route deleted by Chapter 1737 of the Statutes of 1953, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed

Assembly Bill No. 51—An act authorizing the State Lands Commission to exchange property of the State of California for property in San Mateo County for purposes of navigation and flood control and providing for actions against the State to quiet title to the land exchanged and to determine the validity of the title to such land, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 52—An act to amend Section 1 of Chapter 1359 of the Statutes of 1945, relating to the granting of certain lands, salt marsh, tidelands, submerged lands, swamp and overflowed lands of the State of California to the City of Redwood City, including the management, use and control thereof.

Bill read second time, and ordered engrossed.

Assembly Bill No. 47—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.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Municipal and County Government.

Amendment No. 1

On page 2, between lines 21 and 22, of the printed bill, insert "Municipal water district improvement districts".

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 48—An act to validate the organization, boundaries, acts, proceedings and bonds of public bodies, as herein defined.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Municipal and County Government:

Amendment No. 1

On page 2, between lines 21 and 22, of the printed bill, insert "Municipal water district improvement districts".

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 59—An act to amend Section 6910 of the Health and Safety Code, relating to sanitary districts, 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

In line 1 of the title of the printed bill, after "of", insert ", and to add Section 6917 to,".

Amendment No. 2

On page 1 of said bill, strike out lines 13 to 16, inclusive, and insert

"SEC 2 Section 6917 is added to the Health and Safety Code, to read:

6917. This section provides an alternative procedure for the exclusion of any portion of territory within a district. Any portion of a district which is not substantially and directly benefited by being in the district, or by its continued inclusion therein, may be excluded from the district by order of the district board upon receipt of the verified petition of the owners in fee of land within that portion of the district, which has an assessed value with improvements in excess of one-half of the assessed value of all the privately-owned land and improvements in the portion of the district proposed to be excluded.

The contents of the petition, the filing thereof, and the notice of hearing thereon, shall be as provided in Sections 58231 to 58236, inclusive, of the Government Code. If, upon the hearing, the board determines that it is for the best interests of the district that all or any part of the portion of the district proposed to be excluded, be excluded from the district, or if it determines that all or part of such portion will not be benefited by continued inclusion in the district, the board shall make an order that all or part of such portion be excluded from the district. The order shall describe specifically the land excluded.

Any portion of a district which is excluded from the district pursuant to this section shall, nevertheless, be subject to taxation and be otherwise chargeable for the payment and discharge of all of the obligations of the district outstanding at the time of the filing of the petition for exclusion of the area, as fully as though that portion had not been withdrawn.

Amendment No. 3

On page 1, line 25, of said bill, after "tories.", insert "Furthermore, there are territories included in various sanitary districts which are presently both within and without incorporated cities and which are most seriously in need of better sewerage facilities. However, they are not substantially and directly benefited by being in these districts and will not be able to have the necessary improved sewerage systems as long as they remain in such districts"

Amendment No. 4

On page 1, line 27, of said bill, after "city territories", insert "and in order to permit certain territories not substantially and directly benefited by being in these districts to obtain an adequate sewage disposal system".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 18, 1954

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

Senate Constitutional Amendment No. 4
Senate Concurrent Resolution No. 5

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolutions were read:

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Referred to Committee on Constitutional Amendments.

Senate Concurrent Resolution No. 5—Relative to congratulating Dr. Rockwell Dennis Hunt on his being named "Mr. California."

Referred to Committee on Rules.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 70—An act to amend Sections 161, 232, 258, 416, and 643 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—67

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—67

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53—An act to amend Section 18600 of the Health and Safety Code, relating to auto and trailer parks.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—67.

NOES—None.

Bill ordered transmitted to the Senate.

Speaker pro Tempore Presiding

At 10.35 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Assembly Concurrent Resolution No. 5—Relative to the resumption of surveys, plans, and estimates for a toll or other bridge across Carquinez Straits between the Cities of Benicia and Martinez.

Resolution read.

Speaker Presiding

At 10.42 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

Assembly Concurrent Resolution No. 5 ordered passed on file.

CONSIDERATION OF HOUSE RESOLUTION NO. 10

By Mr. Lindsay:

House Resolution No. 10

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 any money heretofore made available the sum of one thousand dollars ($1,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Conservation, Planning, and Public Works (created by House Resolution No. 177, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—66.

NOES—None

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 7—Relative to approving certain amendments to the charter of the City of Tulare, a municipal corporation in the County of Tulare, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of October, 1953.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Brady, Brown, Burke, Casey, Chapel, Clarke, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Tomlinson, Weinberger, and Mr. Speaker—65

NOES—None.

Resolution ordered transmitted to the Senate

Assembly Bill No. 12—An act to repeal Sections 23788, 23957, and 24044 of, and to amend Section 23951 of, and to add Section 23962 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dolwig, Donald D Doyle, Thomas J. Doyle, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—67.

NOES—Brady and Masterson—2.

Bill ordered transmitted to the Senate.

Explanation of Vote by Mr. Masterson

I voted "No" on Assembly Bill No 12, even though I am in accord with the purpose of the bill, because Section (h) thereof sets financial qualifications on a citizen's right to go into business.

S C. MASTERSON

Explanation of Not Voting on Assembly Bill No. 12

The objectives of Assembly Bill No 12 to prevent persons of questionable character from obtaining licenses to sell alcoholic beverages are praiseworthy and should be enacted into law.

However, to limit control and responsibility to those "having any OWNERSHIP" ignores the many possibilities that the profits from the business may be siphoned off to a person not eligible to obtain a license

The omission of persons convicted of felonies under FEDERAL laws in Section 23962.(b) is a stupid oversight which should have been corrected before the bill was voted on

The provisions of Section 23962 (h) with respect to financial responsibility are an infringement on free enterprise totally repugnant to me and which can only be designed to protect the investments of distillers, brewers, and wholesale liquor distributors For these reasons I could not vote for the bill Because the intent was good I would not vote against it Therefore I did not vote

FRANCIS DUNN, JR

Request for Unanimous Consent That Statement Exceeding Fifty Words Be Printed in Journal

Mr Brady asked for, and was granted, unanimous consent that he be permitted to print a statement exceeding 50 words in the Journal relating to Assembly Bill No 12, as follows:

Explanation of Vote by Mr. Brady on Assembly Bill No. 12

Provisions aiding law enforcement and proper identification of alcoholic beverage licenses contained in Assembly Bill No 12 I do not quarrel with

But the arrogant attitude of any American to say that a fellow-American cannot go into a business unless he has supplied "satisfactory evidence of financial responsibility" when there is no question of a public service organization I cannot subscribe to

Grocery stores, pharmacies, markets, restaurants, and practically all businesses have been conducted since the founding of our Nation by men of determination, knowledge, and character

Why should we give any board or any administrator power to issue from on high an edict that an American cannot go into a business unless he brings a good bank statement or whatever else the Alcoholic Beverage Administration should arbitrarily determine is "satisfactory evidence of financial responsibility"

The clear intent is made known by the following question put by me to the principal author during the debate on the proposal.

By Mr Brady, "If I were to open a drug store with an off-sale liquor license what would be the gauge of my "financial responsibility" under the bill?"

The Answer, "Credit ratings would be examined; where the business was going to be located, and many other things——"

Restrictions in the legislative proposal go further The bill would prohibit a foreign-born citizen who couldn't read or write the English language from receiving the license should a husband or wife die and bequeath it to such a person

Even a blind person would be foreclosed under the bitter language; and he could not even get a partner because the proposal goes further to state that, '—above requirements apply TO EACH MEMBER of a partnership"

Assaults on free enterprise are experienced on all hands,—I will not condone by any vote of mine such a flagrant and evident affront as is contained in Assembly Bill No 12

BERNARD R BRADY

APPOINTMENT OF SELECT COMMITTEE

Speaker Silliman announced the appointment of Mrs Davis as a Select Committee to escort to the rostrum the Susanville High School Lassenettes, a 14-girl chorus under the leadership of Merrill Knighton

RECESS

At 11.33 a.m., on motion of Mrs. Davis, the Assembly recessed until 11.40 a.m. to hear songs presented by the Lassenettes, a 14-girl chorus under the leadership of Merrill Knighton.

REASSEMBLED

At 11.40 a m , the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 13—An act to amend Section 24070 of, and to add Sections 24070 1, 24070.2, and 24070.3 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read third time, and ordered passed on file.

REQUEST FOR UNANIMOUS CONSENT THAT ALL BILLS HOLD PLACES ON FILE

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent that all bills passed on file, hold their places on file on the next legislative day.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

Senate Bill No. 27—An act to amend Sections 28, 30, and 36 of the Water Conservation Act of 1931, relating to the issuance and payment of bonds and the levy and collection of special assessment taxes, 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—69.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—69.

NOES—None.

Bill ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Joint Resolution No. 5: By Messrs Miller, Chapel, Levering, Willis W. Bradley, Burke, Mrs. Davis, Messrs. Thomas J. Doyle, Evans, Fleury, Ernest R. Geddes, Ross, Hawkins, Bonelli, Kilpatrick, Klocksiem, Lincoln, Marsh, McFall, McGee, Munnell, Dahl, and Shell—Relative to outlawing the Communist Party of the United States and the members thereof.

Referred to Committee on Rules

MEMBERS EXCUSED

At 11.55 a.m., Mr. Levering asked for, and was granted, unanimous consent that Messrs. Porter and Cloyed be excused, for the balance of the legislative day, because of legislative business elsewhere.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Constitutional Amendment No 13

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Bill No. 31
Assembly Bill No. 36
Assembly Bill No. 51
Assembly Bill No 52

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND PORTION OF STATEMENT BE PRINTED IN JOURNAL

Mr. Kilpatrick asked for and was granted, unanimous consent that a letter of transmittal and attached portion of a statement be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

LEGISLATIVE BUDGET COMMITTEE
SACRAMENTO, CALIFORNIA, March 16, 1954

Hon. Vernon Kilpatrick
Assemblyman, Fifty-fifth District
State Capitol, Room 3132
Sacramento, California

DEAR MR KILPATRICK: In response to your telephone request for information concerning the water allocated to areas south of the Tehachapis in various filings made by the Department of Finance for the appropriation of water from the Feather River, we have obtained data from the Division of Water Resources indicating that certain of these water right applications have reserved specific amounts of water for areas south of the Tehachapi Mountains.

Application 14443, filed on August 24, 1951, by the Department of Finance, seeks to appropriate sufficient water from the Feather River to make available a total of 3,156,000 acre-feet per annum, of which 1,773,000 acre-feet per annum is allocated to areas south of the Tehachapis.

Application 14445 was filed one day later, and thus has a lower priority. The supplement to paragraph 11 of this application covers diversions from Old River, which is one of the delta channels It allocates 1,055,000 acre-feet per annum to the San Joaquin Valley and 3,227,000 acre-feet per annum to areas south of the Tehachapi Mountains.

You also inquired whether the State provided any financial assistance to the City of Los Angeles in bringing water from Owens Valley or the Metropolitan Water District in transporting water from the Colorado River It is our understanding that there was no state aid for either of these projects.

I am enclosing a copy of the pertinent portions of a statement we received from the Division of Water Resources, which gives detailed information on the filings of the Department of Finance on the Feather River. Please advise me if there are any additional data that you desire me to secure in connection with this matter.

Sincerely,

A ALAN POST, Legislative Auditor

EXCERPT FROM STATEMENT BY DIVISION OF WATER RESOURCES

(COPY)

"the State Department of Finance has filed the following applications for appropriation of water from the Feather River:

Application 5629 filed on July 30, 1927, seeks to appropriate 7,600 cubic feet per second by direct diversion and 380,000 acre-feet per annum to storage at the Oroville Dam site within Section 34, T. 20 N., R 4 E, and Section 5, T. 19 N, R. 4 E, for use for power purposes through a powerhouse located directly below said dam.

Application 5630 also filed on July 30, 1927, seeks to appropriate 1,400 cubic feet per second by direct diversion and 380,000 acre-feet per annum to storage at the same points as described in Application 5629, for use for irrigation, domestic, saline, flood control and navigation purposes on 2,500,000 acres in the Sacramento and San Joaquin Valley floors.

Application 14443 filed on August 24, 1951, seeks to appropriate 1,360 cubic feet per second by direct diversion and 3,500,000 acre-feet per annum to storage between Oroville Dam and the junction of the Feather River with Bear River for irrigation, domestic, municipal, industrial, recreational, flood control, salinity control and navigation purposes within the Feather River service area, Santa Clara and Alameda Counties, areas south of the Tehachapi Mountains and the west side and southern portion of the San Joaquin Valley This application covers the diversion of water also from Italian Slough and Old River in the Delta

Application 14444 also filed on August 24, 1951, seeks to appropriate 11,000 cubic feet per second by direct diversion and 3,500,000 acre-feet per annum to storage for use for power purposes at powerhouses immediately below the Oroville Dam

Application 14445 filed on August 25, 1951, seeks to appropriate 2,140 cubic feet per second by direct diversion between Oroville Dam and the junction of the Feather River with Bear River, for use for irrigation, domestic, municipal, industrial, recreational, flood control, salinity control and navigational purposes within the lower Sacramento Valley, San Mateo, Alameda, Contra Costa, Monterey, San Benito, Santa Cruz and Santa Clara Counties and within the San Joaquin Valley and areas south of the Tehachapi Mountains. This filing also covers a diversion of additional water from Italian Slough and Old River.

The supplement to Paragraph 11 of Application 14443 covering storage in Oroville Reservoir reads as follows:

"The water appropriated pursuant to this application shall be allocated for use in the areas named and in the amounts set forth under Financial Analysis No 4 on pages 118 and 119 of said report as follows, to wit:

Feather River Service Area (Plate 3 of report)	311,000	acre-feet per annum
Santa Clara and Alameda Counties	127,000	" " " "
West Side and southern portion of San Joaquin Valley	945,000	" " " "
Areas south of Tehachapi Mountains	1,773,000	" " " "
Total	3,156,000	acre-feet per annum

"The allocations to the four places of use named above shall be without priority as between themselves."

The "said report" referred to is the Report on Feasibility of Feather River Project and Sacramento-San Joaquin Delta Diversion Projects Proposed as Features of California Water Plan, dated May 1951.

The supplement to Paragraph 11 of Application 14445, covering diversion from Old River, reads as follows.

"The water appropriated from Old River pursuant to this application shall be allocated for use in the areas named and in amounts set forth as follows:

San Joaquin Valley	1,055,000	acre-feet per annum
Area south of Tehachapi Mountains	3,227,000	" " " "

"The allocations to the two places of use named above shall be without priority as between themselves."

REQUEST FOR UNANIMOUS CONSENT THAT REMARKS BE PRINTED IN JOURNAL

Mr. Charles W. Lyon asked for, and was granted, unanimous consent that his remarks relative to his guest, Mrs. Gregg Lifur of Beverly Hills, be ordered printed in the Journal, as follows:

Mrs. Gregg Lifur is a Golf Champion who has ranked All-American nationally and internationally for over 20 years. She has been the California State Champion four times, the Southern California Champion five times. Mrs. Lifur has won all minor golf titles in California and has refused all offers to turn professional. She has won the Helms award and innumerable other awards and is recognized as one of the greatest amateur golfers ever to come out of California and the United States. Aside from her interest in sports she is an active leader, at all times, in civic, social, and political activities.

COMMUNICATIONS

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

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 1 to Assembly Bill No. 47, by striking out "Untied" and inserting "United" on page 4, line 37.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED:

JAMES W. SILLIMAN, Speaker of the Assembly

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Ways and Means, in Room 4202.

At 8 p.m.—

Ways and Means, in Room 4202.

Today Upon Adjournment—

Public Health, in Room 3184.

Tomorrow, Saturday, March 20th, at 9 a.m.—

Ways and Means, in Room 4202.

Next Tuesday, March 23d, at 2 p.m.—

Subcommittee on Transportation and Commerce, in Room 4202. Subject: Truck mufflers.

ADJOURNMENT

At 11.57 a.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 11.15 a.m., Monday, March 22, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FOURTEENTH LEGISLATIVE DAY

TWENTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 22, 1954

The Assembly met at 11.15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—77.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Lord, God Almighty, The light of whose grace doth shine on the just and unjust alike, we beseech Thee, on this day when lawlessness is so rampant, to shed the ray of Thy protective heavenly mantle about us that all may be mindful of their duties to Thee and to each other. Protect our rulers and the Members of this Assembly, that by Thy aid they may exercise wisdom and prudence. Through Christ our Lord —AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Levering, 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.

Mrs. Niehouse, on motion of Mr. Levering.

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

Mr. Miller, on motion of Mr. Levering.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 83: By Mr. Silliman—An act to amend Sections 4845.20 and 4845.34 of, and to add Section 4845.35 to, the Health and Safety Code, relating to the withdrawal of territory annexed to a city from a sanitation district.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 84: By Mr. Ross—An act to amend Sections 156 and 158 of the Vehicle Code, relating to license plates.

Referred to Committee on Transportation and Commerce.

Assembly Concurrent Resolution No. 11: By Mr. Dunn—Relative to the display of flags in Legislative Committee Rooms.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 12: By Messrs. Morris, Ernest R. Geddes, Evans, Chapel, Bonelli, and Hawkins—Relative to soundproofing the cafeteria in the State Capitol Annex.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Dunn:

House Resolution No. 13

Relative to the display of flags in Legislative Committee Rooms.

WHEREAS, The Flag of the United States and the Flag of the State are displayed in countless public places throughout the State, including public buildings, grounds and in all court rooms; and

WHEREAS, There is no more fitting place for the display of such flags than in the committee rooms of the Legislature in the State Capitol so that they may act as a constant reminder to our Legislators and to the people of their duties to Nation and State; and

WHEREAS, Neither the Flag of the United States nor the Flag of the State is displayed in any of the committee rooms; now, therefore, be it

Resolved by the Assembly of the State of California, That the Chief of the Bureau of State Buildings and Grounds is hereby requested to provide for the display of both the Flag of the United States and the Flag of the State, each of a suitable size, in a prominent place in each Legislative Committee Room in the State Capitol.

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

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1954

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

Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 59

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Concurrent Resolution No. 1—Relative to expressing the congratulations of the people of the State of California to the Honorable Earl Warren upon his appointment as Chief Justice of the United States,

Assembly Concurrent Resolution No. 2—Relative to Governor Brauho Maldonado of Baja California Norte;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the nineteenth day of March, 1954, at 2 p.m.

BURKE, Chairman

Committee on Public Health

ASSEMBLY CHAMBER, SACRAMENTO, March 19, 1954

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

Assembly Bill No. 71

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

RUMFORD, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 19, 1954

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

Senate Bill No. 25
Senate Bill No. 26
Senate Bill No. 28
Senate Bill No. 39

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. 25—An act to amend Section 422, 439 and 648 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Military Affairs.

Senate Bill No. 26—An act to add Article 5e to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest, of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and

discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1954.

Referred to Committee on Military Affairs.

Senate Bill No. 28—An act to create a Department of Alcoholic Beverage Control, an Alcoholic Beverage Control Commission, and the Office of Director of Alcoholic Beverage Control, by amending Sections 11551 and 11556 of the Government Code, and adding Chapter 1.5 to Division 9 of the Business and Professions Code, relating to the state administration of alcoholic beverage control.

Referred to Committee on Government Organization.

Senate Bill No. 39—An act to add Article 18.6 to Chapter 11 of Division 2 of the Education Code, relating to school districts.

Referred to Committee on Education.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 19, 1954

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

Senate Bill No. 27

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 74—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to the compensation of Members of the Senate and the Assembly of the State of California, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 9—An act to amend Section 23320 of, and to add Chapter 18 to Division 9 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

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, strike out "Section 23320", and insert "Sections 23320 and 25761".

Amendment No. 2

On page 2, strike out lines 13 to 17, inclusive, and insert

"26005 An amount equal to the additional revenue derived from the 10 percent increase in fees made by the act adding this section shall, on order of the Controller immediately preceding each time he draws his warrants pursuant to subdivision (a) of Section 25761, be set aside in a special account in the Alcohol Beverage Control

Fund for the carrying out by the commission of the purposes of this chapter. No money shall be expended from the amount so set aside except upon appropriation made by the Legislature."

Amendment No. 3

On page 2, line 22, after the period, insert "Any amounts expended from the appropriation made by this section shall be repaid to the General Fund out of the money first received in the special account established in the Alcohol Beverage Control Fund by Section 26005 of the Business and Professions Code."

Amendment No. 4

On page 3, line 50, insert

"SEC. 4. Section 25761 of the Business and Professions Code is amended to read:

25761. All money collected as license fees and under the excise tax provisions of this division shall be deposited in the State Treasury to the credit of the Alcohol Beverage Control Fund, which fund is continued in existence.

The money in the Alcohol Beverage Control Fund is appropriated as follows:

(a) All money collected from fees, *except the additional revenue produced by the 10 percent increase in fees made by the act amending this section*, shall be paid semi-annually to the counties, cities and counties, and cities of this State in the proportion that the amount of the fees collected in the particular couny, city and county, or city bears to the total amount collected throughout the State. The Controller shall, during the months of April and October of the year, draw his warrants upon the fund in favor of the treasurer of each county, city and county, and city for the amount to which each is entitled under this section.

(b) Such amount as is necessary for the allowance of the refunds provided for in this division.

(c) Any remaining balance shall be transferred to the General Fund on the order of the Controller."

Amendment No. 5

On page 2, line 4, strike out "and study", and insert ", study, and engage in".

Amendment No. 6

On page 2, line 5, after the second "and", insert "shall investigate and study".

Amendment No. 7

On page 2, line 7, after "alcohol", insert a comma.

Amendments read, and adopted.

Consideration of Further Amendments

Motion to Amend

Mr. Coolidge moved the adoption of the following amendment:

Amendment No. 1

On page 2, lines 21 and 22, of the printed bill, strike out "to be expended in accordance with the provisions", and insert "for the purposes".

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Constitutional Amendment No. 10—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolution read.

Point of Order

Mr. Shaw arose to the following point of order: That Assembly Constitutional Amendment No. 10 carries an implied appropriation, and should be re-referred to the Committee on Ways and Means.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Re-reference of Assembly Constitutional Amendment No. 10

Assembly Constitutional Amendment No. 10 ordered re-referred to the Committee on Ways and Means.

Assembly Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds to provide loans and grants to school districts of the State.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 1, lines 10 and 11, of the printed measure strike out "two hundred fifty million dollars ($250,000,000)", and insert "one hundred twenty million dollars ($120,000,000)."

Amendment No. 2

On page 2, between lines 15 and 16, insert

"No funds from bonds issued pursuant to this section or from an appropriation made in lieu of such bond money shall be allocated to school districts until the provisions of Chapter 1466 of the Statutes of 1949, as now or hereafter amended, become operative with respect to assessed valuations, and any allocations from such funds shall be made subject to the provisions of such chapter, as now or hereafter amended."

Amendment No. 3

Strike out line 5 of the title, and insert "or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid."

Amendment No. 4

On page 1, strike out lines 15 to 17, inclusive, and insert

"(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the State for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings."

Amendment No. 5

On page 2, between lines 5 and 6, insert

"The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated."

Amendment No. 6

On page 2, line 23, strike out "and adequate".

Amendments read, and adopted.

Resolution ordered reprinted, engrossed, and to be re-referred to the Committee on Ways and Means

SECOND READING OF SENATE BILLS

Senate Bill No. 18—An act to amend Section 13953 of the Vehicle Code, relating to promotions

Bill read second time, and ordered to third reading.

Senate Bill No. 19—An act to repeal Sections 139.52 and 139.56 of the Vehicle Code, relating to efficiency ratings and punitive action

Bill read second time, and ordered to third reading.

Senate Bill No. 22—An act to amend Sections 44, 44.1, 44.2, 44.5, 44 7, 44 9, 44 10, and 44.11 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read second time, and ordered to third reading.

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 1, lines 10 and 11, of the printed measure, strike out "one hundred million dollars ($100,000,000)", and insert "one hundred-twenty million dollars ($120,000,000)".

Amendment No. 2

On page 2, between lines 35 and 36, insert

"No funds from bonds issued pursuant to this section or from an appropriation made in lieu of such bond money shall be allocated to school districts until the provisions of Chapter 1466 of the Statutes of 1949, as now or hereafter amended, become operative with respect to assessed valuations, and any allocations from such funds shall be made subject to the provisions of such chapter, as now or hereafter amended."

Amendments read, and adopted.

Resolution ordered reprinted, and to be re-referred to the Committee on Ways and Means.

RECESS

At 12 m., on motion of Mr Levering, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened

Hon. James W. Silliman, Speaker of the Assembly, presiding

Chief Clerk Arthur A. Ohnimus at the desk

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 5—Relative to the resumption of surveys, plans, and estimates for a toll or other bridge across Carquinez Straits between the Cities of Benicia and Martinez.

Resolution read.

Motion to Amend

Mr. Donald D. Doyle moved the adoption of the following amendment:

Amendment No. 1

On page 2, line 10, of the printed measure, as amended in the Assembly on March 18, 1954, after "Martinez", insert "(expending therefor funds available for expenditure in County Group No. 1 pursuant to Section 188 of the Streets and Highways Code and which are not subject to Section 188.4 of the Streets and Highways Code)".

Amendment read, and adopted.

Resolution ordered reprinted, and re-engrossed.

Assembly Joint Resolution No. 2—Relative to Congress appropriating funds for the construction of a fence along the Mexican boundary from the Pacific Ocean to the Arizona state line.

Resolution read.

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

AYES—Allen, Backstrand, Berry, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Erwin, Fleury, Hansen, Henderson, Hinckley, Hobbie, Levering, Lincoln, Lindsay, Charles W. Lyon, Maloney, Marsh, Masterson, McFall, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—46.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 18—An act to amend Section 25762 of the Business and Professions Code, relating to the disposition of fines and forfeitures imposed for violations of the Alcoholic Beverage Control Act.

Bill read third time.

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

AYES—Allen, Backstrand Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Masterson, McFall, McGee, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—61.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 13—An act to amend Section 24070 of, and to add Sections 24070.1, 24070.2, and 24070.3 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read third time.

Motion to Amend

Mr. Bulen moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in the Assembly on March 18, 1954, strike out "1974", and insert "1964".

Amendment No. 2

On page 1, line 11, strike out "1974", and insert "1964".

Amendment No. 3

On page 1, line 14, strike out "1974", and insert "1964".

Amendments read.

Roll Call Demanded

Messrs. Bulen, Luckel, and Tomlinson demanded a roll call.

The roll was called.

Motion for Call of the Assembly

Pending the announcement of the vote, Mr. Bulen moved a call of the Assembly.

Motion to Expunge Record and Rescind Action on Roll Call on Amendments Offered by Mr. Bulen

Mr. Maloney moved to expunge the record, and rescind the action whereby the Assembly on this day took a roll call on the amendments offered by Mr. Bulen to Assembly Bill No. 13.

Mr. Caldecott seconded the motion.

Motion carried.

APPOINTMENT OF SELECT COMMITTEE

Speaker Silliman announced the appointment of Messrs. Caldecott, Levering, Conrad, Coolidge, Thomas, Rumford, and Munnell as a Select Committee to escort to the rostrum the Chief Justice of the United States, the Hon. Earl Warren and Mrs. Warren, His Excellency, the Hon. Goodwin J. Knight, Governor of California, and Leo Carrillo, motion picture star.

RECESS

At 2.23 p.m., on motion of Mr. Maloney, the Assembly recessed until 2.40 p.m., to hear remarks from the Chief Justice of the United States, the Hon. Earl Warren; the Governor of California, the Hon. Goodwin J. Knight; and motion picture star, Leo Carrillo.

REASSEMBLED

At 2.40 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

FURTHER CONSIDERATION OF ASSEMBLY BILL NO. 13

Assembly Bill No. 13—An act to amend Section 24070 of, and to add Sections 24070.1, 24070.2, and 24070.3 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read third time.

Further Consideration of Amendments by Mr. Bulen

Motion to Amend

Mr. Bulen moved the adoption of the following amendments:

Amendment No. 1

On page 1, line 7, of the printed bill, as amended in the Assembly on March 18, 1954, strike out "1974", and insert "1964"

Amendment No. 2

On page 1, line 11, strike out "1974", and insert "1964"

Amendment No. 3

On page 1, line 14, strike out "1974", and insert "1964".

Amendments read.

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

AYES—Allen, Bonelli, Clark L. Bradley, Bulen, Burke, Caldecott, Casey, Clarke, Collier, Collins, Dahl, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Klocksiem, Lanterman, Levering, Luckel, Marsh, Morris, Munnell, Ross, Shaw, and Shell—26.

NOES—Belotti, Berry, Willis W. Bradley, Brown, Cloyed, Creedon, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Fleury, Samuel R Geddes, Hansen, Henderson, Hobbie, Kelly, Kilpatrick, Lincoln, Lindsay, Lowrey, Charles W. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Nielsen, Patterson, Rumford, Stanley, Stewart, and Thomas—35.

The question being on the passage of Assembly Bill No. 13.

Motion to Amend

Mr. Rumford moved the adoption of the following amendments:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on March 18, 1954, strike out "and 24070.3", and insert "24070.3 and 24070.9".

Amendment No. 2

On page 2, after line 42, insert

"24070.9. The board shall not approve the transfer of any license if it finds that the amount of the purchase price or other consideration to be paid by the intended transferee in connection with the transfer exceeds the amount originally paid by the intended transferer for or in connection with the issuance or transfer of the license to him.

For the purposes of this section, the board shall not approve the transfer of any license before it has first investigated and determined the amount of the purchase price or other consideration to be paid by the intended transferee in connection with the transfer and the amount paid by the intended transferor for or in connection with the issuance or transfer of the license to him

Any payment by an intended transferee to an intended transferor of a liquor license of an amount representing purchase price or other consideration for or in connection with the transfer is a misdemeanor if such amount exceeds the amount paid by the intended transferor for or in connection with the issuance or transfer of the license to him"

Amendments read.

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

AYES—Allen, Burke, Caldecott, Cloyed, Collier, Conrad, Coolidge, Dolwig, Erwin, Ernest R. Geddes, Hansen, Hinckley, Lanterman, Levering, Lindsay, Rumford, Shaw, and Wemberger—18.

NOES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bardley, Willis W Bradley, Bulen, Casey, Clarke, Collins, Creedon, Dickey, Dills, Donahoe, Donald D. Doyle, Thomas J Doyle, Elliott, Evans, Fleury, Hawkins, Henderson, Kelly, Kilpatrick, Lincoln, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McGee, McMillan Meyers, Munnell, Nielsen, Patterson, Ross, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—44.

The question being on the passage of Assembly Bill No. 13.

Motion to Amend

Mr. Rumford moved the adoption of the following amendments:

Amendment No. 1

On page 2, line 24, of the printed bill, as amended in the Assembly on March 18, 1954, after "provided", insert "in this section and".

Amendment No. 2

On page 2, line 24, after the period, insert "On and after January 1, 1974, a license may be issued to the transferee of a licensee's business in the same manner and subject to the same conditions as provided in Section 24070 with respect to the transfers of businesses on and after January 1, 1974."

Amendments read, and adopted.

Bill ordered reprinted, and re-engrossed.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 33—An act to add Section 23794 to the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Speaker pro Tempore Presiding

At 3 35 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Demand for Previous Question

Messrs. Hinckley, McMillan, McCollister, Conrad, and Porter demanded the previous question

Demand for previous question sustained.

The question being on the passage of Assembly Bill No 33.

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

AYES—Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Coolidge, Dahl, Dolwig, Donald D Doyle, Thomas J Doyle, Elliott, Erwin, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Henderson, Hinckley, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lowrey, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McGee, Meyers, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Stewart, Tomlinson, and Weinberger—54

NOES—Belotti, Dickey, Dills, Dunn, Evans, Hobbie, Kilpatrick, McMillan, Porter, Stanley, and Thomas—11.

Bill ordered transmitted to the Senate.

Request for Unanimous Consent

Mr Thomas J. Doyle asked for, and was granted, unanimous consent that he be recorded as voting "Aye" upon the roll call, on Assembly Bill No. 33.

Assembly Bill No. 31—An act to amend Section 4965 1 of the Education Code, relating to school district taxes, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—68.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—68.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 36—An act to amend Section 375 of the Streets and Highways Code, relating to State Highway Route 75, and to provide for the payment of the cost of maintenance of the portion of said route deleted by Chapter 1737 of the Statutes of 1953, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—68.

NOES—None.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—68.

NOES—None.

Bill ordered transmitted to the Senate:

Assembly Bill No. 51—An act authorizing the State Lands Commission to exchange property of the State of California for property in San Mateo County for purposes of navigation and flood control and providing for actions against the State to quiet title to the land exchanged and to determine the validity of the title to such land, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—68.

NOES—None.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E.

Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—68.
NOES—None.

Bill ordered transmitted to the Senate:

Assembly Bill No. 52—An act to amend Section 1 of Chapter 1359 of the Statutes of 1945, relating to the granting of certain lands, salt marsh, tidelands, submerged lands, swamp and overflowed lands of the State of California to the City of Redwood City, including the management, use and control thereof.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Bulen, Burke, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—64.
NOES—None.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Bulen, Burke, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—64.
NOES—None.

Motion to Amend Title

Mr. Dolwig moved the adoption of the following amendment to the title:

Amendment No. 1

In line 5 of the title of the printed bill, after "thereof", insert ", and declaring the urgency thereof, to take effect immediately".

Amendment read, and adopted

Bill ordered reprinted, and transmitted to the Senate.

Assembly Bill No. 47—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—Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Nielsen, Patterson, Ross, Rumford, Shell, Smith, Stanley, Stewart, and Weinberger—56.
NOES—Allen, Clark L Bradley, Munnell, Shaw, and Thomas—5.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Willis W Bradley, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Coolidge, Creedon, Dahl, Dolwig, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Nielsen, Patterson, Ross, Rumford, Shell, Smith, Stanley, Stewart, and Weinberger—55

NOES—Allen, Clark L Bradley, Munnell, Shaw, and Thomas—5

Bill ordered transmitted to the Senate.

Assembly Bill No. 48—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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Samuel R Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Nielsen, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, and Weinberger—58

NOES—Dunn, Munnell, and Thomas—3.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59—An act to amend Section 6910 of, and to add Section 6917 to, the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Ross, Rumford, Shell, Smith, Stanley, Stewart, and Weinberger—65.

NOES—None.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Ross, Rumford, Shell, Smith, Stanley, Stewart, and Weinberger—65

NOES—None.

Bill ordered transmitted to the Senate.

Speaker Presiding

At 4.02 p.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

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 amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Resolution read.

Motion to Amend

Mr. Collins moved the adoption of the following amendments:

Amendment No. 1

In line 3 of the title of the printed measure, as amended in the Assembly on March 11, 1954, strike out "amending", and insert "repealing".

Amendment No. 2

In line 4 of the title, after "of", insert ", and adding Section 23 to,".

Amendment No. 3

On page 1, line 7, strike out "Section 22 of".

Amendment No. 4

On page 1, line 8, strike out "to read".

Amendment No. 5

On page 1, between lines 8 and 9, insert

"First, by repealing Section 22, relating to alcoholic beverages.

Second, by adding Section 23, to read:

SEC 23 The counties, with respect to unincorporated areas, and cities and counties and cities, with respect to incorporated areas, subject to the Internal Revenue Laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of intoxicating liquors containing more than one-half of 1 percent of alcohol by volume within their respective areas.

Such privileges shall not be prohibited in any county, city and county, or city unless such prohibition is approved by the majority of voters of the particular county, city and county, or city voting on the proposition at an election held for such purpose.

The State of California shall have the exclusive right and power to assess and collect excise taxes on account of the manufacture, importation, and sale of intoxicating liquors in this State."

Amendment No. 6

On page 1, strike out lines 9 to 20, inclusive; strike out page 2; and on page 3, strike out lines 1 to 9, inclusive.

Amendments read.

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

AYES—Collins and Shaw—2.

NOES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Nielsen, Patterson, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—64.

Demand for Previous Question

Messrs. Charles W. Lyon, Evans, Luckel, Patterson, and Cloyed demanded the previous question

Demand for previous question sustained

The question being on the adoption of Assembly Constitutional Amendment No. 1.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—72.
NOES—Collins—1.

Resolution ordered transmitted to the Senate:

Explanation of Vote on Assembly Constitutional Amendment No. 1

In the belief that our Alcoholic Beverage Control Laws need drastic revision, I have voted for all bills on the subject recommended by the Weinberger Committee.

However, I am not in agreement that one-man authority is best, but with the belief that this feature will be modified by the Senate, and that it will be returned to us for a final vote of approval, I have voted "Aye."

VERNON KILPATRICK

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 6

Mr. Weinberger asked for, and was granted, unanimous consent to take up Assembly Bill No. 6, temporarily passed on file.

CONSIDERATION OF ASSEMBLY BILL NO. 6

Assembly Bill No. 6—An act to add Chapter 1.5 to Division 9 of the Business and Professions Code, and to amend Section 11551 of the Government Code, relating to the creation of the Department of Alcoholic Beverage Control, to be administered by the Director of Alcoholic Beverage Control, and the Alcoholic Beverage Commission, and providing for the organization, powers, and duties thereof, including the transfer of certain personnel and property of the State Board of Equalization to the Department of Alcoholic Beverage Control.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—75
NOES—Brady—1.

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Constitutional Amendment No. 13—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to the compensation of Members of the Legislature of California.

Resolution read.

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

AYES—Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Burke, Caldecott, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Evans, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—62

NOES—Allen, Brown, Casey, Fleury, Luckel, and Nielsen—6

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1954

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

Assembly Bill No. 74

And reports the same correctly engrossed

BURKE, Chairman

Above reported bill ordered to third reading.

ANNOUNCEMENT

Mr. Dunn announced that Lee Christenson, 17-year-old San Leandro High School student whose essay, "What the Constitution of the United States of America Means to Me," won a contest, and was printed in the Assembly Journal for Thursday, March 18, 1954, at page 128, has been killed. Mr. Dunn expressed regret that so promising a future American citizen has passed on.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Caldecott asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering bills now pending in the Committee on Ways and Means, at 9 a.m., tomorrow, Tuesday, March 23d, in Room 4202.

Mr. Collier asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Senate Bill No. 39 in the Committee on Education on Wednesday, March 24th, at 8 p.m., in Room 4202.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today, at 8 p.m.—

Finance and Insurance, in Room 2170

Tomorrow, Tuesday, March 23d—

At 9 a.m.—

Rules, in Room 3164.

Ways and Means, in Room 4202

At 9.30 a.m.—

Interstate Cooperation, in Room 3106

Next Wednesday, March 24th, at 8 p.m.—

Education, in Room 4202

ADJOURNMENT

At 4.55 p.m , on motion of Mr Levering, the Speaker declared the Assembly adjourned until 10.15 a m., Tuesday, March 23, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY

TWENTY-THIRD CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 23, 1954

The Assembly met at 10.15 a.m.

Hon Thomas A Maloney, Speaker pro Tempore 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—73.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Holy Spirit, Divine Consoler, Grant us the gift of holy fear Help us to recognize Thy greatness and our own nothingness. Penetrate our hearts with deep reverence for Thy Holy Name, sincere respect for Thy commands, inspired love of Thy ways Make strong in us the realization that "fear of the Lord is the beginning of wisdom," that we might direct our lives in perfect conformity with Thy divine plan for our salvation. Through Christ our Lord —AMEN

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Belotti, 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:

Mrs. Niehouse, on motion of Mr. Charles W. Lyon.

Mr. Brown, on motion of Mr. Charles W. Lyon.

The following members were granted leaves of absence for the day, because of legislative business elsewhere:

Mr. Coolidge, on motion of Mr. Charles W. Lyon

Mr Rumford, on motion of Mr. Charles W. Lyon.

Mr. Weinberger, on motion of Mr. Charles W. Lyon

MEMBER EXCUSED

Mr. Levering asked for, and was granted, unanimous consent that Mr. Silliman be excused, for the balance of the legislative day for the purpose of attending a meeting of the Board of Regents of the University of California.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined
Assembly Concurrent Resolution No. 5
And reports the same correctly re-engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER Your Committee on Legislative Procedure has examined
Assembly Bill No 9
And reports the same correctly engrossed

BURKE, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR SPEAKER. Your Committee on Legislative Procedure has examined:
Assembly Bill No. 13
And reports the same correctly re-engrossed

BURKE, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Constitutional Amendment No 2
And reports the same correctly engrossed

BURKE, Chairman

Above reported resolution ordered on file.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:
Assembly Bill No. 30
Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended.

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which were referred:

Assembly Bill No. 41
Assembly Bill No. 44
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 on Rules, subject matter to be referred to the proper interim committee for study.

BACKSTRAND, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Assembly Bill No. 79

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Rules, subject matter to be referred to the proper interim committee for study.

BACKSTRAND, Chairman

Above reported bill ordered re-referred to the Committee on Rules.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

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

Assembly Joint Resolution No. 3
Assembly Joint Resolution No. 4

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

SILLIMAN, Chairman

Above reported resolutions ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

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

Assembly Concurrent Resolution No. 8
Assembly Concurrent Resolution No. 9

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

SILLIMAN, Chairman

Above reported resolutions ordered engrossed.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 2
Assembly Bill No. 3

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

CALDECOTT, Chairman

Above reported bills ordered to second reading

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 2—An act to add Section 39 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a Postwar Public Works Program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and

providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs, making an appropriation to be allocated to cities incorporated on or after November 30, 1953, and before March 1, 1954, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 3—An act to add Sections 47 and 48 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 85: By Messrs Smith, Shell, Chapel, Marsh, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs Davis, Messrs. Dickey, Dills, Dolwig, Miss Donahoe, Messrs Donald D. Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Stanley, Stewart, and Thomas—An act to amend Sections 11713 and 11715.5 of the Health and Safety Code, relating to penalties for violation of Narcotics Laws.

Referred to Committee on Judiciary.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Assembly Bill No. 85

Mr Smith asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Assembly Bill No. 85.

REQUESTS FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr Smith asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No 85 in the Committee on Judiciary, tonight, Tuesday, March 23d, at 8 p.m., in Room 4202.

Mr Cooke asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Senate Bills Nos 25 and 26 in the Committee on Military Affairs, on Wednesday, March 24th, upon adjournment at his desk.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that an opinion of the Attorney General relative to Assembly Bill No. 4 be ordered printed in the Journal in 10-point type, as follows:

OPINION OF ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
SAN FRANCISCO, March 22, 1954

Honorable Thomas J. Doyle
Assemblyman, Forty-fifth District
State Capitol, Sacramento, California

DEAR ASSEMBLYMAN DOYLE: You have asked us to express our views on the constitutionality of Assembly Bill No. 4 (1954 First Extraordinary Session).

Assembly Bill No 4 would add Section 24077 to the Business and Professions Code and would provide that an original licensee will pay an additional fee on the transfer of a license issued under the Alcoholic Beverage Control Act equal to the amount which the licensee receives over the original fee paid for the issuance of the license where such licensee has not "actively engaged in the business authorized by the license." The purpose of this proposed legislation is stated in the report of the Subcommittee on Alcoholic Beverage Control to the present special session of the California Legislature The bill "is designed to recover for the State the profit made by a licensee from the sale of his license, where the licensee sold his business without ever engaging in the business for which he was licensed, contrary to his representations when he obtained the license."

The bill states that the additional transfer fee, measured by the profit made upon the sale of the unused license, would apply to "all licenses issued since January 1, 1952." We are advised that the intent of the bill is to apply to transfers of such licenses which have already been accomplished. In your inquiry you ask particularly whether the bill would be constitutional or not when thus applied retroactively.

At the outset, it must be recognized that the bill differentiates between used and unused licenses. The classification of unused licenses and the imposition of a transfer fee upon them represented by the amount of the profit made upon the sale of the license is reasonable and justifiable As the Attorney General pointed out in his report to the interim committee:

> "The acquisition of licenses for profit is entirely contrary to the principles and purposes of the licensing provisions of the ABC act * * *."

The ABC Act clearly contemplates that the premises for which a license is sought "will fully qualify and that the licensee will in good faith proceed to conduct his business on the premises clearly designated in the application." It was never intended that a person should have the right to make a profit from the sale of a bare license. The license merely invests the licensee with the authority of the State to engage in an otherwise unlawful business. Hence, the State has the authority to

impose conditions upon the exercise of the license. The situation where a licensee invests substantial sums of money in premises and has built up valuable good will in connection with the exercise of a license, is readily distinguishable from one where a licensee has failed to use his license to the possible exclusion of other persons seeking licenses for qualified premises. The Legislature, as certain other bills now propose, could prohibit the traffic in unused or bare licenses by prohibiting their transfer altogether (*Samuels* vs. *McCurdy*, 267 U S 188). Likewise, it may practically seek to achieve the same thing by exacting as a transfer fee the profit made from the sale of the State's privilege The license is not a property right, particularly where the licensee has not perfected his right by engaging in the business authorized by the license It is recognized that, as between the holders of unused licenses, the amount of the additional transfer fee which each licensee pays will vary in accordance with the amount of profit. But the test applied is the same, namely, the profit made from the sale of the unused license.

Article I, Section 11 of the State Constitution, provides that "All laws of a general nature shall have a uniform operation." And the Fourteenth Amendment of the Constitution requires that state laws accord persons "the equal protection of the laws."

A law is general and uniform in its operation within the meaning of the above provisions when it operates uniformly on all persons standing in the same relation to the law The transfer fee which the holders of unused licenses must pay is measured by the same yardstick, *i e.*, the profit made upon the transfer, even though the amount of the fee varies. However, this discrepancy does not arise from a lack of uniformity in the operation of the law, but merely in the result The court, in *Wholesale Tobacco Dealers* vs. *National, etc. Co*, 11 Cal. 2d, 634, states:

> "* * * the uniformity required by such a provision as article I, section 11, is uniformity in operation, not uniformity of result (Citing cases.)". (p. 661)

A more serious question arises from the application of the transfer fee to unused licenses which have already been transferred since their issuance in January 1, 1952.

A statute is not unconstitutional merely because it is retroactive In *Chase Securities Corp.* vs. *Donaldson*, 325 U. S. 304, the court said:

> "The Fourteenth Amendment does not make an act of state legislation void merely because it has some retrospective operation What it does forbid is taking of life, liberty or property without due process of law." (p. 315)

In other words, it would have to be shown that the retroactive application of the transfer fee contemplated by Assembly Bill No. 4 is arbitrary, capricious, and unreasonable, that its enforcement amounts to depravation of property without due process of law.

Much will depend upon the view which the courts take regarding the legality of transferring unused licenses

It must be recognized that the ABC Act authorizes the issuance of licenses for the retail sale of alcoholic beverages for premises which are to be constructed (B &P Code, Sec. 24044). It also permits the transfer of the license from person to person and from premises to premises

(B&P Code, Secs 24070, 24072). One view is that a holder of an unused license acted in accordance with the law when he elected to transfer and sell his license and that the Legislature may not now attempt to divest him of his profit by retroactively imposing an additional transfer fee Somewhat indicative is the attempted taxation of gifts which had been made and vested before the enactment of a gift tax statute The courts have said:

> " * * * Since, in each of these cases, the donor might freely have chosen to give or not to give, the taxation, after the choice was made, of a gift which he might well have refrained from making had he anticipated the tax, was thought to be so arbitrary and oppressive as to be a denial of due process * * * ." (*Welch* v. *Henry*, 305 U S 134, 147)

The other view is that the ABC Act contemplates that a licensee must perfect his license for the specific premises for which it is issued by actively engaging in the liquor business, and that, the act did not permit the transfer and sale of bare licenses. We believe that the latter view of the act is correct, despite the fact that administratively the act has been misinterpreted and the holders of unused licenses have been permitted to transfer them. If the latter view is correct, then the holder of an unused license through the application of a transfer fee measured by the profit made upon the transfer is not being deprived of anything to which he was entitled. In other words, the courts might hold that vested rights are not being affected as the licensee had no right to *transfer and consequently no right to retain the profit made* If this position is taken, it would probably be held that it is not unreasonable to go back two years to transfers made since 1952 (*Welch* vs *Henry*, 304 U S. 134, 147).

By a similar approach, the bill may not fall as an *ex post facto* law in violation of the provision of the State Constitution (Article I, Section 16) The courts may not regard the capture of the profit as punishment or penalty for having made the improper transfers because the licensee was not entitled to the profit in the first instance In any event, as there exist no determinative court decisions and as there appears some sound basis upon which the courts may uphold the retroactive feature of Assembly Bill No 4, we must resolve our doubts in favor of the constitutionality of the proposed bill. As Justice Holmes said, in *Blodgett* vs *Holden*, 275 U S. 142, to declare an act of Congress unconstitutional "is the gravest and most delicate duty", for a court to perform, and that "as between two possible interpretations of a statute, by one of which it would be unconstitutional and by the other valid", the court's "plain duty is to adopt that which will save the act" (p 148) In advising upon the constitutionality of proposed legislation our approach is along the same lines.

Respectfully yours,

EDMUND G. BROWN, Attorney General

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 22, 1954

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No 22

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, March 22, 1954

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No 4
Assembly Concurrent Resolution No 6

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

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 22, 1954

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

The following resolution was read:

Senate Joint Resolution No. 4—Relative to memorializing Congress and the President of the United States to refrain from terminating federal control and protection of Indian reservations

Referred to Committee on Rules

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Lanterman asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Senate Bill No 5 in the Committee on Social Welfare, tomorrow, Wednesday, March 24th, at 4 p.m., in Room 2170.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 71—An act to add Section 17708 to the Health and Safety Code, relating to cooking in hotel rooms, declaring the urgency thereof, to take effect immediately.

Bill read second time.

Motion to Amend

Messrs. Hawkins and Levering moved the adoption of the following amendment:

Amendment No. 1

On page 1, between lines 12 and 13, of the printed bill, insert

"As used in this section, "hotel" has the same meaning as defined in Section 15020, except that it may contain less than six guest rooms and it may be occupied, or intended or designed for occupation, by less than six guests"

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 5—Relative to the resumption of surveys, plans, and estimates for a toll or other bridge across Carquinez Straits between the Cities of Benicia and Martinez.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Creedon, Dahl, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Stewart, and Thomas—62.

NOES—None

Resolution ordered transmitted to the Senate

Assembly Bill No. 74—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to the compensation of Members of the Senate and the Assembly of the State of California, to take effect immediately.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Burke, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, and Thomas—61

NOES—None.

Bill ordered transmitted to the Senate.

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

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

Assembly Bill No. 86: By Mr. Chapel—An act to add Sections 11611.1, 11611.2 and 11611.3 to the Health and Safety Code, relating to forfeiture of vehicles used to transport narcotics.

Referred to Committee on Judiciary.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Assembly Bill No. 86

Mr. Chapel asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Assembly Bill No. 86.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Chapel moved that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 86, tonight, in the Committee on Judiciary, at 8 p.m., in Room 4202

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 22, 1954

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

Senate Bill No. 54

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. 54—An act to add Chapter 8 comprising Sections 60742 to 60749, inclusive, to Part 5 of Division 3 of Title 5 of the Government Code, relating to short term financing of community services districts organized under the Community Services District Law, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

RESOLUTIONS

The following resolution was offered:

By Messrs. Willis W. Bradley, Cooke, and Luckel:

House Resolution No. 14

Relative to the ship's bell of the *USS California*

WHEREAS, The ship's bell of the United States Ship *California* is preserved and on display in Capitol Park in the City of Sacramento, and

WHEREAS, The inscription "The Only Battleship Built On The Pacific Coast" appears on the structure supporting this bell; and

WHEREAS, The United States Ship *Oregon* (a battleship) was built by the Union Iron Works in the City of San Francisco; was commissioned in 1896; and participated honorably in the Spanish-American War; and

WHEREAS, The United States Ship *Nebraska* (a battleship) was built by Moran Brothers Shipyard in the City of Seattle; was commissioned in 1907; and participated honorably in World War I; and

WHEREAS, The United States Ship *California* (a battleship), commemorated by the ship's bell now in Capitol Park, was built by the United States Navy Yard, Mare Island, California; was commissioned in 1921; and participated honorably in World War II, now, therefore, be it

Resolved by the Assembly of the State of California, That the attention of the Governor of California is hereby directed to the erroneous inscription on the supporting structure of the ship's bell of the *USS California*, with a suggestion that the inscription be made historically accurate by indicating that the *California* was either the third battleship built on the Pacific Coast or the only battleship built on the Pacific Coast which participated in World War II; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor of California, the Secretary of the Navy, the Mayor of San Francisco, the Mayor of Seattle, the Mayor of Vallejo, and the Commandant of the 12th Naval District, San Francisco, California.

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

REQUEST FOR UNANIMOUS CONSENT THAT CHIEF CLERK BE INSTRUCTED TO CHANGE WORD IN BILL

Mr. Dolwig asked for, and was granted, unanimous consent that the Chief Clerk be instructed to change the word "know" to "known" in Assembly Bill No. 52 on page 2, line 9

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 22, 1954

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

Senate Bill No. 14
Senate Bill No. 21
Senate Bill No. 23
Senate Bill No. 33
Senate Bill No. 41
Senate Bill No. 44
Senate Bill No 55

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. 14—An act to add Chapter 8 comprising Sections 60742 to 60749, inclusive, to Part 5 of Division 3 of Title 5 of the Government Code, relating to short term financing of community services districts organized under the Community Services District Law, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government

Senate Bill No. 21—An act to amend Sections 139 04, 139 15, and 139.16 of the Vehicle Code, relating to definitions.

Referred to Committee on Transportation and Commerce.

Senate Bill No. 23—An act to amend Section 139 51 of the Vehicle Code, relating to members of the California Highway Patrol.

Referred to Committee on Transportation and Commerce.

Senate Bill No. 33—An act to amend Sections 156, 157 5, 164, and 170 of the Vehicle Code, relating to license plates, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Transportation and Commerce.

Senate Bill No. 41—An act to amend Section 73873 of the Government Code, relating to the number and compensation of the officers and attaches of the municipal court established in a district embracing the City of North Sacramento.

Referred to Committee on Judiciary.

Senate Bill No. 44—An act to amend Section 7702 of the Education Code, relating to state school building aid.

Referred to Committee on Education.

Senate Bill No. 55—An act to amend Sections 53601 and 53602 of the Government Code, relating to authorized investments of local agencies, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 22, 1954

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

Assembly Bill No. 52

And reports the same correctly re-engrossed

BURKE, Chairman

Above reported bill ordered transmitted to the Senate.

ANNOUNCEMENT

Speaker pro Tempore Maloney announced that today is the birthday of Mrs. Niehouse.

REQUEST FOR UNANIMOUS CONSENT THAT CHIEF CLERK BE INSTRUCTED TO WRITE LETTER TO MRS. NIEHOUSE

By unanimous consent, requested by Speaker pro Tempore Maloney, the Chief Clerk was instructed to write a letter to Mrs. Niehouse expressing, on behalf of the Members of the Assembly, cordial birthday wishes.

ANNOUNCEMENT

Speaker pro Tempore Maloney announced that today is the birthday of Mr. Casey, and extended cordial birthday wishes to him on behalf of the Members of the Assembly.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

Senate Bill No. 22—An act to amend Sections 44, 44 1, 44.2, 44.5, 44.7, 44.9, 44.10, and 44 11 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time, and ordered passed on file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 18

Mr Henderson asked for, and was granted, unanimous consent to take up Senate Bill No. 18, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 18

Senate Bill No. 18—An act to amend Section 139.53 of the Vehicle Code, relating to promotions

Bill read third time, and ordered passed on file.

ANNOUNCEMENTS

Mr. Fleury announced a Republican luncheon and Caucus today, at 12 noon, in the Mirror Room of the Hotel Sacramento.

Mr. Thomas announced a Democratic luncheon and Caucus today, at 12 noon, at the Hotel Sacramento

Speaker pro Tempore Maloney announced that in all probability the Assembly will be in session on next Saturday, March 27th

REQUEST FOR UNANIMOUS CONSENT THAT MEETING BE CHANGED

Mr. Henderson asked for, and was granted, unanimous consent that a meeting of the Committee on Constitutional Amendments be held tomorrow night, Wednesday, March 24th, instead of tonight, Tuesday, March 23d, at 8 p m, in Room 2170.

EXPLANATION OF ABSENCE

I missed roll calls today because I was presenting Alcoholic Beverage Control Bills recommended by our Joint Subcommittee to the Senate Committee on Governmental Efficiency, from 9 a.m. to 12.15 p m.

CASPAR W. WEINBERGER

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Today—

At 2 p.m.—

Transportation and Commerce, in Room 4202. Subject: Muffler Problems.

At 3 p.m.—

Public Health, in Room 4164.

At 8 p.m.—

Judiciary, in Room 4202. Subject: Assembly Bill No. 85, Assembly Bill No 86, and Narcotics Bills.

Tomorrow, Wednesday, March 24th at 8 p.m.—

Constitutional Amendments, in Room 2170.

ADJOURNMENT

At 11.07 a.m., on motion of Mr. Levering, the Speaker pro Tempore declared the Assembly adjourned until 10.15 a.m., Wednesday, March 24, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE
1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SIXTEENTH LEGISLATIVE DAY
TWENTY-FOURTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, March 24, 1954

The Assembly met at 10.15 a.m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Kloeksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole, and dedicated to Mrs Nichouse who is ill:

O God, I admit the excellence of Thy law; I acknowledge the justice of Thy dominion over all men Thou has created us, and therefore to Thee belongs the right of government Thou art all wise, and therefore Thy law must be best fitted to lead us to the happy destiny Thou hast in mind for us.

"I am delighted with the law of God according to the inner man, but I see another law of my members, warring against the law of my mind and making me prisoner to the law of sin that is in my members Unhappy man that I am Who will deliver me from the body of this death? The grace of God through Jesus Christ our Lord" (Romans 7, 22-25) Give me, O God, this grace AMEN

READING OF THE JOURNAL DISPENSED WITH

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day because of illness:

Mrs Nichouse, on motion of Mr. Levering

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 87: By Mr Silliman—An act making an appropriation for payment of the expenses of Members of the Assembly nec-

essarily incurred by them while attending the 1954 First Extraordinary Session of the Legislature, to take effect immediately.

Referred to Committee on Rules

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Concurrent Resolution No. 8
Assembly Concurrent Resolution No 9
And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Joint Resolution No. 3
Assembly Joint Resolution No. 4
And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1954

MR SPEAKER: Your Committee on Legislative Procedure has examined:
Assembly Bill No. 71
And reports the same correctly engrossed

BURKE, Chairman

Above reported bill ordered to third reading.

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1954

MR. SPEAKER: Your Committee on Judiciary, to which were referred:
Assembly Bill No 39
Assembly Bill No. 85
Has had the same under consideration, and reports the same back with the recommendation: Do pass.

FLEURY, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1954

MR. SPEAKER: Your Committee on Judiciary, to which was referred
Assembly Bill No 60
Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and do pass, as amended

FLEURY, Chairman

Above reported bill ordered to second reading.

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1954

MR SPEAKER: Your Committee on Government Organization, to which was referred
Assembly Bill No 29
Has had the same under consideration, and reports the same back with amendments with the recommendation Amend, and do pass, as amended.

WEINBERGER, Chairman

Above reported bill ordered to second reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 23, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:
Assembly Concurrent Resolution No. 3
And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above resolution ordered to unfinished business file.

SENATE CHAMBER, SACRAMENTO, March 23, 1954

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day passed:

Senate Bill No. 56

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bill was read the first time:

Senate Bill No. 56—An act to amend Section 25602 of the Corporations Code, relating to advertisement of government securities, declaring the urgency of this act, to take effect immediately.

Referred to Committee on Finance and Insurance.

COMMUNICATIONS

The following communication was presented by the Speaker:

Resignation of Member From Chairmanship on Standing Committee

ASSEMBLY, CALIFORNIA LEGISLATURE, March 24, 1954

Mr. James W. Silliman
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SILLIMAN: I herewith tender my resignation as Chairman of the Assembly Transportation and Commerce Committee, effective as of this date.

Assuring you that it has been a pleasure to serve as chairman of this fine committee, I remain,

Sincerely,

STANLEY T. TOMLINSON

APPOINTMENT TO STANDING COMMITTEE

Speaker Silliman announced the appointment of Mr. Hobbie to Chairmanship of the Committee on Transportation and Commerce, vice Mr. Tomlinson, resigned.

APPRECIATION EXPRESSED

Speaker Silliman expressed appreciation to Mr. Tomlinson for the fine work he has accomplished in his capacity as Chairman of the Committee on Transportation and Commerce, and thanked him for his untiring efforts on behalf of the many problems currently facing this committee.

Speaker pro Tempore Presiding

At 10.20 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN JOURNAL

Mr Shaw asked for, and was granted, unanimous consent that an opinion of the Legislative Counsel, relative to the Central Valley Project—No. 1323, and appendixes be ordered printed in the Journal in 10-point type, as follows:

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, March 22, 1954

Honorable Stanford C. Shaw
Assembly Chamber

Central Valley Project—No. 1323

DEAR MR. SHAW: You have asked several questions relative to the Central Valley Project which we shall discuss in series.

Question No 1

Who owns the water in California?

Opinion

In our opinion, the water is the property of the people of the State.

Analysis

Section 102 of the Water Code provides:

"102. All water within the State is the property of the people of the State, but the right to the use of water may be acquired by appropriation in the manner provided by law."

In *Port of Seattle* vs. *Oregon and W. R. Co.* (1921), 255 U. S. 56, 65 L. Ed. 500, the United States Supreme Court held that states became, upon their admission to the Union, the owners of the navigable waters within their boundaries and of the land under them, subject only to the commerce power of the United States. (See also, *United States* vs *Oregon* (1935), 295 U. S. 1, 79 L. Ed. 1267.) In *California-Oregon Power Co* vs. *Beaver Portland Cement Co.* (1935), 295 U. S 142, 163, 79 L. Ed. 1356, 1364, the Supreme Court held that with the enactment of the Desert Law Act of 1877, if not before, all non-navigable waters then a part of the public domain became public juris, subject to the plenary control of the designated states. (See also, *Ickes* vs. *Fox* (1937), 300 U. S. 82, 81 L Ed. 525, discussed below.)

There have been assertions made by representatives of the United States that the right to waters of non-navigable streams remain with the United States (see Plaintiff's Opening Brief in *United States* vs. *Alpine Land and Reservoir Company*, No. D-183 in the District Court of the United States, in and for the District of Nevada, at page 24 et seq.). However, these assertions have not been accepted by the courts

Question No. 2

Do the Federal Reclamation Laws[1] require the Secretary of the Interior in carrying out reclamation projects to conform to and respect State Water Law?

Opinion

Section 8 of the Reclamation Act of 1902 provides, in part:

"SEC. 8. That nothing in this act shall be construed as affecting or intending to affect or to in any way interfere with the laws of any state or territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder

[1] The Reclamation Act of 1902 (Act of June 17, 1902.32 Stat. 388) and acts amendatory thereof and supplementary thereto.

and the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws * * * ."

The United States Supreme Court has ruled that the United States is governed by Reclamation Laws in the construction, operation, and maintenance of the Central Valley Project and must proceed in conformity with state law (see *United States* vs. *Gerlach Live Stock Company* (1950), 339 U. S. 725, 94 L. Ed. 1231).

Question No. 3

What interest does the Federal Government have in the water to be served through Central Valley Project facilities?

Opinion

The United States Supreme Court has held that the United States in constructing and operating projects under the Reclamation Laws is not the owner of any water rights but is merely the carrier and distributor of water. We believe that the courts would probably so hold with respect to the Central Valley Project. It must be recognized, however, that the courts have not considered this question with respect to the Central Valley Project, where the United States has executed the so-called "9(e)" water service contracts[2] and conceivably a different conclusion could be reached.

Analysis

In considering the ownership of water rights with respect to the Yakima Project (constructed under the Reclamation Act of 1902) the court, in *Ickes* vs. *Fox* (1937), 300 U. S. 82, 81 L. Ed. 525, stated:

"Although the government diverted, stored and distributed the water, the contention of petitioner that thereby ownership of the water or water-rights became vested in the United States is not well founded. Appropriation was made not for the use of the government, but, under the Reclamation Act, for the use of the landowners; and by the terms of the law and of the contract already referred to, the water-rights became the property of the landowners, wholly distinct from the property right of the government in the irrigation works. Compare *Murphy* vs. *Kerr* (D.C.) 296 F. 536, 544, 545. The government was and remained simply a carrier and distributor of water (*ibid.*), with the right to receive the sums stipulated in the contracts as reimbursement for the cost of construction and annual charges for operation and maintenance of the works. As security therefor, it was provided that the government should have a lien upon the lands *and the water-rights* appurtenant thereto—a provision which in itself imports that the water-rights belong to another than the lienor, that is to say, to the land owner."

Then in *Nebraska* vs. *Wyoming* (1945), 325 U. S. 589, 89 L. Ed. 1815, the court said:

"The United States claims that it owns all the unappropriated water in the river It argues that it owned the then unappropriated water at the time it acquired water rights by appropriation for the North Platte Project and the Kendrick Project. Its basic rights are therefore said to

[2] Subdivision (e) of Section 9 of the Reclamation Project Act of 1939 (Act of August 4, 1939, 53 Stat. 1187) authorizes the Secretary of the Interior to "* * * enter into either short- or long-term contracts to furnish water for irrigation purposes."

derive not from appropriation but from its underlying ownership which entitles it to an apportionment in this suit free from state control.

* * * * * * *

"Section 8 of the Reclamation Act provided: 'That nothing in this act shall be construed as affecting or intended to affect or to in any way interfere with the laws of any state or territory relating to the control, appropriation, use, or distribution of water used in irrigation, or any vested right acquired thereunder, and *the Secretary of the Interior, in carrying out the provisions of this act, shall proceed in conformity with such laws*, and nothing herein shall in any way affect any right of any state or of the Federal Government or of any landowner, appropriator, or user of water in, to, or from any interstate stream or the waters thereof: *Provided, That the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.*' (Italics added.)

"The Secretary of the Interior pursuant to § 3 of the Reclamation Act withdrew from public entry certain public lands in Nebraska and Wyoming which were required for the North Platte Project and the Kendrick Project. Initiation of both projects was accompanied by filings made pursuant to § 8 in the name of the Secretary of the Interior for and on behalf of the United States. Those filings were accepted by the state officials as adequate under state law. They established the priority dates for the projects. There were also applications to the states for permits to construct canals and ditches They described the land to be served. The orders granting the applications fixed the time for completion of the canal, for application of the water to the land, and for proof of appropriation. Individual water users contracted with the United States for the use of project water. These contracts were later assumed by the irrigation districts. Irrigation districts submitted proof of beneficial use to the state authorities on behalf of the project water users. The state authorities accepted that proof and issued decrees and certificates in favor of the individual water users. The certificates named as appropriators the individual landowners. They designated the number of acres included, the use for which the appropriation was made, the amount of the appropriation, and the priority date The contracts between the United States and the irrigation districts provided that after the stored water was released from the reservoir it was under the control of the appropriate state officials.

"All of these steps make plain that those projects were designed, constructed and completed according to the pattern of state law as provided in the Reclamation Act. We can say here what was said in *Ickes* vs. *Fox, supra* (300 US pp 94, 95, 81 L ed 530, 531, 57 S Ct 412): 'Although the government diverted, stored and distributed the water, the contention of petitioner that thereby ownership of the water or water-rights became vested in the United States is not well founded. Appropriation was made not for the use of the government, but under the Reclamation Act, for the use of the land owners; and by the terms of the law and of the contract already referred to, the water-rights became the property of the land owners, wholly distinct from the property right of the government in the irrigation works. Compare *Murphy* vs. *Kerr* (DC) 296 F 536, 544, 545. The government was and remained

simply a carrier and distributor of the water (*Ibid.*), with the right to receive the sums stipulated in the contracts as reimbursement for the cost of construction and annual charges for operation and maintenance of the works.'

"The property right in the water right is separate and distinct from the property right in the reservoirs, ditches or canals. The water right is appurtenant to the land, the owner of which is the appropriator. The water right is acquired by perfecting an appropriation, *i.e.*, by an actual diversion followed by an application within a reasonable time of the water to a beneficial use. See *Murphy* vs *Kerr* (DC) 296 F 536, 542, 544, 545; *Commonwealth Power Co* vs *State Bd. of Irrig. Highways & Drainage*, 94 Neb 613, 143 NW 937; *Kersenbrock* vs. *Boyes*, 95 Neb 407, 145 N.W. 837. Indeed § 8 of the Reclamation Act provides as we have seen that 'the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure, and the limit of the right.'

"We have then a direction by Congress to the Secretary of the Interior to proceed in conformity with state laws in appropriating water for irrigation purposes We have a compliance with that direction. Pursuant to that procedure individual landowners have become the appropriators of the water rights, the United States being the storer and the carrier. We intimate no opinion whether a different procedure might have been followed so as to appropriate and reserve to the United States all of these water rights No such attempt was made."

The court went on to add:

"It is argued that if the right of the United States to these water rights is not recognized, its management of the Federal projects will be jeopardized. It is pointed out, for example, that Wyoming and Nebraska have laws which regulate the charges which the owners of canals or reservoirs may make for the use of water. But our decision does not involve those matters We do not suggest that where Congress has provided a system of regulation for Federal projects it must give way before an inconsistent state system."

Thus under conditions such as were considered in *Nebraska* vs. *Wyoming* in projects constructed prior to enactment of the Reclamation Project Act of 1939, it is clear that the United States does not own any water rights but is merely the carrier and distributor of water

We are unaware of anything in the history of the enactment of legislation amendatory or supplementary to the Reclamation Act of 1902 which indicates that Congress intended to depart from the long established policy set forth in Section 8 of that act We believe that Congress intended that the provisions of Section 8 be followed with respect to the Central Valley Project and that "the right to the use of water acquired under the provisions of this act shall be appurtenant to the land irrigated " Consequently, we are of the opinion that the courts in considering the question, would adhere to their views expressed in *Ickes* vs *Fox* and *Nebraska* vs. *Wyoming*.

This does not mean, of course, that the United States would not or could not become the owner of the right to use water for power purposes where the United States, itself, can actually put the water to beneficial use.

Question No. 4

Can the Legislature enact laws, which the Federal Government must respect, that provide a water right to users of water for the Central Valley Project?

Opinion

It is our opinion that the Legislature could enact laws which would be respected by the Federal Government that would, with minor exceptions, provide a water right to the users of water from the Central Valley Project.

Analysis

As we have indicated, the Federal Government must follow state law in the acquisition of water for the Central Valley Project. In accordance with the provisions of California law, the Bureau of Reclamation is now prosecuting applications to appropriate most of the water needed in connection with the Central Valley. However, no permits or licenses have been issued in connection with these applications.[3]

The Legislature could amend the law relating to the issuance of permits and licenses to appropriate water to require that any permit or license be issued to the water user rather than the agency operating the project. While the United States could not be compelled to conform with any provision which is inconsistent with federal law (*Nebraska* vs. *Wyoming*, *supra*), since the Reclamation Law specifically requires that state law be followed in the acquisition of water, we believe that the United States would respect such state legislation.

Further, since the United States, at most, can obtain only a bare legal title to the right to the use of water which it holds in trust for the users, we believe hat the courts would hold such legislation to be consistent with the federal law.

In reaching this conclusion we recognize that the courts have not considered the question of ownership of the water delivered under the 40-year utility-type contracts authorized by Section 9(e) of the Reclamation Project Act of 1939. While it might be contended that state legislation vesting ownership in the water users is inconsistent with the federal law authorizing contracts under which the users' rights are limited to 40 years, we do not believe that the contracts would be construed as precluding ownership of the water by the user. It is our opinion that the courts would consider such contracts as contracts for use of the project facilities and as such, would not affect ownership of the water.

Legislation, such as that discussed above affecting the issuance of permits or licenses would not, of course, be applicable to vested water rights previously acquired by purchase, assignment, or otherwise.

Question No. 5

Does Part 3 of Division 6 of the Water Code, which authorizes the Central Valley Project, grant any water rights to users?

Opinion

It is our opinion that Part 3 of Division 6 of the Water Code does not grant any right to the users of water.

[3] Attached as Appendix I to this opinion is a letter from the Division of Water Resources, indicating the status of the Bureau of Reclamation applications.

Analysis

The Water Project Authority is authorized to acquire by gift, exchange, purchase, or eminent domain proceedings any and all water and water rights necessary for the construction, maintenance and operation of the project (Sec. 11575, Wat. C.) No water right acquired by the authority shall ever be sold, granted, or conveyed by the authority so that the authority thereby is divested of the title to aid ownership of it (Sec. 11464, Wat. C.).

Thus, Part 3 of Division 6 of the Water Code does not purport to grant a water right to the users. To the contrary, that part clearly indicates legislative intent that the authority acquire and retain water rights necessary for the construction and operation of the project.

In this connection, it should be noted that Section 3 of Article XIV of the Constitution specifically limits the right to use water to that reasonably required for the beneficial use to be served Since the authority cannot itself use water for irrigation and domestic purposes, it seems clear in our opinion, that the authority cannot be the true owner of the right to use water for such purposes within the meaning of the Constitution. It follows that the ownership of water for domestic and irrigation use contemplated by Sections 11464 and 11575 of the Water Code would be, at most, bare legal title held in trust for the actual users of the water.

Question No 6

Is state purchase of the Central Valley Project the only manner in which provision can be made to secure for the recipients of service from that project, ownership of the water?

Opinion

We do not believe that this is the only means

Analysis

As we have indicated above, it is our opinion that the United States, at most, will secure bare title to the water which will be held in trust for the users

Congress by appropriate legislation could, of course, provide for transfer of all title to the water users.

Likewise, as we have indicated in connection with Question No. 4, we believe that state legislation could be enacted which would be respected by the United States and which would be effective to vest title of the water in the water users

Still, further we believe that the State Engineer in imposing, under Section 1253 of the Water Code, terms and conditions as in his judgment will best develop, conserve or utilize in the public interest a water sought to be appropriated, could require that the license be issued to the users rather than the United States. The imposition of such conditions was the subject of Senate Concurrent Resolution No. 8 of the 1952 Regular Session.[4]

We are informed that the State Engineer is now considering the imposition of these terms and conditions in connection with the issuance of permits to the United States for the Central Valley Project

Question No. 7

What are the parallels, if any, between the status of the water rights of the individual defendant water users in *United States* vs. *Fallbrook*

[4] A copy of this resolution is attached as Appendix II.

Public Utility District, et al, and the rights, present or future, of the users of water who receive water from Central Valley Project facilities?

Opinion

We do not believe that there is any real parallel between the two situations.

Analysis

The United States initiated the action against the Fallbrook Public Utility District and, as we understand it, some 4,000 individual water users to establish its (the United States') right to the waters of the Santa Margarita River, claiming rights paramount to those of the defendants.

Thus, the claims of the United States and the water users in the *Fallbrook Case* are, to the extent they conflict, adverse. A determination of ownership in one will deny ownership in the other.

On the other hand, the landowners who use water distributed through Central Valley Project facilities, will claim through the United States. The United States is seeking to acquire water rights which it will hold in trust for the users and the claims of the United States are not adverse to those of the users.

It follows, therefore, that there is no real parallel between the two situations.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By GEORGE H. MURPHY, Deputy

APPENDIX I

STATE OF CALIFORNIA
DEPARTMENT OF PUBLIC WORKS
SACRAMENTO, March 12, 1954

Mr Ralph N. Kleps, Legislative Counsel
Room 3021, State Capitol Annex
Sacramento, California

Attention: George Murphy

DEAR MR. KLEPS: Reference is made to the telephone request of March 11th from Mr. George Murphy of your staff to Mr. W. R. Gianelli of the Water Right Section of this division concerning the status of the applications filed by the Department of Finance and subsequently assigned to the United States in furtherance of the Central Valley Project.

Chapter 286, Statutes of 1927 (Sections 10500 to 10506 of the Water Code, provides for the filing of applications by the State, through the Department of Finance, with the Division of Water Resources to appropriate water which in the judgment of the department "is or may be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization or conservation of the water resources of the State." Pursuant to these statutory provisions the Director of Finance filed a number of applications including the following in support of the Central Valley Project:

Sacramento River and Delta channels

Applications 5625, 5626, 9363, 9364, 9365, 9366, 9367 and 9368 (Shasta Reservoir and other points downstream)

San Joaquin River

Applications 5637, 5638 and 9369 (Friant Reservoir)

American River

Applications 5635, 5636 and 7940 (Folsom Reservoir and other points downstream)

A tabulation of the general features of these applications as originally filed by the Department of Finance is attached hereto.

Statutory provisions permitting assignment of the applications made by the Department of Finance are set forth in Sections 10504 and 10505 of the Water Code. Pursuant thereto the Director of Finance made assignment of applications to the United States for the purpose of the Central Valley Project as follows:

1. On September 3, 1938, Applications 5625, 5626, 9364 and 9365 involving storage and utilization of water flowing in the Sacramento River.
2. On September 30, 1939, Applications 5637, 5638 and 9369 involving storage and utilization of the water flowing in the San Joaquin River.
3. On March 26, 1952, Applications 9363, 9366, 9367 and 9368 involving the utilization of water flowing in the Sacramento River and Delta channels of the Sacramento-San Joaquin Rivers

In addition to the foregoing the United States Bureau of Reclamation has requested assignment of Applications 5635, 5636 and 7940 involving the utilization of water in the American River at Folsom Dam and below. The matter of the assignment of these three applications is still pending.

The applications assigned to the United States, with the exception of Application 5637 involving use of water for power purposes below Friant Dam, were completed by the Bureau of Reclamation, advertised and numerous protests were received in connection therewith.

Further action in connection with the applications involving the Sacramento River and the Delta is being withheld pursuant to a "Memorandum of Understanding Relating to a General Approach to Negotiations for Settlement of Water Diversions from the Sacramento River and Sacramento-San Joaquin Delta with the Objective of Avoiding Litigation" entered into on July 7, 1952, among the Sacramento Valley Water Users Committee, the U. S. Bureau of Reclamation and the State Division of Water Resources. In this connection a plan for trial distribution during the 1954 season has been instituted regarding the use of water from the Sacramento River above Sacramento by the major water users therefrom.

Action in connection with the applications involving the San Joaquin River is being withheld pending the outcome of litigation in the case of *Rank* vs. *Krug*.

In the event further information is desired regarding the foregoing applications do not hesitate to call upon us.

Very truly yours,

A. D. EDMONSTON, State Engineer
By HARVEY O. BANKS, Assistant State Engineer

Number	Date filed	Source	Point of diversion	Amount cfs.	Amount ac-ft.	Purpose	Place of use
5625	7-30-27	Sacramento R.	Shasta Dam	11,000	3,190,000	Power	Powerhouse below Shasta Dam
5626	"	"	"	8,000	3,190,000	Irr, etc.	Sacto. and San Joaquin Valley floors
5635	"	American R.	Folsom Dam site	2,500	338,000	Power	Powerhouse Folsom Dam
5636	"	"	"	1,600	338,000	Irr., etc.	Sacto. and San Joaquin Valley floors
5637	"	San Joaquin R.	Friant Dam	4,500	1,210,000	Power	Powerhouse below Friant Dam
5638	"	"	"	5,000	1,210,000	Irr., etc.	San Joaquin Valley floor
7940	5-21-34	American R.	Points below Folsom Dam	5,000		"	Sacto. and San Joaquin Valley floors
9363	8- 2-38	Sacramento R	On Sacto. R. Below Shasta Dam and on the channels of Sacto.-San Joaquin Delta	1,000	310,000	Municipal, industrial	Cities and towns in Sacto.-San Joaquin Valley and Delta areas and Contra Costa and Solano Cos.
9364	"	"	do.	9,000	3,000,000	Irr, etc.	Sacto. and San Joaquin Valley floors and Delta areas and Solano and Contra Costa Cos.
9365	"	"	Shasta Dam	7,000	3,310,000	Power	Powerhouse below Shasta Dam
9366	"	Rock Slough	Intake to Contra Costa Canal	350		Irr, etc.	Contra Costa Co.
9367	"	"	do.	350		Municipal, industrial	Cities and towns in Contra Costa Co.
9368	"	Sacto and San Joaquin R. Delta channels	Upper junction of San Joaquin and Middle R.	4,000		Irr., etc.	On San Joaquin Valley floor
9369	"	San Joaquin R.	Friant Dam		2,000,000	Irr., etc.	San Joaquin Valley floor

APPENDIX II

Senate Concurrent Resolution No. 8—1952 Regular Session

WHEREAS, The Joint Committee on Water Problems has adopted the following resolution:

"WHEREAS, The desirability of a comprehensive and coordinated plan for the conservation and distribution of the water resources of this State has long been recognized as essential to its agricultural and general economic development; and

"WHEREAS, Commencing in 1850 the Legislature of the State of California, in recognition of that need, made appropriations for studies of California's water resources, particularly in the Sacramento and San Joaquin Valleys; and

"WHEREAS, Millions of dollars have been expended by the State in conducting these studies; and

"WHEREAS, Almost continuously for more than 25 years the Legislature through the investigations, studies and hearings of its committees, has sought to expedite the solution of California's water problems; and

"WHEREAS, As a result of these studies, detailed information and proposals for the comprehensive development of the water resources of this State have been made, as evidenced by the reports of the State Engineer, the Division of Water Resources, and the Department of Public Works; and

"WHEREAS, In order to carry out definite and concrete plans for the development of said water resources within the Sacramento and San Joaquin Valleys of California and other areas that might be served, in 1933 the Legislature adopted and the people approved the act creating the Water Project Authority of the State of California with specific power and duty to construct, operate and maintain the project and to collect all rates, charges and revenues therefrom, and in said act it was and is provided 'the public interests, welfare, convenience, and necessity require construction, in the manner provided in this part, of a system of works for the conservation, development, storage, distribution, and utilization of water, with incidental generation, transmission and distribution of electric power, which system of works is designated as the Central Valley Project and is specifically approved and authorized'; and

"WHEREAS, In 1941 the Legislature adopted an over-all plan for the conservation, development and utilization of the water resources of the State known and designated as the 'State Water Plan'; and

"WHEREAS, The Legislature directed the Department of Finance to make and file applications for the appropriation of all unappropriated water within the State that was or might be required in the development and completion of the whole or any part of a general or coordinated plan looking toward the development, utilization or conservation of the water resources of the State, and the department, pursuant to said legislative authorization and direction, did, in 1927 and 1928 and in a few instances thereafter, make and file with the State Engineer applications to appropriate such unappropriated water of most of the major streams within the central valleys and a few streams in adjacent areas, which applications are now pending before the State Engineer; and

"WHEREAS, In those applications, the source from which said water is to be taken and the areas which are to be served by the waters so appropriated were and are designated; and

"WHEREAS, In conjunction with the construction of works used and to be used in connection with federal reclamation projects, the United States has requested and procured assignments of several of these applications and has filed numerous applications on its own behalf, the water so applied for to be used in furtherance of those projects which applications are now pending before the State Engineer for the issuing of permits thereon; and

"WHEREAS, It is now and has been the fundamental and underlying water law of this State and most of the seventeen western states, that the right to the use of water is appurtenant to the land to be served, being permanent in nature to the extent of beneficial use; and

"WHEREAS, Section 8 of the Reclamation Act of 1902 (Act of Congress of June 17, 1902) provided and still provides that the Secretary of the Interior in carrying out the provisions of the Reclamation Act, shall proceed in conformity with the laws of the State relating to the control, appropriation, use, or distribution of water and the right to the use of water shall be appurtenant to the land irrigated; and

"WHEREAS, Since 1913 the laws of this State have provided that an application to appropriate water properly made gives, as to the applicant, priority of right as of the date of his application to appropriate the water and the issuance of a permit continues in effect the priority of right as of the date of the application; and

"WHEREAS, The State Engineer, in exercise of this authority to issue permits to appropriate water for beneficial uses, is required to enumerate such terms and conditions of the permit as, in the judgment of the State Engineer will best develop, conserve, and utilize in the public interest the waters involved within the application and permit and requires that the State Engineer shall reject any application when in the judgment of the department the proposed appropriation would not best conserve the public interest; and

"WHEREAS, The principle of meeting and satisfying the requirements of the watershed or area wherein the water originates or an area immediately adjacent thereto that can be conveniently supplied with water therefrom has been established by legislative enactments within this State and in the interests of the over-all water development of the State to the extent that such needs constitute a reasonably beneficial use of such water; and

"WHEREAS, It is the considered opinion of this committee that it is necessary in the public interest that the established principles of the water law of this State and conditions necessary for the protection of the rights and interests of the water users prescribed by state and federal law should be specifically defined in any permits or licenses issued to the United States for federal reclamation projects by the State Engineer; and

"WHEREAS, The United States Supreme Court, in the case of *Nebraska* vs. *Wyoming*, held that permits to use water secured in connection with a reclamation project were properly issued to the

contracting water user or irrigation district rather than the United States; now, therefore, be it

"*Resolved by the Joint Committee on Water Problems,* That the Legislature of the State of California is urged to adopt a concurrent resolution memorializing the Director of Public Works and the State Engineer as follows:

"1. That, in issuing permits and licenses to appropriate water for federal reclamation projects, due consideration be given to the possibility and desirability of issuing such permits and licenses to appropriate water for irrigation purposes to the contracting public agencies of the State rather than the United States

"2. That licenses issued to the United States for irrigation purposes in connection with federal reclamation projects be limited to water subject to contracts between public agencies of the State and the United States which the State Engineer finds to be in the public interest and to conform to state law and that any permits and licenses issued for such purposes contain, in the public interest, the following conditions among, but not to the exclusion of, other conditions:

"(a) That the beneficiaries of each permit and each license are and shall be the public agency or agencies of the State together with the owners of land within such agency or agencies to be served with the water appropriated under the permit and license.

"(b) That the rights of the agencies and owners of land within the agencies to be served with the water appropriated under the permits and licenses are, subject to continued beneficial uses, permanent and appurtenant to the lands upon which the water is used.

"(c) That the use of water appropriated under the permits and licenses are subject to the reasonable requirements of the watershed or area wherein the water originates or area immediately adjacent thereto that can be conveniently supplied with water therefrom; and that no transfer of water of one watershed or area of origin to another watershed or area shall be consummated unless and until provision is made to meet such reasonable water requirements of the former; and be it further

"*Resolved,* That the chairman of this committee cause a copy of this resolution to be transmitted to the President of the Senate and the Speaker of the Assembly."; now, therefore, be it

Resolved by the Senate of the State of California, The Assembly thereof concurring, That the Legislature approves the resolution adopted by the Joint Committee on Water Problems, finds the recommendations therein to be in conformity with the public interests and policy of the State of California and requests the Director of Public Works and the State Engineer to give it full consideration in issuing permits and licenses to appropriate water for irrigation purposes; and be it further

Resolved, That the Secretary of the Senate transmit a copy of this resolution to the Director of Public Works and the State Engineer.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION AND APPENDIXES BE PRINTED AS SEPARATE DOCUMENT

Mr. Shaw asked for, and was granted, unanimous consent that the above opinion and appendixes be ordered printed as a separate document, in 10-point type, and that 500 copies be printed.

ANNOUNCEMENT

Mr. Burke announced that copies of a Summary of Suggested State Legislation by the Council of State Governments are being placed on the desks of all members, and urged the members to read this document.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 30—An act to amend Section 1032 of the Unemployment Insurance Code, relating to unemployment insurance benefits.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 6, of the printed bill, as amended in the Assembly on March 11, 1954, after "claimant", insert "subsequent to the termination of employment due to such voluntary leaving or discharge".

Amendment No. 2

On page 1, line 10, strike out "paid by", and insert "earned from".

Amendment No. 3

On page 1, lines 10 and 11, strike out "during the uninterrupted period of employment immediately".

Amendment No. 4

On page 1, line 12, strike out "the", and insert "such".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 41—An act to amend Section 1309 of the Unemployment Insurance Code, relating to unemployment insurance benefit charges.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 5, of the printed bill, as amended in the Assembly on March 17, 1954, strike out "or parent".

Amendment No. 2

On page 1, line 22, after "section", insert "which are based upon wages earned prior to the act which caused the disqualification".

Amendment No. 3

On page 1, line 24, after "disqualification", insert "unless the employer fails to furnish the information specified in Section 1030 within the time limit prescribed in that section".

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Rules.

Assembly Bill No. 44—An act to amend Section 989 of the Unemployment Insurance Code, relating to unemployment insurance tax rates.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 14, of the printed bill, strike out "employers total taxable", and insert "employer's average base".

Amendment read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Rules.

Assembly Bill No. 64—An act to amend Section 1276 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Finance and Insurance:

Amendment No. 1

In line 1 of the title of the printed bill, strike out "1276", and insert "1030".

Amendment No. 2

On page 1, line 1, strike out "1276", and insert "1030".

Amendment No. 3

On page 1, strike out lines 3 to 14, inclusive, and insert

"1030. Any employer who is entitled under Article 4 of Chapter 5 of this part to receive notice of the filing of a new or additional claim or notice of computation may, within 10 days after mailing of such notice, submit to the department any facts within its possession disclosing whether the claimant left such employer's employ voluntarily and without good cause or was discharged from such employment for misconduct connected with his work. The department shall consider such facts together with any information in its possession and promptly issue to the employer its ruling as to the cause of the termination of the claimant's employment *; provided, that when, in accordance with the provisions of this section, an employer has furnished the department with information that the claimant voluntarily left said employer or that the claimant was discharged because of misconduct, the department shall issue its ruling in accordance with the facts submitted by the employer unless the department has factual information in its possession which is contrary to that furnished by the employer. A ruling shall be issued by the department within twenty (20) days from the date of mailing of any protest by any employer.* Appeals may be taken from said rulings in the same manner as appeals from determinations on benefit claims."

Amendments read, and adopted.

Bill ordered reprinted, engrossed, and to be re-referred to the Committee on Rules.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 22—An act to add Chapter 4.5 to Part 6 of Division 13 of the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 22?

Amendment No. 1

In line 1 of the title of the printed bill, strike out "5", and insert "4.5".

Amendment No. 2

On page 1, line 1, strike out "5", and insert "4.5".

Amendment No. 3

On page 1, line 4, strike out "5", and insert "4.5".

Amendment No. 4

On page 2, lines 20 and 21, strike out "in such manner as the board may prescribe" and insert "by publication once in a newspaper of general circulation printed and published in the district or if such a newspaper is not printed and published in the district by posting in three public places in the district, and the sale shall not be held before 10 days after such publication or posting"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 22 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—66.

NOES—None.

Assembly Bill No. 22 ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 13—An act to amend Section 24070 of, and to add Sections 24070.1, 24070.2, and 24070.3 to, the Business and Professions Code, relating to alcoholic beverage licenses.

Bill read third time.

Demand for Previous Question

Messrs Kelly, McCollister, Chapel, Donald D Doyle, and Dunn 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—67.

NOES—Bulen—1.

Bill ordered transmitted to the Senate.

ANNOUNCEMENT

Mr. Evans announced a luncheon meeting of the Los Angeles County Delegation members today, upon recess at noon, at Bedell's restaurant.

APPOINTMENT OF SELECT COMMITTEE

Speaker pro Tempore Maloney announced the appointment of Messrs. Charles W. Lyon and McCollister as a Select Committee to escort to the rostrum the Hon. Norris Poulson, Mayor of the City of Los Angeles, former Member of Congress, and former Member of the Assembly.

RECESS

At 11.08 a m , on motion of Mr. Charles W. Lyon, the Assembly recessed until 11.14 a.m. to hear remarks by the Hon. Norris Poulson, Mayor of the City of Los Angeles, former Assemblyman and Congressman.

REASSEMBLED

At 11 14 a m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

RECESS

At 11.15 a m , on motion of Mr. Levering, the Assembly recessed until 9.30 p m.

REASSEMBLED

At 9.30 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Levering, the Journals for Monday, March 15, 1954; Tuesday, March 16, 1954; Wednesday, March 17, 1954; Thursday, March 18, 1954 and Friday, March 19, 1954, were approved, as corrected by the Minute Clerk.

ADJOURNMENT

At 9.31 p m., on motion of Mr Levering, the Speaker declared the Assembly adjourned until 10.15 a.m , Thursday, March 25, 1954.

JAMES W SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

SEVENTEENTH LEGISLATIVE DAY

TWENTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, March 25, 1954

The Assembly met at 10.15 a.m.

Hon. Thomas A. Maloney, Speaker pro Tempore 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Almighty and Eternal God, Lord and Lifegiver, We thank Thee for the innumerable blessings with which Thou hast filled our lives From the time of our birth until now Thou hast followed us like a loving Father, showering us with those gifts that were for our own good. Help us, Almighty God, to appreciate all that You have done for us, and fill our hearts with gratitude that we may value and use Thy blessings according to Thy will Through Christ our Lord.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Thomas J. Doyle.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 88: By Messrs Willis W. Bradley, Klocksiem, Porter, Bonelli, Thomas J Doyle, Evans, Ernest R. Geddes, McMillan, Ross, Shell, and Thomas—An act to validate the corporation of cities incorporated on or after February 1, 1954, and on or prior to April 20, 1954, to validate matters pertaining to such cities, including acts of counties or any boards or officers thereof.

Referred to Committee on Municipal and County Government.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Assembly Bill No. 88

Mr. Willis W. Bradley asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Assembly Bill No. 88.

Assembly Joint Resolution No. 6: By Messrs. Stewart and Burke—Relative to memorializing Congress to enact S. 2938 and S. 3115 relative to air pollution control.

Referred to Committee on Rules.

Assembly Joint Resolution No. 7: By Messrs. Kelly, Lindsay, Belotti, Mrs Davis, Messrs. Willis W. Bradley, Bulen, Cooke, Miss Donahoe, Messrs Dunn, Hansen, Hobbie, Dahl, and Shell—Relative to memorializing Congress to direct the General Services Administration to standardize purchasing procedures for strategic metals.

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Mr. Erwin:

House Resolution No. 15

Relative to augmenting the funds of the Assembly Interim Committee on Revenue and Taxation

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of six thousand dollars ($6,000) 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 Revenue and Taxation (created by House Resolution No. 141, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Belotti:

House Resolution No. 16

Relative to a study of state highways in the Redwood Empire of the State of California

WHEREAS, The hazardous condition of the highways in the state parks in Northern California is an acute problem to the operation and maintenance of the State Highway System in that area; and

WHEREAS, The highways in the state parks have been constructed and maintained in a manner so as to preserve, as nearly as possible, the state parks in their natural condition; and

WHEREAS, The condition of these highways constitutes a hazard to present heavy traffic which is far in excess of that contemplated when the highways were constructed; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Transportation and Commerce created by House Resolution No 120 of 1953 is requested to undertake a study of all problems relating to state highways in the Redwood Empire of Northern California, and to report thereon to the Assembly at the 1955 Session of the Legislature.

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

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

The following resolutions were offered:

Assembly Concurrent Resolution No. 13: By Mr. Belotti—Relative to the creation of the Joint Legislative Committee on Highways in the Redwood Empire of Northern California.

Referred to Committee on Rules

Assembly Concurrent Resolution No. 14: By Messrs. Ernest R. Geddes, Porter, Dunn, Kilpatrick, Allen, Bonelli, Brady, Burke, Clarke, Collier, Dahl, Dills, Thomas J. Doyle, Elliott, Evans, Hawkins, Lincoln, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Miller, Morris, Munnell, Nielsen, Rumford, Shell, Smith, Stanley, and Stewart—Relative to congratulating California libraries, schools and school authorities and associations receiving awards from the Freedoms Foundation.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 24, 1954

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

Assembly Concurrent Resolution No. 4—Relative to the Report of the Annual Convention of the Marine Corps League of the Department of California;

Assembly Concurrent Resolution No. 6—Relative to the Fullerton Junior College Championship Basketball team;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the twenty-fourth day of March, 1954, at 11 a m.

BURKE, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 30

And reports the same correctly re-engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Senate Bill No. 14
Senate Bill No. 16
Senate Bill No. 37
Senate Bill No. 54
Senate Bill No. 55

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.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Assembly Bill No. 83

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 bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, 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.

STANLEY, Chairman

Above reported bill ordered to second reading.

Committee on Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Senate Bill No. 26

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

WILLIS W. BRADLEY, Vice Chairman

Above reported bill ordered to second reading.

Committee on Governmental Efficiency and Economy

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Governmental Efficiency and Economy, to which was referred:

Assembly Bill No. 78

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to the Committee on Ways and Means.

STEWART, Chairman

Above reported bill ordered re-referred to the Committee on Ways and Means.

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Senate Constitutional Amendment No. 4

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

BELOTTI, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Constitutional Amendment No. 4

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

BELOTTI, Chairman

Above reported resolution ordered on file.

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, 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.

LINDSAY, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred:

Senate Bill No. 29

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

LINDSAY, Chairman

Above reported bill ordered to second reading.

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 81

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

COLLIER, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Education, to which were referred:

Senate Bill No. 31
Senate Bill No. 39

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

COLLIER, Chairman

Above reported bills ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Education, to which were referred:

Senate Bill No. 20
Senate Bill No. 32

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

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Constitutional Amendment No. 3

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

CALDECOTT, Chairman

Above reported resolution ordered on file.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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 recommendation: Be adopted.

SILLIMAN, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

House Resolution No. 14

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Concurrent Resolution No. 10

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

RESOLUTIONS

The following resolution was offered:

By Mr. Samuel R. Geddes:

House Resolution No. 17

Relative to the creation of the Assembly Committee on Centennials and Similar Local Events

WHEREAS, September 16, 1954 will mark the One Hundredth Anniversary of the establishment of Mare Island Navy Yard at the City of Vallejo in Solano County, which event will be celebrated not only in the City of Vallejo but throughout the county; and

WHEREAS, The Thirty-sixth District Agricultural Association has been requested to participate in the celebration of this centennial event to the extent it may do so under existing law; and

WHEREAS, Similar centennial celebrations will be held in other communities from time to time and similar requests will be made of other district agricultural associations; and

WHEREAS, It is desirable that the Legislature be informed as to the extent to which such associations may participate in events of this type and the nature and extent of such participation; now, therefore, be it

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

1. The Assembly Committee on Centennials and Similar Local Events is hereby created and authorized and directed to ascertain, study and analyze all facts relating to the subject matter set forth in the recitals of this resolution, 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 _____ 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 1955 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 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 subpenas, orders and other process issued by the committee.

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

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

6. 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 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.

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 39—An act to add Section 116 to an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by the electors November 3, 1914, relating to the powers of the Legislature with respect to said act, to provide for the submission of said amendment to the electors, in accordance with Section 1B of Article IV of the Constitution of California, at the general election on November 2, 1954, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 85—An act to amend Sections 11713 and 11715.5 of the Health and Safety Code, relating to penalties for violation of narcotics laws.

Bill read second time, and ordered engrossed.

Assembly Bill No. 60—An act to amend Section 11721 of the Health and Safety Code, relating to unlawful use of narcotics.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Judiciary:

Amendment No. 1

In line 2 of the title of the printed bill, after "narcotics", insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, after line 16, insert

"SEC. 2. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

There exists in this State an extremely serious problem due to the very rapid and alarming increase in the use of and addiction to narcotics. This condition has become worse in that many addicts are punished too lightly as a result of the excessive granting of probation. It is thus exceedingly difficult to discourage materially the

unlawful use of these vicious drugs. In order to combat this deplorable rise in drug addiction promptly and more effectively by prohibiting the granting of probation to a narcotic addict for at least the first 90 days of his term of sentence and thereby better preserve the public peace, health and safety, it is necessary that this act take effect immediately."

Amendments read, and adopted

Bill ordered reprinted, and engrossed

Assembly Bill No. 29—An act to amend Section 172a of the Penal Code, relating to sale of alcoholic beverages near certain universities

Bill read second time.

Consideration of Committee Amendments

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

Amendment No. 1

On page 2, of the printed bill strike out line 14, and insert "In measuring distances from the university grounds or Campus of the University of Southern California in the City of Los Angeles, such distances shall not be measured by"

Amendment read, and adopted.

Bill ordered reprinted, and engrossed.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 3—Relative to a study of the Uniform Commercial Code by the Interim Judiciary Committees of the Assembly and the Senate.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Concurrent Resolution No 3?

Amendment No. 1

On page 1, line 19, of the printed measure, strike out "has been introduced at this session", and insert "was introduced at the 1953 Regular Session"

Amendment No. 2

On page 1, line 20, strike out "pending".

Amendment No. 3

On page 1, line 24, after "vania", insert "and will doubtless be introduced at the 1955 Regular Session of the California Legislature".

Amendment No. 4

On page 2, line 8, strike out "any".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Concurrent Resolution No. 3 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Chapel, Clarke, Cloved, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lackel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—61

NOES—None

Assembly Concurrent Resolution No 3 ordered enrolled.

Speaker Presiding

At 10:35 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 9—An act to amend Sections 23320 and 25761 of, and to add Chapter 18 to Division 9 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Demand for Previous Question

Messrs. Thomas J. Doyle, Ross, Luckel, Morris, and Stewart demanded the previous question.

Demand for previous question sustained.

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

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—74.

NOES—None

Bill ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 15. By Messrs. Nielsen, Cooke, Willis W. Bradley, Clark L. Bradley, Dickey, Dills, Fleury, Samuel R. Geddes, McCollister, Silliman, Stanley, and Stewart—Relative to the passing of Colonel Nelson M. Holderman.

Referred to Committee on Rules.

RECESS

At 10.54 a.m., on motion of Mr. Levering, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 87

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

SILLIMAN, Chairman

Above reported bill ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 22—An act to add Chapter 4.5 to Part 6 of Division 13 of the Water Code, relating to California water districts, declaring the urgency thereof, to take effect immediately;

And reports that the same has been correctly enrolled, and presented to the Governor on the twenty-fifth day of March, 1954, at 11 a.m.

BURKE, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined

Assembly Bill No. 39
Assembly Bill No. 85

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: Your Committee on Legislative Procedure has examined

Assembly Concurrent Resolution No. 10

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

RESOLUTIONS

The following resolution was offered:

By Mr. Stewart:

House Resolution No. 18

Relative to augmenting funds of the Assembly Interim Committee on Governmental Efficiency and Economy

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 Governmental Efficiency and Economy (created by Assembly Resolution No. 160, 1953 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.

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

The following resolution was offered:

Assembly Joint Resolution No. 8: By Messrs. Backstrand and Hinckley—Relative to the construction of a road through the Joshua Tree National Monument.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 25, 1954

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

Senate Bill No. 49
Senate Bill No. 50
Senate Bill No. 58

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time:

Senate Bill No. 49—An act to add Section 652 to the Unemployment Insurance Code, relating to unemployment insurance.

Referred to Committee on Finance and Insurance

Senate Bill No. 50—An act to add Sections 7154 and 7155 to the Education Code, relating to the education of pupils residing in one school district and attending in another, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 58—An act to amend Section 7717 of the Education Code, relating to state school building aid.

Referred to Committee on Education.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 71—An act to add Section 17708 to the Health and Safety Code, relating to cooking in hotel rooms, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Speaker pro Tempore Presiding

At 2:08 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—71.

NOES—None

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—71.

NOES—None.

Bill ordered transmitted to the Senate

Speaker Presiding

At 2:20 p.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

Assembly Bill No. 2—An act to add Section 39 to an act entitled "An act making an appropriation for allocation to cities, counties, and cities and counties, to develop a Postwar Public Works Program comprising the preparation of surveys and plans and specifications for proposed public works and the acquisition of rights of way and sites for major streets, roads, bridges, sewerage and other public facilities, and providing the procedure for making such allocations," approved June 20, 1944, relating to postwar public works programs, making an appropriation to be allocated to cities incorporated on or after November 30, 1953, and before March 1, 1954, 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—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—72.

NOES—None.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—72.

NOES—None

Motion to Amend Title

Mr. Stanley 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 March 11, 1954, strike out "an act entitled "An act making" "; strike out lines 2 to 8, inclusive, of the title; and in line 9 of the title, strike out "1944," and insert "Chapter 47 of the Statutes of 1944, Fourth Extraordinary Session,".

Amendment read, and adopted.

Bill ordered reprinted, and transmitted to the Senate.

Assembly Bill No. 3—An act to add Sections 47 and 48 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor 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—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas

J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—71.
NOES—None.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—71.
NOES—None.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 8—Relative to revision of the Probate Code provisions for setting aside of estates not exceeding two thousand five hundred dollars ($2,500) in value.

Resolution read.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—64.
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 9—Relative to the creation of the Joint Committee on Fairs and Expositions.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brady, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—64.
NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 3—Relative to memorializing Congress to establish a strategic materials stockpile and shipping center at Red Bluff, California.

Resolution read.

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

AYES—Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Burke, Caldecott, Casey, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury,

Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—60

NOES—None.

Resolution ordered transmitted to the Senate.

Hon. Richard H. McCollister Presiding

At 2.35 p.m., Hon. Richard H. McCollister, Member of the Assembly from the Seventh District, presiding.

REQUEST FOR UNANIMOUS CONSENT THAT EXPLANATION OF BILL BE PRINTED IN JOURNAL

Mr. Morris asked for, and was granted, unanimous consent that an explanation relating to Assembly Bill No. 30 be ordered printed in the Journal, in 10-point type, as follows:

EXPLANATION OF ASSEMBLY BILL NO. 30

Assembly Bill No. 30 (First Extraordinary Session) contains an amendment to Section 1032 of the California Unemployment Insurance Code. This section provides that under specified circumstances the reserve account of employers shall not be charged with benefits paid to individuals who voluntarily left their work without good cause or were discharged for misconduct connected with their work

The amendment made by Assembly Bill No. 30 is not intended to change the existing law, but is intended to be declaratory thereof, and to clarify and make explicit the purpose and effect of the existing law and thus to avoid any possible misinterpretation of the existing law which might result in its application in a manner which would conflict with standards prescribed for compliance of such state laws with applicable federal statutes.

G. DELBERT MORRIS

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 30—An act to amend Section 1032 of the Unemployment Insurance Code, relating to unemployment insurance benefits.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—69

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Morris:

House Resolution No. 19

Relative to commending the students and faculty of Palos Verdes College for their willingness to hear both sides of controversial subjects

WHEREAS, It is to the best interests of the people of the State of California that they hear both sides of each question; and

WHEREAS, It is desirable that college students visiting the California Legislature be afforded an opportunity to meet state officials, Members of the Legislature, and legislative advocates representing both sides of controversial subjects; and

WHEREAS, Charles Edward Chapel, Member of the Assembly from the Forty-sixth District, has had as his guests students and faculty members of Palos Verdes College; and

WHEREAS, Such students and their instructors have been addressed by the Governor, the Lieutenant Governor, the Speaker of the Assembly, Members of the Legislature, and legislative advocates representing both sides of highly controversial subjects; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly commends the students and faculty of Palos Verdes College and also commends Assemblyman Chapel for allowing the proponents of both sides of controversial subjects to present their opinions and recommendations

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

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 18—An act to amend Section 139.53 of the Vehicle Code, relating to promotions.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Dahl, Davis, Dills, Donahoe, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—67.

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 19—An act to repeal Sections 139.52 and 139.56 of the Vehicle Code, relating to efficiency ratings and punitive action.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 22—An act to amend Sections 44, 44.1, 44.2, 44.5, 44.7, 44.9, 44.10, and 44.11 of the Vehicle Code, relating to authorized emergency vehicles.

Bill read third time.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—None.

Bill ordered transmitted to the Senate.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 87—An act making an appropriation for payment of the expenses of Members of the Assembly necessarily incurred by them while attending the 1954 Extraordinary Session of the Legislature, to take effect immediately.

Bill read second time, and ordered engrossed.

RESOLUTIONS

The following resolution was offered:

By Mr. Klocksiem:

House Resolution No. 20

In honor of Captain Willis W. Bradley

WHEREAS, The Members of Assembly of the State of California are justly proud to have as a fellow Assemblyman, a man of the stature of Captain Willis W. Bradley, scholar, naval officer, and statesman, the recipient of the highest honor that our Government can bestow, the Congressional Medal of Honor, who has won international recognition for his outstanding achievements in the public service; and

WHEREAS, Captain Bradley, the scholar, graduated from the United States Naval Academy in 1906, received a degree of Master of Science at George Washington University in 1914, and graduated from the Navy War College in 1938; and

WHEREAS, Captain Bradley, the naval officer, was awarded a Silver Medal by Pope Pius XI and a Silver Medal by the Italian Red Cross in recognition of his outstanding service in aiding the victims of the Messina earthquake in 1908-1909; and

WHEREAS, Captain Bradley, the naval officer, served his Country well during both World War I and World War II, winning the Congressional Medal of Honor in July, 1917 for extraordinary heroism while serving on the *USS Pittsburgh*, and accomplishing the difficult and exacting task of inspecting and accepting for the United States Navy approximately 1,000 ships during the period just prior to and during World War II; and

WHEREAS, Captain Bradley, the statesman, rendered distinguished service as the Governor of Guam from 1929 to 1931, during which time he granted a "Bill of Rights" to the people of Guam, established "citizenship of Guam," created the bicameral Guam Congress, held the first election, and inaugurated the mail service; and

WHEREAS, Captain Bradley, the statesman, upon retirement from the Navy in 1946, was selected to represent the Eighteenth District in California in the Eightieth Congress and, in 1952, was elected Assemblyman from the Seventieth District to represent the people in the Long Beach area in this House; and

WHEREAS, Captain Bradley, the scholar, naval officer, and statesman, who has brought honor to our State and our Nation during his many years of public service, is a stirring example of the outstanding courage and leadership that has made this Country great; and

WHEREAS, Captain Bradley will retire as a Member of the Assembly of California at the end of his present term of office, having won the esteem of his fellow members in the conduct of his duties; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body salute the Honorable Willis W. Bradley for his magnificent achievements in the public service and wish him long and continuing success in whatever endeavors he may undertake in the future; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Captain Willis W. Bradley.

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

REQUEST FOR UNANIMOUS CONSENT TO EXPUNGE RECORD, AND RESCIND ACTION ON ADJOURNMENT

Mr. Charles W. Lyon asked for, and was granted, unanimous consent to expunge the record, and rescind the action whereby the Assembly, on this day, at 2.49 p m., adjourned.

REASSEMBLED

At 2.50 p m., the Assembly reconvened.

Hon James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Stanley asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Assembly Bill No. 88 in the Committee on Municipal and County Government today, upon adjournment, in Room 4164.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 69—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, and 41, inclusive, to the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to flood control and water conservation, 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 Conservation, Planning, and Public Works:

Amendment No. 1

In lines 4 and 5 of the title of the printed bill, strike out "40, and 41, inclusive," and insert "and 40".

Amendment No. 2

On page 9, line 27, strike out "one cent ($0.03)", and insert "five cents ($0 05)".

Amendment No. 3

On page 21, line 44, strike out "41.", and insert "56"

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Bill No. 81—An act to add Section 4965.2 to the Education Code, relating to tax rates in unified school districts.

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, before the period, insert ", declaring the urgency thereof, to take effect immediately".

Amendment No. 2

On page 1, after line 14, insert

"SEC. 2 This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

Under the existing law when an elementary school district has increased its maximum tax rate for a specified number of years pursuant to a vote of the people of the district in order to meet the cost of increased current district expenditures for such period and such district subsequently is merged into a unified district under a reorganization plan, the excess tax rate for elementary purposes can no longer be levied in the new unified district even though the boundaries of the old elementary district are identical to the boundaries of the new unified district. Ordinarily such an excess tax rate is voted for a particular purpose or to carry out a specified program over a period of years. The cessation of the excess tax rate upon unification and before the completion of such program creates a serious problem in that the new district is unable to finance the program within the maximum tax rate and its only alternative may be the abandonment of the program financed by the excess tax at an incomplete stage when abandonment will render worthless or seriously impair the completed part of the program. In order to remove this obstacle to the formation of unified school districts at the earliest moment and to continue the policy of the Legislature in encouraging the formation of unified school districts, it is necessary that this act take effect immediately."

Amendment No. 3

On page 1, line 4, strike out "contiguous", and insert "coterminous".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed

Assembly Bill No. 83—An act to amend Sections 4845.20 and 4845.34 of, and to add Section 4845.35 to, the Health and Safety Code, relating to the withdrawal of territory annexed to a city from a sanitation district.

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, line 6, of the printed bill, strike out "annexed to a city", and insert "included within a city by annexation, incorporation, or otherwise".

Amendment No. 2

On page 2, line 19, strike out "annexed to a city", and insert "included within a city by annexation, incorporation, or otherwise".

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

Assembly Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 2, line 3, of the printed measure, after the period, insert "The Legislature shall provide for the issuance of two types of licenses for premises where intoxicating liquors, other than beers, are sold and served for consumption upon the premises. One of such types shall be a public bar license, which shall authorize such service and sale of intoxicating liquors but prohibit the sale and service of food upon the premises. The other type of license shall be a general on-sale license, which shall authorize such service and sale of intoxicating liquors and in addition authorize the service and sale of food upon the premises. Any premises for which a public bar license is issued shall be plainly marked at the entrances thereof. Any person under the age of 21 years who loiters upon premises operated under a public bar license is guilty of a misdemeanor."

Amendment No. 2

On page 2, after line 45, insert
"This amendment shall become operative on January 1, 1955."

Amendments read, and adopted.

Resolution ordered reprinted, and engrossed.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 15—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.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Municipal and County Government:

Amendment No. 1

On page 2 of the printed bill, as amended in the Senate on March 11, 1954, between lines 26 and 27, insert "Municipal water district improvement districts".

Amendment No. 2

On page 3, line 29, after "public body", insert "or for the annexation of any such public body to any other such public body"

Amendments read, and adopted

Bill ordered reprinted, and to third reading

Senate Bill No. 3—An act to amend Section 4964 of, and to add Section 4964.1 to, the Education Code, relating to the property, funds and obligations of reorganized school districts, 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 Senate on March 11, 1954, strike out "Section 4964.1", and insert "Sections 4964.1 and 4964.2".

Amendment No. 2

On page 1, strike out lines 8 to 10, inclusive, and insert "tract, shall be divided among".

Amendment No. 3

On page 1, strike out line 20; and on page 2, strike out lines 1 and 2, and insert "than real property, of the".

Amendment No. 4

On page 2, strike out lines 9 to 15, inclusive

Amendment No. 5

On page 2, between lines 24 and 25, insert

"SEC. 2.5 Section 4964.2 is added to said code, to read:

4964.2. In making any division of the property, funds and obligations of an original district, pursuant to Section 4964, no division shall be made of taxes on unsecured property for the fiscal year commencing on the date when reorganization or unification becomes effective for all purposes, as to any reorganization or unification becoming effective for all purposes on July 1, 1953, or July 1, 1954 The proceeds of such taxes shall be distributed to the original district.

In making a division of the property, funds and obligations of a component district or an original district, pursuant to Section 4964, for the purposes of any reorganization or unification effective for all purposes on or after July 1, 1955, unsecured property taxes levied for the fiscal year commencing on the date when reorganization or unification becomes effective for all purposes but which are due and payable upon the first Monday in March preceding such date shall be distributed to the affected districts in which they are collected as they exist on and after said date when the reorganization or unification becomes effective for all purposes.

The distribution required by this paragraph shall be accomplished at the time and in the manner required by Section 4964.1"

Amendment No. 6

On page 2, strike out lines 42 to 46, inclusive, and insert "trict In order that the law be made clear with respect to the distribution and division of the proceeds of unsecured property taxes collected in territory affected by a reorganization or unification of school districts during this fiscal year, it is necessary that this act".

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Senate Bill No. 39—An act to add Article 18.6 to Chapter 11 of Division 2 of the Education Code, relating to school districts.

Bill read second time.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Education:

Amendment No. 1

On page 1, line 18, of the printed bill, before the period, insert ", except that any order of the board of supervisors directing the change of boundaries shall not be recorded unless and until it is approved by the county committee on school district organization".

Amendment read, and adopted

Bill ordered reprinted, and to third reading

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 2 of the printed measure, as amended in the Assembly on March 22, 1954, strike out lines 36 to 42, inclusive.

Amendment read, and adopted

Resolution ordered reprinted, and to be re-referred to the Committee on Ways and Means.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California, an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Resolution read.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Constitutional Amendments:

Amendment No. 1

On page 1 of the printed measure, as amended in the Senate on March 16, 1954, strike out lines 17 to 19, inclusive, and insert "ing liquor."

Amendment No. 2

On page 2, lines 10 and 11, strike out "a two-thirds vote of all of the members elected to".

Amendment No. 3

On page 2, strike out lines 13 to 15, inclusive.

Amendment No. 4

On page 2, line 27, after "morals", insert ", or inconsistent with the enforcement of any law involving moral turpitude."

Amendment No. 5

On page 2, strike out lines 30 to 48, inclusive

Amendment No. 6

On page 3, strike out lines 37 to 39, inclusive.

Amendments read, and adopted.

Resolution ordered reprinted, and on file.

Senate Bill No. 14—An act to add Chapter 8 comprising Sections 60742 to 60749, inclusive, to Part 5 of Division 3 of Title 5 of the Government Code, relating to short term financing of community services districts organized under the Community Services District Law, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 16—An act to validate acts, proceedings, and elections in connection with bonds of school districts, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 37—An act to add Chapter 6.1, comprising Sections 60737.01 to 60737.08, inclusive, to Part 5, Division 3, Title 5 of the Government Code, relating to depositaries for community services districts and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 54—An act to add Chapter 8 comprising Sections 60742 to 60749, inclusive to Part 5 of Division 3 of Title 5 of the Government Code, relating to short term financing of community services districts organized under the Community Services District Law, declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to third reading.

Senate Bill No. 55—An act to amend Sections 53601 and 53602 of the Government Code, relating to authorized investments of local agencies, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 20—An act to amend Section 16435 of the Education Code, relating to school safety patrols.

Bill read second time, and ordered to third reading

Senate Bill No. 32—An act to amend Sections 7031.2 and 7031.3 of, and to add Section 7096.1 to, the Education Code, relating to State School Fund apportionments, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading

Senate Bill No. 29—An act to amend Section 375 of the Streets and Highways Code, relating to State Highway Route 75, and to provide for the payment of the cost of maintenance of the portion of said route deleted by Chapter 1737 of the Statutes of 1953, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading

Senate Bill No. 26—An act to add Article 5c to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof, providing ways and means, exclusive of loans, for the payment of the interest, of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1954

Bill read second time, and ordered to third reading.

ADJOURNMENT

At 2.58 p.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a.m., Friday, March 26, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

EIGHTEENTH LEGISLATIVE DAY

TWENTY-SIXTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Friday, March 26, 1954

The Assembly met at 10.15 a m.

Hon. Thomas A Maloney, Speaker pro Tempore 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—76.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

Cleanse Our Hearts and Our Lips, O Almighty God, Who didst cleanse the lips of the prophet Isaias, with a burning coal; and vouchsafe through Thy gracious mercy, so to purify us that we may worthily proclaim Thy truth in all things, and may courageously follow Thy commands. Through Christ our Lord.—AMEN.

READING OF THE JOURNAL DISPENSED WITH

On motion of Miss Donahoe, 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:

Mrs. Niehouse, on motion of Mr. Hinckley.

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

Mr Brown, on motion of Mr. Hinckley.

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

Mr. Silliman, on motion of Mr. Hinckley.

RESOLUTIONS

The following resolutions were offered:

By Mr. Dunn:

House Resolution No. 21

Relating to a study of the methods of collecting taxes on cigarettes

WHEREAS, Many of the states in these United States and numerous cities obtain revenue by means of imposing a tax on cigarettes; and

WHEREAS, Proposals have been made to the California Legislature from time to time that a tax on cigarettes be considered, and

WHEREAS, The State of California does not at the present time impose such a tax; and

WHEREAS, The method of collecting taxes on cigarettes is an important factor in any determination of the feasibility of imposing such a tax; and

WHEREAS, For this reason, a study should be made of the methods of collecting taxes on cigarettes, currently used by those states and local agencies which impose such a tax; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Revenue and Taxation is authorized and directed to ascertain, study, and analyze the various methods of collecting taxes on cigarettes, used by those states and local agencies which impose such a tax; and be it further

Resolved, That the Assembly Interim Committee on Revenue and Taxation is further directed to report its findings and recommendations to this body at the 1955 Regular Session of the Legislature.

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

By Mr. Chapel:

House Resolution No. 22

Relative to legislative investigation of nonprofit corporations

WHEREAS, California corporations organized as nonprofit corporations enjoy special rights and privileges not enjoyed by corporations organized to make a profit; and

WHEREAS, Various nonprofit corporations are alleged to have abused the confidence placed in them when they were granted charters by the State of California; and

WHEREAS, Various nonprofit corporations are alleged to have used portions of their funds to influence federal, state, county, and municipal legislators for material reasons, now, therefore, be it

Resolved by the Assembly of the State of California, That the Speaker of the Assembly appoint or cause to be appointed a subcommittee to investigate the activities of nonprofit corporations in California.

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. 16: By Messrs. Caldecott, Rumford, Silliman, Lowrey, Collier, Collins, Kelly, Masterson, Porter, Ross, Shell, and Thomas—Relative to Clarence M. (Nibs) Price.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 17: By Messrs. Caldecott, Rumford, Silliman, Lowrey, Collier, Collins, Kelly, Masterson, Porter, Ross, and Thomas—Relative to Clinton W. Evans.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 73

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to the Committee on Rules; subject matter to be referred to proper interim committee.

COLLIER, Chairman

Above reported bill ordered re-referred to the Committee on Rules.

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Senate Bill No. 28

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

WEINBERGER, Chairman

Above reported bill ordered to second reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Bill No. 72

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

WEINBERGER, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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 be adopted, as amended.

MALONEY, Chairman pro Tempore

Above reported resolution ordered on file.

Committee on Transportation and Commerce

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR. SPEAKER: Your Committee on Transportation and Commerce, to which was referred:

Assembly Bill No. 84

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to the Committee on Rules; subject matter to be referred to proper interim committee.

HOBBIE, Chairman

Above reported bill ordered re-referred to the Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR. SPEAKER: Your Committee on Transportation and Commerce, to which were referred.

Senate Bill No. 21
Senate Bill No. 23
Senate Bill No. 33

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

HOBBIE, Chairman

Above reported bills ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 2

And reports the same correctly re-engrossed.

BURKE, Chairman

Above reported bill ordered transmitted to the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 81
Assembly Bill No. 83

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 87

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Bill No. 41

And reports the same correctly re-engrossed.

BURKE, Chairman

Above reported bill ordered re-referred to the Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Bill No. 44
Assembly Bill No. 64

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered re-referred to the Committee on Rules.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Bill No. 29
Assembly Bill No. 60

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

Committee on Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Senate Bill No. 25

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

COOKE, Chairman

Above reported bill ordered to second reading.

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 25, 1954

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

Assembly Bill No. 21

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

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which was referred:

Assembly Bill No. 88

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.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 88—An act to validate the corporation of cities incorporated on or after February 1, 1954, and on or prior to April 20, 1954, to validate matters pertaining to such cities, including acts of counties or any boards or officers thereof.

Bill read second time, and ordered engrossed.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 25, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 62

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above bill ordered to unfinished business file.

SENATE CHAMBER, SACRAMENTO, March 25, 1954

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 L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following resolution was read:

Senate Joint Resolution No. 3—Relative to congressional appropriations for crops and livestock regulatory programs of the United States Department of Agriculture.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 25, 1954

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

Senate Bill No. 51

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was read the first time:

Senate Bill No. 51—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 inclusive, to the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to flood control and water conservation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 28—An act to create a Department of Alcoholic Beverage Control, an Alcoholic Beverage Control Commission, and the Office of Director of Alcoholic Beverage Control, by amending Sections 11551 and 11556 of the Government Code, and adding Chapter 1.5 to Division 9 of the Business and Professions Code, relating to the state administration of alcoholic beverage control.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Senate on March 16, 1954, strike out "Control"

Amendment No. 2

In line 4 of the title, strike out "tions 11551 and 11556", and insert "tion 11551".

Amendment No. 3

On page 1, strike out lines 9 to 19, inclusive; and on page 2, strike out lines 1 to 4, inclusive

Amendment No. 4

On page 2, line 5, strike out "SEC. 3", and insert "SEC. 2".

Amendment No. 5

On page 2, between lines 10 and 11, insert "23049. It is the intention of the Legislature in enacting this chapter to provide a governmental organization which will ensure a strict, honest, impartial, and uniform administration and enforcement of the liquor laws throughout the State."

Amendment No. 6

On page 3, between lines 6 and 7, insert

"The transfer of personnel made by this section shall be subject to the power of the director, in accordance with the State Civil Service Act, to reorganize the department, to discipline employees transferred for incompetency, inefficiency, inexcusable neglect of duty, prior or subsequent to the transfer, or for any other cause for discipline provided by law, and to lay off and demote employees for lack of funds, in accordance with the State Civil Service Act."

Amendment No. 7

On page 3, between lines 15 and 16, insert

"23056. Neither the director nor any other officer or any employee of the department shall have or do any of the following

(a) Have any interest, direct or indirect, whether proprietary or through any loan, mortgage, or lien, in or on any premises where alcoholic beverages are manufactured or sold

(b) Have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, sale, transportation, or storage of alcoholic beverages

(c) Own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured or sold, or in any business wholly or partially devoted to the manufacture, sale, transportation, or storage of alcoholic beverages.

(d) Receive any commission or profit whatsoever, directly or indirectly, from any person applying for or receiving any license or permit under the Alcoholic Beverage Control Act

(e) Engage or have any interest in the sale of any insurance covering a licensee's business or premises

(f) Engage or have any interest in the sale of equipment for use upon licensed premises

(g) Knowingly solicit any licensee for the purchase of tickets for benefits or contributions for benefits

(h) Knowingly request any licensee to donate or receive money, or any other thing of value, for the benefit of any person whatsoever.

Any person who violates any provision of this section shall be removed from office or employment As to any civil service employee, the foregoing shall constitute grounds for the discipline of such employee under the State Civil Service Act."

Amendment No. 8

On page 3, line 17, strike out "Control".

Amendment No. 9

On page 3, strike out lines 19 to 37, inclusive, and insert

"23075. The Alcoholic Beverage Commission is hereby created. The commission shall consist of nine members and shall be appointed by the Governor and serve at his pleasure. The commission shall be appointed from the State at large, but in making such appointments the Governor shall, so far as practicable, appoint members whose qualifications are such that they will give adequate representation to the public generally, recognizing geographical and occupational differences, and the various elements of the population of the State affected by the enforcement of this division.

23076. The members of the commission shall receive no compensation, but they shall be reimbursed for their actual and necessary expenses incurred in the discharge of their duties.

23077. The commission shall have the power and duty to advise the director as to all matters relating to the powers and duties conferred upon the department under this division The commission's functions in this regard shall be strictly advisory, and shall in no way extend to the exercise or performance of the powers or duties conferred on the department.

23078 The act of a majority of the full membership of the commission, when in session as a commission, shall be deemed to be the act of the commission.

23079. No commissioner, nor any other officer or employee of the commission, shall have or do any of the following:

(a) Have any interest, direct or indirect, whether proprietary or through any loan, mortgage, or lien, in or on any premises where alcoholic beverages are manufactured or sold.

(b) Have any interest, direct or indirect, in any business wholly or partially devoted to the manufacture, sale, transportation, or storage of alcoholic beverages

(c) Own any stock in any corporation which has any interest, proprietary or otherwise, direct or indirect, in any premises where alcoholic beverages are manufactured or sold, or in any business wholly or partially devoted to the manufacture, sale, transportation, or storage of alcoholic beverages

(d) Receive any commission or profit whatsoever, directly or indirectly; from any person applying for or receiving any license or permit under the Alcoholic Beverage Control Act

(e) Engage or have any interest in the sale of any insurance covering a licensee's business or premises

(f) Engage or have any interest in the sale of equipment for use upon licensed premises.

(g) Knowingly solicit any licensee for the purchase of tickets for benefits or contributions for benefits.

(h) Knowingly request any licensee to donate or receive money, or any other thing of value, for the benefit of any person whatsoever."

Amendment No. 10

On page 3, line 38, strike out "SEC. 4", and insert "SEC. 3".

Amendments read, and adopted

Bill ordered reprinted, and to third reading.

REQUEST FOR UNANIMOUS CONSENT THAT TIME OF MEETING BE CHANGED

Mr. Collier asked for, and was granted, unanimous consent that a meeting of the Committee on Education be held on next Tuesday, March 30th, upon adjournment, instead of on Wednesday, March 31st, at 8 p.m.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 25—An act to amend Section 422, 439 and 648 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

CONSIDERATION OF DAILY FILE
THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 4—Relative to the Los Angeles International Airport.

Resolution read.

Motion to Amend

Mr. Morris moved the adoption of the following amendment:

Amendment No. 1

On page 1 of the printed measure, strike out lines 1 through 26, and insert

"WHEREAS, Los Angeles International Airport is one of the most important air traffic centers in the West, handling a tremendous volume of air passengers and air freight, and is as well equipped as any airfield on the Pacific Coast, and

WHEREAS, Los Angeles is also a natural center for airborne foreign trade, as it has customs, immigration, health, export, and import facilities and airport organization, and

WHEREAS, Japan Air Lines, Philippine Air Lines and Scandinavian Airlines System, all have expressed a desire for amendment of the present air treaties, so as to allow use of Los Angeles as a base of operations, and

WHEREAS, This policy prevailing on the West Coast is not followed at East Coast points, since as many as six cities are named as co-terminal points on the East Coast for certain foreign airline service; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the State Department and the Civil Aeronautics Board to reconsider their policy and to make the Los Angeles International Airport a co-terminal for the Japan Air Lines and Philippine Air Lines service and make Los Angeles one of the West Coast terminals for Scandinavian Airlines System, and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Secretary of State and to each member of the Civil Aeronautics Board.

Amendment read, and adopted.

Resolution order reprinted, and re-engrossed.

Hon. Thomas W. Caldecott Presiding

At 10.33 a.m., Hon. Thomas W. Caldecott, Member of the Assembly from the Eighteenth District, presiding.

Assembly Bill No. 39—An act to add Section 116 to an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,'

approved March 17, 1897," approved by the electors November 3, 1914, relating to the powers of the Legislature with respect to said act, to provide for the submission of said amendment to the electors, in accordance with Section 1B of Article IV of the Constitution of California, at the general election on November 2, 1954, 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 85—An act to amend Sections 11713 and 11715.5 of the Health and Safety Code, relating to penalties for violation of narcotics laws.

Bill read third time.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—Allen—1.

Bill ordered transmitted to the Senate.

Speaker pro Tempore Presiding

At 10.56 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Assembly Bill No. 60—An act to amend Section 11721 of the Health and Safety Code, relating to unlawful use of narcotics, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70

NOES—None

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell. Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—72

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29—An act to amend Section 172a of the Penal Code, relating to sale of alcoholic beverages near certain universities.

Bill read third time.

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

AYES—Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Bulen, Burke, Chapel, Clarke, Cloyed, Collier, Collins, Cooke, Dahl, Dolwig, Thomas J. Doyle, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Kelly, Lanterman, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—44.

NOES—Allen, Casey, Coolidge, Dickey, Dills, Dunn, Hansen, Klocksiem, Masterson, Munnell, Rumford, and Shaw—12

Bill ordered transmitted to the Senate.

Explanation of Vote on Assembly Bill No. 29

I voted "No" on this bill because the measure prohibits a citizen from serving alcoholic beverages in his own home if it is located within the prohibited area.

Lines 8 and 9 on Page 1 make it a misdemeanor for anyone to "give away" such beverages.

FRANCIS DUNN

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Joint Resolution No. 6

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

MALONEY, Chairman pro Tempore

Request for Unanimous Consent

Mr Stewart asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No 6, at this time, without reference to file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 6

Assembly Joint Resolution No. 6—Relative to memorializing Congress to enact S. 2938 and S. 3115 relative to air pollution control.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—69

NOES—None

Resolution ordered transmitted to the Senate

RESOLUTIONS

The following resolution was offered:

By Messrs. Charles W. Lyon, Maloney, and Thomas J. Doyle:

House Resolution No. 23—Relative to congratulating Mr. and Mrs. Donald Smith on their Twenty-fifth Wedding Anniversary.

Resolution read

Request for Unanimous Consent

Mr. Charles W. Lyon asked for, and was granted, unanimous consent to take up House Resolution No. 23, at this time, without reference to committee or file.

CONSIDERATION OF HOUSE RESOLUTION NO. 23

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 23 as Co-authors

Mr. Dunn asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 23 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 23:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—74

NOES—None.

Consideration of House Resolution No. 23, As Amended

By Messrs. Charles W. Lyon, Maloney, Thomas J. Doyle, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon,

Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger:

House Resolution No. 23

Relative to congratulating Mr. and Mrs Donald M. Smith on their Twenty-fifth Wedding Anniversary

WHEREAS, March 27, 1954, marks the Twenty-fifth Wedding Anniversary of Donald M Smith and Dolly Mary Helen Smith, the able and gracious Secretary of our Chief Clerk, Arthur A. Ohnimus; and

WHEREAS, In the years that have gone by, the happiness which crowned their union has been ever present and their wedded life has been rich in love and mutual respect; and

WHEREAS, This charming couple represents an outstanding example of the best in American family life; and

WHEREAS, Their union has indeed been fortunate to have been blessed with a fine son, Alan; now, therefore, be it

Resolved by the Assembly of the State of California, That every Member of the Assembly extends to Dolly Mary Helen Smith and her fortunate husband, Donald M Smith, his sincere congratulations and best wishes upon their Twenty-fifth Wedding Anniversary, and wish them many more happy and fruitful years together, and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably engrossed copy of this resolution to Mr. and Mrs Donald M. Smith

Resolution read, as amended, and adopted unanimously.

EXPLANATIONS OF ABSENCE

Any roll call votes missed by me between the morning roll call and noon were necessary to the interests of locating the Los Angeles State College in San Fernando Valley.

WILLIAM F. MARSH
Forty-second District

I missed roll calls from 10.55 a.m. to 12 m because I was attending a meeting with a delegation from Marysville in the office of Mr. Frank B. Durkee, Director, Department of Public Works, discussing highway problems.

DON HOBBIE

RECESS

At 11 26 a.m., on motion of Mr. Levering, 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.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR SPEAKER Your Committee on Legislative Procedure has examined:

Assembly Bill No 69

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 25, 1954

MR SPEAKER I am directed to inform your honorable body that the Senate on this day adopted

Senate Concurrent Resolution No 8

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 8—Relative to the passing of Warren Kemp Brown

Referred to Committee on Rules.

RESOLUTIONS

The following resolutions were offered:

By Messrs Lindsay, Allen, Mrs Davis, Messrs. Kilpatrick, Hansen, Lowrey, Caldecott, Shaw, Dolwig, Shell, Clarke, and Hobbie:

House Resolution No. 24

Relative to augmenting funds of the Assembly Interim Committee on Conservation, Planning, and Public Works

Resolved by the Assembly of the State of California, That, in addition to any money heretofore made available, the sum of twenty-nine thousand three hundred and fifty dollars ($29,350) 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 Assembly Resolution No 177, as amended, 1953 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. Stanley:

House Resolution No. 25

Relative to augmenting funds of the Assembly Interim Committee on Municipal and County Government

Resolved by the Assembly of the State of California, That, in addition to any money heretofore made available, the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Municipal and County Government (created by Assembly Resolution No 155, as amended, 1953 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 Messrs. Brady, Berry, Collins, Meyers, Weinberger, Kelly, and Dills:

House Resolution No. 26

Relative to commending citizens of San Francisco and Hollywood, Mr. Barney Gould and Mr T. Frank Woods, and the saga of Gould's *Showboats*, "*Showboat San Francisco*."

WHEREAS, The State Legislature from time to time has recognized current events and noted citizens who contribute to the color and romance of our great State of California; and

WHEREAS, The City of San Francisco has over the years presented many fabulous characters whose only concern has been the enhancing of the culture of the great City by the Golden Gate; and

WHEREAS, The Members of the State Legislature have heard of the exploits of such men as Emperor Norton who is a cherished memory of Californians; and

WHEREAS, San Francisco presently is titillated by the activities of "Captain" Barney Gould who has provided irritation and entertainment in these latest years by his supplying of two *Showboats*; and

WHEREAS, One *Showboat* rests at the bottom of Islais Creek, and the other dauntlessly floats half-submerged at Aquatic Park; and

WHEREAS, To preserve the saga of "Captain" Barney Gould's dreamboat-showboats saga for posterity, T. Frank Woods, an independent Hollywood producer, is filming this magnificent story; and

WHEREAS, The fame of our great State of California, of San Francisco and her Golden Gate, and the wonders of Hollywood's gifts to the entertainment world will be enhanced and given greater stature throughout the world through the showing of "*Showboat San Francisco*"; now, therefore, be it

Resolved by the Assembly of the State Legislature of the State of California, That "Captain" Barney Gould and T. Frank Woods be commended and thanked for continuing the imaginative tradition of romantic and colorful California's San Francisco; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to send suitably prepared copies of this resolution to Mr "Captain" Barney Gould of San Francisco, and Mr T. Frank Woods of Hollywood

Resolution read, and ordered held at the desk.

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

The following resolutions were offered:

Assembly Concurrent Resolution No. 18: By Messrs Rumford, Lincoln, Dunn, Henderson, Berry, Mrs Davis, Messrs Lindsay, and Masterson—Relative to the inclusion of health and welfare benefits in the wage rates of casual state employees paid on an hourly or per diem basis.

Referred to Committee on Rules.

Assembly Joint Resolution No. 9: By Messrs. Morris, Evans, Ernest R. Geddes, Chapel, Miller, Berry, Brady, Cooke, Mrs Davis, Messrs. Dills, Thomas J. Doyle, Miss Donahoe, Messrs. Dunn, Elliott, Hawkins, Henderson, Bonelli, Kelly, Kilpatrick, Klocksiem, Lowrey, Luckel, Charles W Lyon, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Porter, Dahl, and Thomas—Relative to compensation of postal employees.

Referred to Committee on Rules.

MESSAGES FROM THE GOVERNOR

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on March 1, 1954; 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, GOODWIN J. KNIGHT, Governor of the State of California by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated February 26, 1954, 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:

Item No. 38. To consider and act upon legislation relative to the annexation of one irrigation district to another such district.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-sixth day of March, 1954.

(SEAL) GOODWIN J KNIGHT, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State
By CHAS. J. HAGERTY, Assistant Secretary of State

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 87—An act making an appropriation for payment of the expenses of Members of the Assembly necessarily incurred by them while attending the 1954 Extraordinary Session of the Legislature, to take effect immediately.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Elliott, Erwin, Fleury, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—58.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 83—An act to amend Sections 4845.20 and 4845.34 of, and to add Section 4845.35 to, the Health and Safety Code, relating to the withdrawal of territory annexed to a city from a sanitation district.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, Meyers, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—59.

NOES—None.

Bill ordered transmitted to the Senate.

Assembly Bill No. 81—An act to add Section 4965.2 to the Education Code, relating to tax rates in unified school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—59.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W.

Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—59.
NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW ASSEMBLY JOINT RESOLUTION NO. 8 FROM COMMITTEE

Mr. Backstrand asked for unanimous consent that Assembly Joint Resolution No 8 be withdrawn from the Committee on Rules, and be placed upon the file

Mr Lincoln withheld unanimous consent.

Hon. Francis Dunn, Jr. Presiding

At 2 20 p m , Hon. Francis Dunn, Jr., Member of the Assembly from the Thirteenth District, presiding

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 69—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40, to the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to flood control and water conservation, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Burke, Caldecott, Casey, Cloyed, Collier, Collins, Conrad, Cooke, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D Doyle, Dunn, Elliott, Erwin, Evans, Ernest R Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Munnell, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—56
NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Burke, Caldecott, Casey, Cloyed, Collier, Collins, Conrad, Cooke, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R Geddes, Samuel R Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Munnell, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—56
NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 14

By Messrs. Willis W. Bradley, Cooke, and Luckel:

House Resolution No. 14

Relative to the ship's bell of the *USS California*

WHEREAS, The ship's bell of the United States Ship *California* is preserved and on display in Capitol Park in the City of Sacramento; and

WHEREAS, The inscription "The Only Battleship Built On The Pacific Coast" appears on the structure supporting this bell; and

WHEREAS, The United States Ship *Oregon* (a battleship) was built by the Union Iron Works in the City of San Francisco; was commissioned in 1896; and participated honorably in the Spanish-American War; and

WHEREAS, The United States Ship *Nebraska* (a battleship) was built by Moran Brothers Shipyard in the City of Seattle; was commissioned in 1907; and participated honorably in World War I; and

WHEREAS, The United States Ship *California* (a battleship), commemorated by the ship's bell now in Capitol Park, was built by the United States Navy Yard, Mare Island, California; was commissioned in 1921; and participated honorably in World War II; now, therefore, be it

Resolved by the Assembly of the State of California, That the attention of the Governor of California is hereby directed to the erroneous inscription on the supporting structure of the ship's bell of the *USS California*, with a suggestion that the inscription be made historically accurate by indicating that the *California* was either the third battleship built on the Pacific Coast or the only battleship built on the Pacific Coast which participated in World War II; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit copies of this resolution to the Governor of California, the Secretary of the Navy, the Mayor of San Francisco, the Mayor of Seattle, the Mayor of Vallejo, and the Commandant of the 12th Naval District, San Francisco, California

Resolution read, and adopted.

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Concurrent Resolution No. 10—Relative to merit awards to state employees.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—62.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Brady asked for, and was granted, unanimous consent to take up, at this time, House Resolution No. 26, which is being held at the desk, without reference to committee or file.

CONSIDERATION OF HOUSE RESOLUTION NO. 26

By Messrs. Brady, Berry, Collins, Meyers, Weinberger, Kelly, and Dills:

House Resolution No. 26

Relative to commending citizens of San Francisco and Hollywood, Mr. Barney Gould and Mr. T. Frank Woods, and the saga of Gould's *Showboats*, "*Showboat San Francisco*"

WHEREAS, The State Legislature from time to time has recognized current events and noted citizens who contribute to the color and romance of our great State of California; and

WHEREAS, The City of San Francisco has over the years presented many fabulous characters whose only concern has been the enhancing of the culture of the great City by the Golden Gate; and

WHEREAS, The Members of the State Legislature have heard of the exploits of such men as Emperor Norton who is a cherished memory of Californians; and

WHEREAS, San Francisco presently is titillated by the activities of "Captain" Barney Gould who has provided irritation and entertainment in these latest years by his supplying of two *Showboats*; and

WHEREAS, One *Showboat* rests at the bottom of Islais Creek, and the other dauntlessly floats half-submerged at Aquatic Park; and

WHEREAS, To preserve the saga of "Captain" Barney Gould's dreamboat-showboats saga for posterity, T. Frank Woods, an independent Hollywood producer, is filming this magnificent story; and

WHEREAS, The fame of our great State of California, of San Francisco and her Golden Gate, and the wonders of Hollywood's gifts to the entertainment world will be enhanced and given greater stature throughout the world through the showing of *"Showboat San Francisco"*; now, therefore be it

Resolved by the Assembly of the State Legislature of the State of California, That "Captain" Barney Gould and T. Frank Woods be commended and thanked for continuing the imaginative tradition of romantic and colorful California's San Francisco, and be it further

Resolved, That the Chief Clerk of the Assembly be directed to send suitably prepared copies of this resolution to Mr "Captain" Barney Gould of San Francisco, and Mr. T. Frank Woods of Hollywood.

Resolution read, and adopted.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Bill Withdrawn From Active File, and Placed on the Inactive File

Senate Bill No. 14, on motion of Mr. Fleury.

Senate Bill No. 16—An act to validate acts, proceedings, and elections in connection with bonds 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Casey, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Nielsen, Patterson, Ross, Shell, Smith, Stanley, Thomas, and Weinberger—58.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Casey, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Nielsen, Patterson, Ross, Shell, Smith, Stanley, Thomas, and Weinberger—58

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 37—An act to add Chapter 6 1, comprising Sections 60737.01 to 60737.08, inclusive, to Part 5, Division 3, Title 5 of the Government Code, relating to depositaries for community services 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Casey, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—62.
NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Casey, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—62.
NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 54—An act to add Chapter 8 comprising Sections 60742 to 60749, inclusive, to Part 5 of Division 3 of Title 5 of the Government Code, relating to short term financing of community services districts organized under the Community Services District Law, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Fleury moved a call of the Assembly.

Motion carried. Time, 3 p.m.

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

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr Thomas J. Doyle 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.

Speaker pro Tempore Presiding

At 3 01 p m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 55—An act to amend Sections 53601 and 53602 of the Government Code, relating to authorized investments of local agencies and declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Hon. Donald D. Doyle Presiding

At 3.05 p.m., Hon. Donald D Doyle, Member of the Assembly from the Tenth District, presiding.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Burke, Caldecott, Casey, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—62.
NOES—Hinckley—1.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Burke, Caldecott, Casey, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—62.
NOES—Hinckley—1.

Bill ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON URGENCY CLAUSE TO SENATE BILL NO. 54

At 3 13 p.m., on motion of Mr. Fleury, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Senate Bill No 54 adopted by the following vote:

AYES—Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Burke, Caldecott, Casey, Clarke, Collins, Conrad, Cooke, Creedon, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Charles W. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—54
NOES—Allen, Clark L. Bradley, Brady, Bulen, Cloyed, Collier, Coolidge, Dahl, Hansen, Hinckley, Hobbie, Lincoln, Luckel, LeRoy E. Lyon, and Munnell—15.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—59
NOES—Allen, Clark L Bradley, Bulen, Hansen, Hinckley, and Munnell—6.

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 26—An act to add Article 5e to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest, of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures, and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1954.

Bill read third time.

Motion to Amend

Mr. Backstrand moved the adoption of the following amendments:

Amendment No. 1

On page 3, lines 3 and 4, of the printed bill, as amended in the Senate on March 9, 1954, strike out "any bank or trust company doing business in this State", and insert "the State Controller or by any Deputy State Controller".

Amendment No. 2

On page 4, line 30, strike out "upon de-"; and on page 4, line 31, strike out "mands audited by the Department of Finance,".

Amendment No. 3

On page 4, lines 35 and 36, strike out "upon demands duly audited by the Department of Finance".

Amendment No. 4

On page 7, lines 32 and 33, strike out "any bank or trust company in this State", and insert "the State Controller or by any Deputy State Controller".

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW SENATE BILL NO. 44 FROM COMMITTEE

Mr. Collier asked for unanimous consent that Senate Bill No. 44 be withdrawn from the Committee on Education for purpose of amendment, at this time, and that the bill be re-referred to the Committee on Education.

Mr. Shaw withheld unanimous consent.

Motion to Withdraw Senate Bill No. 44 From Committee

Mr. Collier moved that Senate Bill No 44 be withdrawn from the Committee on Education for purpose of amendment, at this time, and that the bill be re-referred to the Committee on Education.

Point of Order

Mr. Dunn arose to the following point of order: That Mr. Collier is not in order because the Rules have not been suspended.

Ruling by Speaker

Acting Speaker Donald D. Doyle ruled the point of order well taken.

Motion to Temporarily Suspend the Rules

Mr. Collier moved that the Rules be temporarily suspended for the purpose of considering a motion to withdraw a Senate bill from the Committee on Education for purpose of amendment.

Mr. Ernest R. Geddes seconded the motion.

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, 3 45 p m.

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

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr Thomas J Doyle 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

Speaker pro Tempore Presiding

At 3.46 p.m., Hon Thomas A Maloney, Speaker pro Tempore of the Assembly, presiding.

POINT OF ORDER

Mr. Caldecott arose to the following point of order: That Senate Constitutional Amendment No 4 and Senate Bill No. 28 carry implied appropriations, and have not been referred to the Committee on Ways and Means.

Ruling by Speaker

Speaker pro Tempore Maloney ruled the point of order well taken.

RE-REFERENCE OF BILLS

Senate Constitutional Amendment No. 4 and Senate Bill No 28 ordered re-referred to the Committee on Ways and Means.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 3.56 p.m , Mr. Caldecott asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Ways and Means in Room 3184, at this time.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Caldecott asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Senate Constitutional Amendment No. 4 and Senate Bill No. 5 in the Committee on Ways and Means, at this time.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 89: By Mr Dunn—An act to amend Sections 7713 and 7714 of the Education Code, relating to state school building aid.

Referred to Committee on Rules.

Assembly Bill No. 90: By Mr. Dunn—An act to add Section 7717.1 to the Education Code, relating to state school building aid.

Referred to Committee on Rules.

Assembly Bill No. 91: By Mr. Dunn—An act to amend Section 7705 of the Education Code, relating to state school building aid.

Referred to Committee on Rules.

Assembly Bill No. 92: By Mr Dunn—An act to add Section 7711.6 to the Education Code, relating to personal liability of members of school district governing boards which apply for state school building aid.

Referred to Committee on Rules.

MOTION THAT BILLS BE RE-REFERRED TO THE COMMITTEE ON RULES

Mr. Dunn moved that Assembly Bills Nos. 89, 90, 91, and 92 be re-referred to the Committee on Rules, and that the subject matter be referred to the appropriate interim committees for study.

Mr. Clarke seconded the motion.

Motion carried.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 32—An act to amend Sections 7031.2 and 7031.3 of, and to add Section 7096.1 to, the Education Code, relating to State School Fund apportionments, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brady, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kilpatrick, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—55

NOES—None.

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Casey, Chapel, Clarke, Colher, Collins, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Lanterman, Lincoln, Lindsay,

Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—58.
NOES—None.

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Hansen asked for, and was granted, unanimous consent that his name be placed upon the roll call, on the passage of Senate Bill No. 32, and that he be recorded as voting "Aye".

Senate Bill No. 29—An act to amend Section 375 of the Streets and Highways Code, relating to State Highway Route 75, and to provide for the payment of the cost of maintenance of the portion of said route deleted by Chapter 1737 of the Statutes of 1953, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—58.
NOES—None.

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Burke, Caldecott, Casey, Chapel, Clarke, Collier, Collins, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Ross, Shaw, Shell, Smith, Stanley, Thomas, and Weinberger—58.
NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 20

Mr. Tomlinson asked for, and was granted, unanimous consent to take up Senate Bill No. 20, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 20

Senate Bill No. 20—An act to amend Section 16435 of the Education Code, relating to school safety patrols

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering,

Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Ross, Shaw, Shell, Smith, Thomas, Tomlinson, and Weinberger—62.
NOES—None.

Bill ordered transmitted to the Senate.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 15—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—Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Thomas, and Weinberger—61.
NOES—Allen—1

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

AYES—Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Thomas, and Weinberger—61.
NOES—Allen—1.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2—Relative to memorializing Congress to provide adequate fire and flood protection in the national forests of Southern California.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—66.
NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETING OF COMMITTEE

At 4.08 p.m., Mr. Fleury asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Judiciary, at his desk, at this time.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 31

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent to take up Senate Bill No. 31, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 31

Senate Bill No. 31—An act to amend Section 4964 of, and to add Sections 4964.1 and 4964.2 to, the Education Code, relating to the property, funds and obligations of reorganized school districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—64.
NOES—None.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Meyers asked for, and was granted, unanimous consent that his name be placed upon the roll call, on the urgency clause to Senate Bill No. 31, and that he be recorded as voting "Aye".

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—64.
NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Senate Bill No. 41

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

FLEURY, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 41—An act to amend Section 73873 of the Government Code, relating to the number and compensation of the officers and attaches of the municipal court established in a district embracing the City of North Sacramento.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR SPEAKER. Your Committee on Legislative Procedure has examined:

Assembly Constitutional Amendment No 4

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered re-referred to Committee on Constitutional Amendments.

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Bill No. 88

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bill ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONSTITUTIONAL AMENDMENT NO. 3

Mr. Donald D. Doyle asked for, and was granted, unanimous consent to take up Senate Constitutional Amendment No. 3, temporarily passed on file

Motion That Senate Constitutional Amendment No. 3 Be Continued on File

Mr. Charles W. Lyon moved that Senate Constitutional Amendment No. 3 be continued on file until the next legislative day.

Mr. Elliott seconded the motion.

Motion to Table Motion by Mr. Charles W. Lyon

Mr. Lowrey moved that the motion by Mr. Charles W. Lyon be laid on the table.

Mr. Berry seconded the motion.

Motion carried.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 3

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolution read, and ordered passed on file.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON MOTION TO SUSPEND RULES

At 4.22 p 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 motion by Mr. Collier to temporarily suspend the Rules for the purpose of considering a motion to withdraw Senate Bill No. 44 from the Committee on Education lost by the following vote:

AYES—Allen, Backstrand, Bonelli, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Chapel, Cloyed, Collier, Collins, Conrad, Coolidge, Dahl, Thomas J. Doyle, Elliott, Erwin, Evans, Ernest R. Geddes, Hansen, Hawkins, Kilpatrick, Klocksiem,

Lanterman, Charles W. Lyon, LeRoy E. Lyon, Maloney, McMillan, Meyers, Miller, Morris, Munnell, Porter, Ross, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—41

NOES—Belotti, Berry, Clark L. Bradley, Casey, Clarke, Cooke, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Dunn, Fleury, Samuel R. Geddes, Henderson, Hinckley, Hobbie, Kelly, Lindsay, Lowrey, Luckel, Masterson, McCollister, McFall, Nielsen, Patterson, and Shaw—27.

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

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

Assembly Bill No. 93: By Mr. Collier—An act to add Section 7726.1 to the Education Code, relating to state school building aid.

Referred to Committee on Education.

ANNOUNCEMENT

Mr. Collier announced that Assembly Bill No. 93 will be heard in the Committee on Education next Tuesday, March 30th, upon adjournment.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR. SPEAKER: Your Committee on Ways and Means, to which was referred: Senate Constitutional Amendment No. 4

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

CALDECOTT, Chairman

Above reported resolution ordered on file.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 33—An act to amend Sections 156, 157.5, 164, and 170 of the Vehicle Code, relating to license plates, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 23—An act to amend Section 139.51 of the Vehicle Code, relating to members of the California Highway Patrol.

Bill read second time, and ordered to third reading.

Senate Bill No. 21—An act to amend Sections 139.04, 139.15, and 139.16 of the Vehicle Code, relating to definitions

Bill read second time, and ordered to third reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 72—An act to amend Section 24301 of the Business and Professions Code, relating to alcoholic beverages.

Bill read second time, and ordered engrossed.

Assembly Joint Resolution No. 5—Relative to outlawing the Communist Party of the United States and the members thereof.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 17, of the printed measure, strike out "including H. R. 7405 H. R."; and in line 18, strike out "7846 and S. 2752.".

Amendment read, and adopted

Resolution ordered reprinted, and engrossed.

Assembly Bill No. 21—An act to amend Section 21629 of the Education Code, relating to student transportation districts.

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", and insert "Sections 21626 and".

Amendment No. 2

On page 1, line 18, after "students", insert "who are enrolled in the 13th or 14th grade of a state college and who are".

Amendment No. 3

On page 1, after line 29, insert

"SEC. 2. Section 21626 of said code is amended to read:

21626 The board of supervisors may adopt a resolution declaring that there is need for a student transportation district to function if from the evidence received at such a public hearing it finds

(a) That a junior college is not established and maintained within the county by a junior college district, high school district, or unified school district.

(b) That there are students residing in the county who are enrolled in *the 13th or 14th grade of* a state college, who can be transported daily to the state college in which they are enrolled.

Upon the adoption of this resolution the district shall begin to function."

Amendments read, and adopted

Bill ordered reprinted, and engrossed.

RECESS

At 4.34 p.m., on motion of Mr. Levering, the Assembly recessed until 4.50 p.m.

REASSEMBLED

At 4.50 p.m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

COMMUNICATIONS

A communication was presented by the Chief Clerk from:

Robert J. Follis of Reseda, relating to the salaries of State Civil Service employees. Ordered referred to the Committee on Civil Service and State Personnel.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONSTITUTIONAL AMENDMENT NO. 3

Mr. Donald D. Doyle asked for, and was granted, unanimous consent that he be permitted to take up Senate Constitutional Amendment No. 3, temporarily passed on file, for the purpose of amendment, at this time.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 3

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolution read.

Motion to Amend

Mr. Donald D. Doyle moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 10 and 11, of the printed measure, as amended in the Assembly on March 25, 1954, strike out "one hundred twenty million dollars ($120,000,000)", and insert "one hundred million dollars ($100,000,000)".

Amendment read and adopted.

Resolution ordered reprinted, and on file.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 26, 1954

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Senate Bill No. 28

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

CALDECOTT, Chairman

Above reported bill ordered to third reading.

ADJOURNMENT

At 4.52 p.m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 11 15 a.m., Monday, March 29, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

TWENTY-NINTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Monday, March 29, 1954

The Assembly met at 11.15 a.m.

Hon. Thomas A. Maloney, Speaker pro Tempore 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Holy Spirit, Divine Consoler, Grant us the gift of fortitude Pour into our hearts that courage and valor that will enable us to meet the problems of our daily life with the firmness and strength of purpose required in a soldier of Christ Help us to withstand the attacks of Thy enemies that, having fought the good fight, we might receive the reward promised to those who remain faithful to Thy divine commands Through Christ our Lord—AMEN.

PLEDGE OF ALLEGIANCE TO THE FLAG

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

READING OF THE JOURNAL DISPENSED WITH

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs Niehouse, on motion of Mr. Thomas J Doyle.

COMMUNICATIONS

Communications were presented by the Chief Clerk from:

Elsie M. Nichols of Galt, relative to commending the Legislature on its effort to reform alcoholic beverage control. Ordered referred to the Committee on Government Organization.

Blanche Avery of Los Angeles, relative to assistance aid to the aged. Ordered referred to the Committee on Social Welfare.

F. J. Smith of Long Beach, relative to lotteries. Ordered referred to the Committee on Judiciary.

MESSAGES FROM THE GOVERNOR

Proclamation

EXECUTIVE DEPARTMENT, STATE OF CALIFORNIA

WHEREAS, The Legislature of the State of California has been called in extraordinary session to convene on March 1, 1954; and

WHEREAS, On account of an extraordinary occasion which has arisen and now exists it is deemed desirable and necessary to submit an additional subject to the Legislature for consideration; now, therefore,

I, GOODWIN J KNIGHT, Governor of the State of California, by virtue of the power vested in me by law, hereby amend and supplement my Proclamation dated February 26, 1954, 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

Item No 39 To consider and act upon legislation relating to the distribution of fines and forfeitures in justice courts.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-ninth day of March, 1954.

(SEAL) GOODWIN J KNIGHT, Governor of California

ATTEST: FRANK M. JORDAN, Secretary of State
By CHAS. J. HAGERTY, Assistant Secretary of State

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL BE PRINTED IN JOURNAL

Mr. Fleury asked for, and was granted, unanimous consent that two letters of transmittal be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

(Chairman of Subcommittee)

ASSEMBLY CHAMBER, STATE CAPITOL
SACRAMENTO, CALIFORNIA, March 29, 1954

Hon. James W. Silliman
Speaker of the Assembly; and
Members of the Assembly
Assembly Chamber, Sacramento, California

GENTLEMEN: Your subcommittee, pursuant to House Resolution No. 183, 1953, submits herewith a report entitled "Major Improvement

Opportunities In The Administration Of The Department of Employment, State of California", which was prepared by McKinsey & Company, Management Consultants.

Respectfully submitted.

GORDON A. FLEURY, Chairman
L. M. BACKSTRAND
HAROLD K. LEVERING
JOHN J. McFALL
WILLIAM A. MUNNELL

LETTER OF TRANSMITTAL

(McKinsey & Company)

McKINSEY & COMPANY, MANAGEMENT CONSULTANTS
RUSS BUILDING, 235 MONTGOMERY STREET
SAN FRANCISCO 4, CALIFORNIA, February 2, 1954

Subcommittee of Assembly
Standing Committee on Finance and Insurance
Assembly of the State of California
Sacramento, California

DEAR SIRS: We have completed our study of the administration of the California Department of Employment. Our findings and recommendations are contained in the attached report.

Scope and Objectives of the Study

This was a diagnostic study of the administration of the Unemployment Insurance and Employment Service activities of the department. It was intended to identify and evaluate major administrative problems and develop general recommendations as to how these problems might best be solved. By mutual agreement we did not consider such matters as the adequacy of the insurance funds or substantive changes in the law.

What We Did

In conducting this study we:

1. Studied pertinent laws and regulations to obtain necessary background information about the legal aspects of the department's operations.
2. Reviewed and analyzed statistics and reports pertaining to the department.
3. Interviewed more than 30 key supervisors of the department at Sacramento.
4. Interviewed more than 25 managerial or supervisory employees in the San Francisco Bay manpower area offices. By agreement our field work was confined to these offices.
5. Visited 10 local offices to observe operations and discuss operating matters with local office personnel
6. Discussed the department's activities with more than 50 qualified people outside the department to obtain their views on department problems and what might be done to improve them
7. Made suggestions for operations improvement to the new director at two meetings.
8. Developed our recommendations, reviewed them orally with the committee, and then prepared this report.

Appointment of New Director

The study was started during the last week in September, 1953, when the Department of Employment was still being administered by Mr. James Bryant. Most of our field work, plus many of our head office interviews, was undertaken during the months of October and November.

On November 15, 1953, a new director, Mr. William A. Burkett, was appointed by Governor Knight This change-over has resulted in a number of substantial improvements being effected in the administration of the Department of Employment. Where possible, we have tried to identify these improvements if they had bearing on our observations and recommendations. Because of the time lapse between the completion of our interviews and the rendering of our report, and the rapidity of administration changes that have been effected, this has not always been possible. Certain of our observations may no longer be pertinent and certain of our suggestions may already have been acted upon.

Findings and Recommendations

For the reader who does not have time to read the entire report our findings and recommendations are briefly summarized here.

(a) Findings

1. The major administrative problems of a department-wide nature are these:

(a) There is a lack of clear purpose and direction caused by:
  (1) Lack of public understanding
  (2) Conflicting attitudes and interests as to how the department should operate
  (3) Complexity of the law.

(b) Organization deficiencies hamper sound administration and are:
  (1) Largely the result of statutory provisions
  (2) To some extent correctable by administrative action.

(c) There are conflicting controls over certain important departmental administrative processes. These are most acute in:
  (1) Budgetary control. This is a federal-state program where the agency that spends the money has no responsibility for raising the revenue and where the State establishes policies but the Federal Government controls financing
  (2) Personnel administration
  (3) Procedures and methods establishment and modification.

2. Major problems of the unemployment insurance program appear in the form of excessive costs, procedural confusion, and fraudulent and improper payments. These, however, stem from:

(a) Limited understanding of the law and its requirements on the part of claimants.
(b) Complex and costly procedures.
(c) Inadequate efforts to find jobs for claimants.
(d) Certain organization defects.

3. Budgetary conditions, administrative actions, and possibly certain legal provisions caused the employment service rendered by the Department to diminish dangerously. As a result:

(a) Job applicants were not adequately interviewed.
(b) Job application files became inadequate to meet requirements.
(c) Employer contacting was insufficient to develop requisite job orders.
(d) The matching of applicants' skills and abilities with available open job requirements could not be performed satisfactorily.

(b) Recommendations

The following recommendations are made to the Subcommittee of the Assembly Standing Committee on Finance and Insurance to overcome the foregoing problems A number of suggestions pertaining to detailed administrative matters are also made in the report. These are not recommendations upon which this committee can act. They have been included, however, in the hope that they would be made available to the director of the department for his consideration and action.

1. To reduce generally the handicapping, conflicting philosophies, we recommend that:

This committee propose the creation of a General Advisory Council with expanded advisory duties to replace that provided for in Code Section 2058.

2. To correct existing organizational inadequacies, we recommend that:

The head of the Department of Employment be directed to submit recommendations for an improved organization plan and proposals for revisions of Code Section 302, 303, 351, and related sections.

3. To express the need for improvements in the present federal-state budgetary relationships, we recommend that:

The head of the Department of Employment be directed to develop recommendations for presentation to the Presidential Commission on Intergovernmental Relations.

4. To initiate concrete recommendations for more effective personnel management of the department, we recommend that:

The head of the Department of Employment be directed to specify beneficial changes needed in civil service regulations and practices.

5. To improve claims taking, eligibility determination, and benefit payment processes, and thus to establish greater protection against fraud, we recommend that:

The director present, for this committee's consideration, an analysis of each of the basic procedural steps and plans for their improvement.

6. To improve the functioning of the employment service, we recommend that—

The director present, for this committee's consideration, his plans for intensifying attention and support accorded to the four essential elements of a sound employment service program.

7. To achieve greater economy and effectiveness in administration, we recommend that—

The director be asked to have analyses made of the principal jobs in local offices to better distribute professional and clerical tasks.

In our study of the Department of Employment we received excellent cooperation and many benficial suggestions from employees of the department. Their assistance did much to make the study successful. We appreciate the opportunity to serve the Assembly of the State of California.

Respectfully submitted.

McKINSEY & COMPANY

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENTS

Mr. Fleury asked for, and was granted, unanimous consent that the above letters of transmittal and a Report of the Subcommittee on Unemployment Insurance Fraudulent Claims of the Assembly Interim Committee on Finance and Insurance be ordered printed as a separate document, and that 1,000 copies be printed.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Bill No. 94: By Mr. Casey—An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

Held at desk.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Assembly Bill No. 94

Mr. Casey asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Assembly Bill No. 94.

Assembly Concurrent Resolution No. 19: By Mr. Luckel—Relative to designating the Old San Diego Area as the "Birthplace of California."

Request for Unanimous Consent

Mr. Luckel asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No 19, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 19

Assembly Concurrent Resolution No. 19—Relative to designating the Old San Diego Area as the "Birthplace of California"

Resolution read.

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

AYES—Backstrand, Berry, Bonelli, Willis W. Bradley, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Dickey, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Kelly, Kilpatrick, Klocksiem, Levering, Luckel, Charles W. Lyon,

LeRoy E. Lyon, Maloney, Marsh, Masterson, McGee, McMillan, Miller, Munnell, Nielsen, Porter, Ross, Rumford, Smith, Stewart, Thomas, and Weinberger—48.
NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT THAT DATA BE PRINTED IN JOURNAL

Mr. Luckel asked for, and was granted, unanimous consent that a communication be ordered printed in the Journal, as follows:

Historical Data Relative to San Diego

THE CALIFORNIA STATE LIBRARY
LIBRARY-COURTS BUILDING, SACRAMENTO 9, CALIFORNIA

May 17, 1769—The first permanent settlement in California was started when soldiers and sailors under command of the sacred expedition's officers, Vila, Rivera y Moncada, and Fages, moved from a temporary camp that had been established in New Town, San Diego, to North, or Old, San Diego, at the foot of the present Presidio Hill

July 16, 1769—Father Junípero Serra founded the mission of San Diego de Alcalá, at Old Town, in San Diego, then called by the natives "Cosoy". This, the first of twenty-one missions to be established in Alta California, was named for Saint Diego of Alcalá, Spain, a Franciscan monk born at the beginning of the fifteenth century and who died November 12, 1463

From:

HANNA, PHIL TOWNSEND
California Through Four Centuries: a handbook of memorable historical dates. New York, Farrar & Rinehart, Inc. [c1935] p. 10, 11.

ALLAN R. OTTLEY
California Section Librarian

Speaker Presiding

At 11.24 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 20: By Mr. Cloyed—Relative to augmenting the funds of the Joint Legislative Committee on Marine Affairs and Bay Area Development.

Referred to Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Mr. Cloyed:

House Resolution No. 27

Relative to the survey of a state highway between Del Mar and Palm City

WHEREAS, Existing highway facilities in the San Diego area are totally inadequate to accommodate the constantly expanding flow of civilian and military traffic; and

WHEREAS, The Legislature has empowered the California Highway Commission to authorize preliminary surveys to determine the advisability of extending the State Highway System, and

WHEREAS, The establishment of a new state highway between a point north of the City of Del Mar and a point near Palm City, via Sorrento Canyon and Murphy Canyon, would be of great benefit to the State and would assist tremendously in reducing traffic congestion in the San Diego area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California Highway Commission is hereby requested to authorize such preliminary surveys, including cost surveys, as are necessary to determine the feasibility of the creation of a new

state highway from a point north of the City of Del Mar to a point near Palm City, via Sorrento Canyon and Murphy Canyon, and to report to the Legislature the results of such preliminary surveys as soon as possible and not later than the first day of the 1955 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the California Highway Commission, to the Honorable Frank B Durkee, Director of Public Works, and to Mr G. T. McCoy, State Highway Engineer.

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

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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

Assembly Bill No. 21
Assembly Bill No. 72

And reports the same correctly engrossed.

BURKE, Chairman

Above reported bills ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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

Assembly Joint Resolution No. 4

And reports the same correctly re-engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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

Assembly Joint Resolution No 5

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 26, 1954

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

Senate Bill No. 36

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. 36—An act to amend Section 2210.5 of the Streets and Highways Code, relating to county highways.

Referred to Committee on Conservation, Planning, and Public Works.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 26, 1954

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

Senate Bill No 38

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was read the first time:

Senate Bill No. 38—An act to amend Sections 14633 and 14639.5 of, and to add Section 14639 6 to, the Education Code, relating to the State Teachers' Retirement System.

Referred to Committee on Education.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 26, 1954

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

Assembly Concurrent Resolution No 7

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

Above resolution ordered enrolled.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 62—An act to amend Sections 404, 1035, 1055, 1134, 1179, 1180, 1182, 1817, 1951 and 1953 of the Unemployment Insurance Code, relating to unemployment insurance and appeals procedure thereunder.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 62?

Amendment No. 1

On page 1 of the printed bill, as amended in the Assembly on March 17, 1954, strike out line 22, and insert "with a referee a".

Amendment No. 2

On page 2 line 2, after "appealed", insert "by the employer or the director".

Amendment No. 3

On page 2, strike out line 17, and insert "before a referee"

Amendment No. 4

On page 2, line 18, after "appealed", insert "by any interested party or the director"

Amendment No. 5

On page 2, lines 33 and 34, strike out "Referee's Section of the Appeals Division", and insert "referee".

Amendment No. 6

On page 2, line 39, after "appealed", insert "by the petitioner or the director".

Amendment No. 7

On page 2, line 47, after "decision of the", insert "referee, or if appealed, the order or decision of the".

Amendment No. 8

On page 3, lines 8 and 9, strike out "the Referee's Section of the Appeals Division", and insert "a referee or to file an appeal from an adverse referee's decision to the Appeals Board".

Amendment No. 9

On page 3, line 20, strike out "the Referee's Section of the Appeals Division", and insert "a referee".

Amendment No. 10

On page 3, lines 22 and 23, strike out "the Referee's Section of the Appeals Division", and insert "a referee".

Amendment No. 11

On page 3, line 26, after "appealed", insert "by the claimant or the director".

Amendment No. 12

On page 4, strike out lines 6 and 7; and in line 8, strike out "Section fails to mail", and insert "referee as set forth in this article. If the referee fails to mail".

Amendment No. 13

On page 4, line 31, after "employer", insert "or the director".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 62 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Brown, Bulen, Burke, Casey, Chapel, Clarke, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Smith, Stanley, Stewart, Thomas, and Weinberger—62

NOES—None.

Assembly Bill No. 62 ordered enrolled.

THIRD READING OF ASSEMBLY BILLS

Assembly Bill No. 88—An act to validate the corporation of cities incorporated on or after February 1, 1954, and on or prior to April 20, 1954, to validate matters pertaining to such cities, including acts of counties or any boards or officers thereof.

Bill read third time.

Motion to Amend

Mr. Willis W. Bradley moved the adoption of the following amendment:

Amendment No. 1

On page 1, line 19, of the printed bill, strike out "of", and insert "or".

Amendment read, and adopted.

Bill ordered reprinted, and re-engrossed.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Assembly Bill No. 88

Mr. Willis W. Bradley asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Assembly Bill No. 88.

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 Interim Committee on Agriculture in Room 4202, during recess.

Hon. Stanley T. Tomlinson Presiding

At 11.34 a.m., Hon. Stanley T. Tomlinson, Member of the Assembly from the Thirty-sixth District, presiding.

EXPLANATION OF ABSENCE

This is to notify that on Friday, March 26, 1954, from 1 p.m. until 4.45 p.m., I was in the Board of Public Works meeting room in the interest of the Los Angeles State College, and was unable to attend floor sessions at any time that afternoon.

WILLIAM F. MARSH

RECESS

At 11.35 a m., on motion of Mr. Thomas, the Assembly recessed until 12 09 p.m. for the purpose of permitting the Democratic Members to Caucus in the Assembly Lounge Room.

REASSEMBLED

At 12.09 p.m., the Assembly reconvened.
Hon. James W. Silliman, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk

BIRTHDAY CONGRATULATIONS EXTENDED

Mr. McCollister extended cordial birthday wishes to Mrs. Lillian Burger Slater, Assistant Minute Clerk, on behalf of the Members of the Assembly, and commended her upon her long years of service as an Assembly attache.

REQUEST FOR UNANIMOUS CONSENT TO EXPUNGE RECORD, AND RESCIND ACTION ON RECESSING OF BUDGET SESSION

Mr. Levering asked for, and was granted, unanimous consent to expunge the record, and rescind the action whereby the Assembly, at 11.14 a m., recessed the Budget Session, today.

RECESS

At 12.10 p m., on motion of Mr. Levering, the Assembly recessed until 2.15 p m.

REASSEMBLED

At 2.15 p.m., the Assembly reconvened.
Hon. James W. Silliman, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

RESOLUTIONS

The following resolution was offered:

By Mr. Ernest R. Geddes:

House Resolution No. 28

Relating to the retirement of Legislative Advocate Harold M. Miles

WHEREAS, Harold M. Miles' career as a legislative advocate has been exemplary and worthy of emulation; and

WHEREAS, This man has diligently and faithfully served his employer the Southern Pacific Company as legislative advocate since 1934, and, indeed, first appeared here to advise and counsel the Members of this Assembly in 1911; and

WHEREAS, He has always honestly advocated what he truly believed to be in the best interests of the people of California; and

WHEREAS, Although born in 1889 in Brooklyn, New York, and thus, by his own admission he is "one of dem bums," he became a cosmopolitan, obtaining his education in London, England; Johannesburg, South Africa; St. Louis, Missouri, Brooklyn, New York; New York, New York, Mt. Vernon, New York; and Oak Park, Illinois; and

WHEREAS, He was a member of the Fifth California Infantry and served loyally on the Mexican Border during the troubled years of 1916 and 1917; and

WHEREAS, He was a reporter, and advertising man, and a publicist in the years between 1907 and 1925 and gained from such experiences the admirable gifts of being a good listener and being able to express his own thoughts in a concise and purposeful manner; and

WHEREAS, He has now, after 20 years of attending and advising our legislative sessions, reached that age at which he may lay aside the troubles and problems of the world and of California and go forth unburdened with cares and tribulations; now, therefore, be it

Resolved by the Assembly of the State of California, That we extend to Harold M. Miles our heartiest congratulations upon the completion of a task well done and our sincere best wishes that the years of his retirement in the company of his good wife, shall be many and happy, and may they be rich with the accomplishments of his three fine sons who reflect his wise and judicious ability as a parent. May his memories all be pleasant. We shall miss him and can but hope that his exemplary performance as a legislative advocate will be emulated by those who shall follow him; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and to transmit a suitable copy of this resolution to Harold M. Miles.

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

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 29, 1954

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

Senate Bill No. 64

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following bill was read the first time:

Senate Bill No. 64—An act to amend Sections 27262, 27267, and 27268 of the Water Code, relating to irrigation districts, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation, Planning, and Public Works.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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

Assembly Concurrent Resolution No. 3—Relative to a study of the Uniform Commercial Code by the Interim Judiciary Committees of the Assembly and the Senate.

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the twenty-ninth day of March, 1954, at 11 a.m.

BURKE, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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

Assembly Bill No. 88

And reports the same correctly re-engrossed.

BURKE, Chairman

Request for Unanimous Consent to Take Up Assembly Bill No. 88

Mr. Willis W. Bradley asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 88, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY BILL NO. 88

Assembly Bill No. 88—An act to validate the corporation of cities incorporated on or after February 1, 1954, and on or prior to April 20, 1954, to validate matters pertaining to such cities, including acts of counties or any boards or officers thereof.

Bill read third time.

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

AYES—Backstrand, Bonelli, Willis W. Bradley, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Hawkins, Hinckley, Hobbie, Klocksiem, Levering, Luckel, Maloney, Marsh, McGee, McMillan, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stewart, Tomlinson, Weinberger, and Mr. Speaker—42

NOES—None

Bill ordered transmitted to the Senate.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Klocksiem asked for, and was granted, unanimous consent that his name be placed upon the roll call, on Assembly Bill No. 88, and that he be recorded as voting "Aye".

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 72—An act to amend Section 24301 of the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

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

AYES—Allen, Backstrand, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Dahl, Dickey, Dolwig, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Levering, Lindsay, Lowrey, Maloney, Marsh, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—56.

NOES—None.

Bill ordered transmitted to the Senate

Assembly Joint Resolution No. 5—Relative to outlawing the Communist Party of the United States and the members thereof

Resolution read.

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

AYES—Allen, Backstrand, Bonelli, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Levering, Lindsay, Lowrey, Luckel, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—63

NOES—None.

Resolution ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS

Senate Bill No. 26—An act to add Article 5e to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto;

defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1954.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—63.
NOES—None.

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Weinberger, and Mr. Speaker—67.
NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 25—An act to amend Section 422, 439 and 648 of the Military and Veterans Code, relating to military affairs, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, and Weinberger—66.
NOES—None.

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Dahl, Dickey, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lincoln,

Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, and Weinberger—66.
NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 21—An act to amend Sections 139.04, 139.15, and 139.16 of the Vehicle Code, relating to definitions.

Bill read third time.

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

AYES—Allen, Backstrand, Berry, Bonelli, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, and Weinberger—66.
NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 23—An act to amend Section 139.51 of the Vehicle Code, relating to members of the California Highway Patrol.

Bill read third time.

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

AYES—Allen, Backstrand, Berry, Bonelli, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Thomas, Tomlinson, and Weinberger—66.
NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 33—An act to amend Sections 156, 157.5, 164, and 170 of the Vehicle Code, relating to license plates, 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—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Thomas, Tomlinson, Weinberger, and Mr. Speaker—68.
NOES—None

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman,

Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, Maloney, Marsh, Masterson McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson Porter, Ross, Rumford, Shaw, Shell, Smith, Thomas, Tomlinson, Weinberger, and Mr Speaker—68.

NOES—None

Bill ordered transmitted to the Senate.

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages

Resolution read.

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—63

NOES—Caldecott, Collins, Hansen, Klocksiem, Masterson, McGee, Rumford, and Shaw—8

Resolution ordered transmitted to the Senate.

Senate Bill No. 41—An act to amend Section 73873 of the Government Code, relating to the number and compensation of the officers and attaches of the municipal court established in a district embracing the City of North Sacramento.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—None

Bill ordered transmitted to the Senate.

Senate Bill No. 28—An act to create a Department of Alcoholic Beverage Control, an Alcoholic Beverage Commission, and the office of Director of Alcoholic Beverage Control, by amending Section 11551 of the Government Code, and adding Chapter 1 5 to Division 9 of the Business and Professions Code, relating to the state administration of alcoholic beverage control.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney,

Marsh, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stewart, Thomas, and Weinberger—64.
NOES—Caldecott, Masterson, McGee, Rumford, and Tomlinson—5.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP ASSEMBLY BILL NO. 21

Mr. Belotti asked for, and was granted, unanimous consent that he be permitted to take up Assembly Bill No. 21, temporarily passed on file.

CONSIDERATION OF ASSEMBLY BILL NO. 21

Assembly Bill No. 21—An act to amend Sections 21626 and 21629 of the Education Code, relating to student transportation districts.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, and Weinberger—68
NOES—None

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 39

Mr. Patterson asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 39, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 39

Senate Bill No. 39—An act to add Article 18.6 to Chapter 11 of Division 2 of the Education Code, relating to school districts.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dolwig, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, and Weinberger—68.
NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONSTITUTIONAL AMENDMENT NO. 3

Mr. Donald D. Doyle asked for, and was granted, unanimous consent that he be permitted to take up Senate Constitutional Amendment No. 3, temporarily passed on file.

CONSIDERATION OF SENATE CONSTITUTIONAL AMENDMENT NO. 3

Senate Constitutional Amendment No. 3—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolution read.

Motion to Amend

Mr. Collier moved the adoption of the following amendment:

Amendment No. 1

On page 2 of the printed measure, as amended in the Assembly on March 25, 1954, between lines 42 and 43, insert

"If any district receives an allocation of money from the proceeds of bonds sold pursuant to this section, on the basis, in whole or in part, of the assessed valuation of property for tax purposes, and which is required to repay such allocation under provisions of a formula in which a computational tax rate is applied to assessed valuation of property in the district, and if in any fiscal year that the district makes a repayment it is determined pursuant to law that the ratio of assessed valuation of land, improvement, and tangible personal property in the county in which the district is located to the actual market value thereof differs from the state-wide average of such ratios of all the counties of the State as a whole, the computational tax shall be increased or decreased in a manner provided by law so as to produce the same amount as would be produced if the amount of the computational tax were levied on the assessed valuation of property in such district as increased or decreased in proportion to the percentage by which the ratio of assessed valuation to market value for the county in which such district is located differs from the state-wide average of such ratios."

Amendment read

Motion That Proposed Amendment Be Printed in Journal

Mr. Collier moved that his proposed amendment be printed in the Journal, without action at this time

Mr. Thomas J. Doyle seconded the motion.

Substitute Motion

Mr Lowrey moved, as a substitute motion, that the proposed amendment be printed in the Journal, and that final consideration of the bill be continued, at this time

Ruling by Speaker

Speaker Silliman ruled the substitute motion not in order.

Motion to Table Motion and Amendment by Mr. Collier

Mr. Lowrey moved, as a substitute motion, that the motion by Mr. Collier and the amendment be laid upon the table.

Mr. Hinckley seconded the motion.

The roll was called, and the substitute motion carried by the following vote:

AYES—Allen, Berry, Clark L Bradley, Brown, Burke, Chapel, Clarke, Cooke, Dahl, Dickey, Dills, Donald D. Doyle, Thomas J Doyle, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hinckley, Hobbie, Kilpatrick, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Masterson, McCollister, McFall, Munnell, Nielsen, Patterson, Rumford, Shaw, and Tomlinson—34

NOES—Willis W. Bradley, Cloyed, Collier, Collins, Conrad, Davis, Dolwig, Elliott, Evans, Hansen, Hawkins, Klocksiem, Lanterman, Levering, Charles W. Lyon,

LeRoy E. Lyon, McGee, McMillan, Meyers, Porter, Ross, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—27.

The question being on the adoption of Senate Constitutional Amendment No. 3.

Point of Order

Mr. Dickey arose to the following point of order: That Mr. Collier is not speaking to the question.

Ruling by Speaker

Speaker Silliman ruled the point of order not well taken.

Motion to Set Special Order

Mr. Thomas moved that Senate Constitutional Amendment No. 3 be made a special order of business for Tuesday, March 30, 1954, at 10.35 a.m.

Mr. Morris seconded the motion.

Roll Call Demanded

Messrs. Dickey, Munnell, and Miss Donahoe demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Brady, Chapel, Collier, Collins, Conrad, Coolidge, Elliott, Evans, Hawkins, Kilpatrick, Levering, Charles W Lyon, McMillan, Morris, Ross, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—22

NOES—Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R Geddes, Samuel R. Geddes, Henderson, Hinckley, Hobbie, Kelly, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Munnell, Nielsen, Patterson, Porter, Rumford, and Shaw—46.

The question being on the adoption of Senate Constitutional Amendment No. 3.

Motion to Defer Consideration of Senate Constitutional Amendment No. 3

Mr. Charles W. Lyon moved that further consideration of Senate Constitutional Amendment No. 3 be deferred until tomorrow, Tuesday, March 30th.

Mr. Collier seconded the motion.

Roll Call Demanded

Messrs Elliott, Collier, and Lowrey demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Brady, Chapel, Collier, Conrad, Coolidge, Elliott, Evans, Hansen, Hawkins, Kilpatrick, Klocksiem, Lanterman, Levering, Charles W Lyon, McMillan, Morris, Ross, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—24

NOES—Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Erwin, Fleury, Ernest R Geddes, Samuel R. Geddes, Henderson, Hinckley, Hobbie, Kelly, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Masterson, McCollister, McFall, Meyers, Munnell, Nielsen, Patterson, Porter, Rumford, and Shaw—44.

The question being on the adoption of Senate Constitutional Amendment No. 3.

Point of Order

Mr Hinckley arose to the following point of order: That Mr Collier is not speaking to the question

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Point of Order

Mr. McCollister arose to the following point of order: That Mr. Collier's discussion is not germane to the question.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Point of Order

Mr Lowrey arose to the following point of order: That Mr. Collier is not speaking to the question.

Ruling by Speaker

Speaker Silliman ruled the point of order not well taken.

Point of Order

Mr. Henderson arose to the following point of order: That Mr. Collier has exceeded Mr. Shaw's time.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Point of Order

Mr. Cloyed arose to the following point of order: That Mr. Dunn has exceeded his time.

Ruling by Speaker

Speaker Silliman ruled the point of order not well taken.

The question being on the adoption of Senate Constitutional Amendment No. 3.

Motion to Re-Refer Senate Constitutional Amendment No. 3

Mr. Coolidge moved that Senate Constitutional Amendment No. 3 be withdrawn from the file, and be re-referred to the Committee on Education.

Mr. Charles W. Lyon seconded the motion.

Roll Call Demanded

Messrs. Dunn, Lowrey, and Lindsay demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Chapel, Collier, Collins, Conrad, Coolidge, Elliott, Evans, Hansen, Hawkins, Hinckley, Kilpatrick, Klocksiem, Lanterman, Leverling, Charles W. Lyon, Marsh, McMillan, Ross, Shell, Smith, Stanley, and Thomas—26.

NOES—Allen, Backstrand, Belotti, Berry, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Henderson, Hobbie, Kelly, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Rumford, Shaw, Stewart, and Weinberger—44.

The question being on the adoption of Senate Constitutional Amendment No. 3.

Demand for Previous Question

Messrs LeRoy E. Lyon, Conrad, Tomlinson, Luckel, and Stanley demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of Senate Constitutional Amendment No. 3.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—64.

NOES—Brady, Collier, Conrad, Coolidge, Levering, Charles W. Lyon, Marsh, Shell, and Smith—9.

Notice of Motion to Reconsider Senate Constitutional Amendment No. 3

Mr. Charles W. Lyon gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Constitutional Amendment No. 3 was this day adopted.

Motion That Notice of Motion To Reconsider Be Taken Up at This Time

Mr. Dunn moved that the notice of motion by Mr. Charles W. Lyon to reconsider the vote whereby the Assembly on this day adopted Senate Constitutional Amendment No. 3 be taken up, at this time

Mr. Lowrey seconded the motion.

Question of Parliamentary Inquiry

Mr. Collier arose to the following question of parliamentary inquiry: How many votes will be necessary to carry the motion just made by Mr. Dunn?

Ruling by Speaker

Speaker Silliman ruled that, pursuant to Rule 4, it will be necessary for two-thirds of the members present to vote in the affirmative.

Point of Order

Mr. Hinckley arose to the following point of order: That Mr. Collier is not speaking to the question.

Ruling By Speaker

Speaker Silliman ruled the point of order well taken.

Motion to Temporarily Suspend the Rules

Mr. Dunn moved that the Rules be temporarily suspended for the purpose of taking up the notice of motion to reconsider the vote on Senate Constitutional Amendment No. 3, at this time.

Mr Lowrey seconded the motion.

The roll was called, and the motion to temporarily suspend the Rules carried by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R Geddes, Samuel R Geddes, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Rumford, Shaw, and Stewart—49.

NOES—Willis W Bradley, Brady, Collier, Collins, Conrad, Coolidge, Elliott, Evans, Hansen, Hawkins, Klocksiem, Lanterman, Levering, Charles W. Lyon, Marsh, McMillan, Ross, Shell, Smith, Stanley, Thomas, Tomlinson, and Weinberger—23.

Speaker pro Tempore Presiding

At 3.57 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Motion to Reconsider

Mr. Charles W. Lyon moved that the vote whereby the Assembly this day adopted Senate Constitutional Amendment No. 3 be reconsidered.

Speaker Presiding

At 4.02 p.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

Point of Order

Mr. Hinckley arose to the following point of order: That Mr. Collier is not speaking to the question.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Point of Order

Mr. Hinckley arose to the following point of order: That Mr. Collier is not speaking to the question.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

The question being on the motion to reconsider.

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

AYES—Clark L. Bradley, Willis W. Bradley, Brady, Chapel, Collier, Collins, Conrad, Coolidge, Elliott, Evans, Hansen, Hawkins, Kilpatrick, Klocksiem, Levering, Charles W. Lyon, Marsh, McMillan, Morris, Ross, Shell, Smith, Stanley, Thomas, and Tomlinson—25.

NOES—Allen, Backstrand, Belotti, Berry, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Cooke, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Henderson, Hinckley, Hobbie, Kelly, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Munnell, Nielsen, Patterson, Potter, Rumford, Shaw, Stewart, and Weinberger—47.

Senate Constitutional Amendment No. 3 ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 29, 1954

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 Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages;

And appointed Senators Breed, Hulse, and Regan, 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 CONSTITUTIONAL AMENDMENT NO. 4

The Speaker announced the appointment of Messrs Weinberger, Caldecott, and Fleury as a Committee on Conference concerning Senate Constitutional Amendment No. 4.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 29, 1954

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. 28—An act to create a Department of Alcoholic Beverage Control, an Alcoholic Beverage Commission, and the office of Director of Alcoholic Beverage Control, by amending Section 11551 of the Government Code, and adding Chapter 15 to Division 9 of the Business and Professions Code, relating to the state administration of alcoholic beverage control;

And appointed Senators Breed, Hulse, and Regan, 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. 28

The Speaker announced the appointment of Messrs. Weinberger, Caldecott, and Fleury as a Committee on Conference concerning Senate Bill No. 28.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Casey:

Resolved, That Assembly Bill No. 94 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—66

NOES—None

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

CONSIDERATION OF ASSEMBLY BILL NO. 94

Assembly Bill No. 94—An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

Bill read second time.

Assembly Bill No. 94—An act to amend Section 1463 of the Penal Code, relating to disposition of fines and forfeitures.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon,

Maloney, Masterson, McCollister, McFall, Meyers, Miller, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—66.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TEMPORARILY SUSPEND THE RULES

Mr. Lindsay asked for, and was granted, unanimous consent that the Rules be temporarily suspended for the purpose of considering Senate Bill No. 36 in the Committee on Conservation, Planning, and Public Works, tomorrow, Tuesday, March 30th, upon adjournment, in Room 4202.

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL BE PRINTED IN JOURNAL

Mr. Lowrey asked for, and was granted, unanimous consent that two letters of transmittal be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

ASSEMBLY, CALIFORNIA LEGISLATURE
INTERIM COMMITTEE ON AGRICULTURE, March 29, 1954

Honorable James W. Silliman
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SILLIMAN: In accordance with House Resolution No. 241, 1951 Session, and continued by House Resolution No. 193, 1953 Session, the Assembly Interim Committee on Agriculture submits the Report on Beaches and Parks prepared by its Subcommittee on Public Lands, Grazing, and Forest Practices.

Respectfully submitted.

GEORGE A. CLARKE, Chairman

LETTER OF TRANSMITTAL

The Honorable George A. Clarke, Chairman
and Members of the Assembly Interim
Committee on Agriculture
State Capitol, Sacramento, California

HONORABLE GENTLEMEN: Pursuant to House Resolution No. 241 of the 1951 Session, continued by House Resolution No. 193, 1953, the Subcommittee on Public Lands, Grazing, and Forest Practices has made a conscientious effort to ascertain and analyze all the facts pertaining to the Division of Beaches and Parks, also the Park Commission and its relationship to state and private agencies.

In cooperation with the Senate Interim Committee on Public Lands whose chairman is Senator Regan, our subcommittee conducted a public hearing at Sacramento on the subjects of acquisition, preservation, multiple-use and management of state parks. Invited to appear at this hearing and to present summaries of their activities with respect to this subject were all of the agencies known to be concerned.

The data presented by the several agencies at said hearing were substantial and informative and it was deemed desirable that they be made

available in printed form. The full proceedings of the aforementioned hearing, the transcript, which is included herewith, is prefaced by a brief digest statement for each agency appearing at the hearing.

The subcommittee does not conceive that it has completed its labors and feels that it has only crossed the threshold in ascertaining the facts. Investigation has revealed certain practices and procedures of administration which seem to require the attention of the legislature.

Therefore, this subcommittee respectfully submits at this time its partial report.

Respectfully submitted.

LLOYD W. LOWREY, Chairman
LEE BACKSTRAND
FRANK BELOTTI
FRANCIS C. LINDSAY

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr. Lowrey asked for, and was granted, unanimous consent that the above letters of transmittal and a Report on Beaches and Parks, submitted by the Subcommittee on Public Lands, Grazing, and Forest Practices of the Assembly Interim Committee on Agriculture be ordered printed as a separate document in 10-point type, and that 500 copies be printed.

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL BE PRINTED IN JOURNAL

Mr. Lowrey asked for, and was granted, unanimous consent that two letters of transmittal be printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

ASSEMBLY, CALIFORNIA LEGISLATURE
INTERIM COMMITTEE ON AGRICULTURE, March 29, 1954

Honorable James W. Silliman
Speaker of the Assembly
State Capitol, Sacramento, California

DEAR MR. SILLIMAN: In accordance with House Resolution No. 241, 1951 Session, and continued by House Resolution No. 193, 1953 Session, the Assembly Interim Committee on Agriculture submits the Report on Bear Depredation prepared by its Subcommittee on Public Lands, Grazing, and Forest Practices.

Respectfully submitted,

GEORGE A. CLARKE, Chairman

LETTER OF TRANSMITTAL

Honorable George A. Clarke, Chairman
Assembly Interim Committee on Agriculture
State Capitol, Sacramento, California

MR. CHAIRMAN: The Subcommittee on Public Lands, Grazing, and Forest Practices appointed by you under provisions of House Resolution No. 241, 1951, as continued by House Resolution No. 193, 1953,

submits herewith a Special Report with reference to Bear Depredations.

This, a report on bear damage to timber and livestock, is a problem of serious proportions and has attracted considerable public attention.

Your subcommittee met jointly with the Livestock and Dairies Committee to conduct a public hearing at Eureka on January 11, 1954. Data obtained, which is included herewith, contains the evidence that this bear damage may become much more serious. We are therefore herein recommending legislation aimed at assisting in controlling this excess bear population.

The subcommittee gratefully acknowledges the cooperation and assistance given by the timber and stockmen, in particular Mr. W D. Pine, Farm Advisor of both Humboldt and Del Norte Counties, for their invaluable aid.

Respectfully submitted

LLOYD W. LOWREY, Chairman
LEE BACKSTRAND
FRANK BELOTTI
FRANCIS C. LINDSAY

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr Lowrey asked for, and was granted, unanimous consent that the above letters of transmittal and a Report on Bear Depredation submitted by the Subcommittee on Public Lands, Grazing, and Forest Practices of the Assembly Interim Committee on Agriculture be ordered printed as a separate document, in 10-point type, and that 500 copies be printed.

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL BE PRINTED IN JOURNAL

Mr. Bulen asked for, and was granted, unanimous consent that two letters of transmittal be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

(Chairman of Committee)

ASSEMBLY CHAMBER, STATE CAPITOL
SACRAMENTO, CALIFORNIA, March 17, 1954

Hon. James W Silliman
Speaker of the Assembly; and
Members of the Assembly
Assembly Chamber, Sacramento, California

GENTLEMEN: Your Committee on Agriculture, created pursuant to House Resolution No. 193, 1953 Session, herewith submits a Progress Report on the subject of Fairs and Expositions.

This report concerns itself with several different subjects related to fairs and expositions In submitting this report the committee is fully cognizant of the vast amount of work yet to be undertaken prior to the next regular session of the Legislature in 1955 in order that legislation may be recommended on these various subjects where necessary.

The committee is grateful to the many individuals, organizations, and fairs who have cooperated to make this progress report possible and fruitful.

Respectfully submitted.

GEORGE A. CLARKE, Chairman
H. W. "PAT" KELLY, Vice-Chairman
BRUCE F. ALLEN
L. M. "LEE" BACKSTRAND
RALPH M. BROWN
EDWIN S. BULEN
LLOYD W. LOWREY
J. WARD CASEY
RALPH R. CLOYED
JOHN B. COOKE
DONALD D. DOYLE
THOMAS M. ERWIN
SAMUEL R. GEDDES
WILLIAM W. HANSEN
WALLACE D. HENDERSON
STEWART HINCKLEY
DON HOBBIE
FRANCIS C. LINDSAY
FRANK LUCKEL
RICHARD H. MCCOLLISTER
JOHN J. MCFALL
ROSCOE L. PATTERSON

LETTER OF TRANSMITTAL

(Chairman of Subcommittee)

ASSEMBLY CHAMBER, STATE CAPITOL
SACRAMENTO, CALIFORNIA, March 17, 1954

Hon. George A. Clarke, Chairman
Assembly Interim Committee on Agriculture
California State Legislature
Sacramento, California

DEAR MR. CLARKE: Pursuant to your instructions, your Subcommittee on Fairs and Expositions submits the following progress report.

The direction of the work of this subcommittee was somewhat changed by the rather unusual amount of public attention given within the last two months to the amount of money received by some fairs from the State through the distribution of funds received from pari-mutual wagering. In order to quickly throw some light on the value of money allocated to the fairs, your subcommittee has procured and sets forth herein, data that reflects the year-around interim use of fair facilities, and the consequent value to the counties in which they are situated.

You will recall that the original chairman of your subcommittee was Assemblyman H. W "Pat" Kelly until approximately the middle of October, 1953, at which time he resigned in order to accept the chairmanship of a standing committee. Even though this higher assignment necessarily required that he give it the lion's share of his attention, your chairman, and the other members of this subcommittee, wish to thank him for his early leadership, and his continued participation in the work of this subcommittee.

Your present subcommittee chairman has attempted to perform his duties in a manner that would justify your confidence in his appointment, and hopes that he has succeeded in so doing.

The chairman is extremely grateful for his good fortune in having as members of his subcommittee those whose names appear along with his on this letter. These men have carried out every assignment given them in a most satisfactory manner, and have given the chairman their unqualified support.

Time did not permit a complete study, but your subcommittee feels that the information contained in this report will be sufficient to suggest the complexity of the fair program, and the harm that might come from hasty conclusions.

Respectfully submitted.

EDWIN S. BULEN, Chairman
WILLIAM W. HANSEN
DON HOBBIE
H. W. "PAT" KELLY
JOHN J. McFALL

REQUEST FOR UNANIMOUS CONSENT THAT LETTERS OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr. Bulen asked for, and was granted, unanimous consent that the above letters of transmittal and a Progress Report of the Subcommittee on Fairs and Expositions of the Assembly Interim Committee on Agriculture be printed, as a separate document, in 10-point type, and that 500 copies be printed.

ADJOURNMENT

At 4.19 p m., on motion of Mr. Levering, the Speaker declared the Assembly adjourned until 10.15 a.m., Tuesday, March 30, 1954

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTIETH LEGISLATIVE DAY

THIRTIETH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Tuesday, March 30, 1954

The Assembly met at 10.15 a m
Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78

Quorum present.

RECESS

At 10.16 a.m., on motion of Mr. Levering, the Assembly recessed until 2.40 p m.

REASSEMBLED

At 2.40 p.m., the Assembly reconvened.
Hon. James W. Silliman, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O Almighty God, Judge of Men and Nations. We ask Thee to guide us in this meeting and in all our days We pray Thy blessing this morning upon all of the men and women throughout our State and Nation who serve the people and guide the public welfare May they walk in justice before Thee and may their acts redound to the broader benefit of all of our people Through Christ our Lord.—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.

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Niehouse, on motion of Mr. Dunn.

REQUEST FOR UNANIMOUS CONSENT THAT RUSH ORDER BE PLACED UPON PRINTING OF ALL BILLS

Mr. Levering asked for, and was granted, unanimous consent that a rush order be placed upon the printing of all bills having to be sent to reprint today.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Concurrent Resolution No. 7—Approving certain amendments to the charter of the City of Tulare, a municipal corporation in the County of Tulare, State of California, voted for and ratified by the qualified electors of said city at a special municipal election held therein on the twenty-seventh day of October, 1953;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the thirtieth day of March, 1954, at 12 m.

BURKE, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Bill No. 62—An act to amend Sections 404, 1035, 1055, 1134, 1179, 1180, 1182, 1817, 1951, and 1953 of the Unemployment Insurance Code, relating to unemployment insurance and appeals procedure thereunder;

And reports that the same has been correctly enrolled, and presented to the Governor on the thirtieth day of March, 1954, at 11.30 a.m.

BURKE, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Joint Resolution No. 7

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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.

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Concurrent Resolution No. 14

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

House Resolution No. 20

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Senate 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

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 49—An act to add Section 652 to the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Finance and Insurance:

Amendment No. 1

On page 1, line 2, of the printed bill, as amended in the Senate on March 24, 1954, after "performed", insert "as an elected official".

Amendment read, and adopted.

Bill ordered reprinted, and to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Senate Concurrent Resolution No. 5

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

SILLIMAN, Chairman

Above reported resolution ordered on file

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Senate Bill No 56

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

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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 amendments with the recommendation: Amend, and be adopted, as amended.

SILLIMAN, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Joint Resolution No. 4—Relative to memorializing Congress and the President of the United States to refrain from terminating federal control and protection of Indian reservations

Resolution read

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Rules:

Amendment No. 1

On page 2, line 2, of the printed measure, strike out "Indian", and insert "Indians"

Amendment No. 2

On page 2, line 6, strike out "Indian", and insert "the Indians"

Amendment No. 3

On page 2, line 12, strike out "Indians", and insert "the Indians"

Amendment No. 4

On page 2, line 13, strike out "Assembly and Senate", and insert "Senate and Assembly"

Amendment No. 5

On page 2, line 17, strike out "Indians", and insert "the American Indians within California"

Amendments read, and adopted.

Resolution ordered reprinted, and on file.

REPORTS OF STANDING COMMITTEES

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

MR SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Bill No. 78

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

CALDECOTT, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 78—An act to add Article 6 to Chapter 5 of Part 2 of the Unemployment Insurance Code, comprising Sections 3151 to 3156, inclusive, relating to investments in branch office buildings for the Department of Employment.

Bill read second time

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, after "act", insert "to amend Section 3003 of, and".

Amendment No. 2

On page 1, line 6, strike out "director", and insert "Department of Finance".

Amendment No. 3

On page 1, line 7, strike out "Department of Finance", and insert "director".

Amendment No. 4

On page 1, line 11, after "thereon", insert "after approval of preliminary plans under the procedure provided by Section 16 of the Budget Act of 1954,".

Amendment No. 5

On page 1, strike out lines 17 to 23, inclusive, and insert "of Employment but shall be subject to the administration and supervision of the Department of Finance."

Amendment No. 6

On page 2, line 1, strike out "director", and insert "Department of Finance".

Amendment No. 7

On page 2, line 5, strike out "by the director".

Amendment No. 8

On page 2, line 6, strike out "approved", and insert "determined".

Amendment No. 9

On page 2, line 8, strike out "by the director".

Amendment No. 10

On page 2, strike out lines 10 and 11; and in line 12, strike out "All such", and insert "let, there shall be charged a rental as fixed by the Department of Finance, which".

Amendment No. 11

On page 2, lines 16 and 17, strike out "the director with the approval of".

Amendment No. 12

On page 2, line 17, after "Finance", insert "subject to the approval of the director".

Amendment No. 13

On page 2, strike out lines 21 to 23, inclusive, and insert "est, the Department of Employ-".

Amendment No. 14

On page 2, line 24, after "shall", insert "continue to".

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. 15

On page 2, after line 29, insert

"SEC. 2. Section 3003 of the Unemployment Insurance Code is amended to read:

3003. Except as provided in [Section 3125] *Sections 3125 and 3151*, all surplus money in the Disability Fund may be invested solely in interest bearing obligations of the United States Government or of the State of California, and all interest or earnings therefrom shall be deposited in the Disability Fund."

Amendments read, and adopted.

Bill ordered reprinted, and engrossed.

REPORTS OF STANDING COMMITTEES

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which was referred:

Assembly Bill No. 75

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

BACKSTRAND, Chairman

Above reported bill ordered to second reading.

SECOND READING OF ASSEMBLY BILLS (BY UNANIMOUS CONSENT)

Assembly Bill No. 75—An act to amend Section 1280 of the Unemployment Insurance Code, relating to unemployment insurance.

Bill read second time.

Point of Order

Mr. Dunn arose to the following point of order: That Assembly Bill No. 75 carries an implied appropriation, and should be re-referred to the Committee on Ways and Means.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Re-Reference of Assembly Bill No. 75

Assembly Bill No. 75 ordered re-referred to the Committee on Ways and Means.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 29, 1954

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

Senate Concurrent Resolution No. 11
Senate Concurrent Resolution No. 12

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolutions were read:

Senate Concurrent Resolution No. 11—Relative to designating the Old San Diego Area as the "Birthplace of California."

Referred to Committee on Rules.

Senate Concurrent Resolution No. 12—Relative to the untimely departure from this life of Roy L. Cheseboro.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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.

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 29, 1954

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

House Resolution No. 27

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

Speaker pro Tempore Presiding

At 2.52 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 2.53 p.m., Mr. Lindsay asked for, and was granted, unanimous consent that he and the members of the Committee on Conservation, Planning, and Public Works be excused, for the purpose of holding a meeting of the committee in the Cloak Room, at this time.

RESOLUTIONS

The following resolutions were offered:

By Messrs. Weinberger, Coolidge, and Rumford:

House Resolution No. 29

Relative to transfers of certain alcoholic beverage licenses

WHEREAS, On March 25, 1954, the Attorney General recommended to the State Board of Equalization that 34 alcoholic beverage licenses which in his opinion were obtained by fraud or misrepresentation should be revoked by the board; and

WHEREAS, There will be a period of time during which the board and the Attorney General will be required to investigate the circumstances under which these 34 licenses were issued and to reach a determination as to whether the licenses should be revoked as having been obtained by the use of fraud or misrepresentation; and

WHEREAS, It is felt that until final action has been taken by the State Board of Equalization upon the recommendation of the Attorney General the board should preserve the status quo with respect to said licenses; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Board of Equalization be requested to withhold approval of any transfers of the 34 alcoholic beverage licenses under investigation until it has taken final action on the recommendation of the Attorney General that said licenses be revoked; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the State Board of Equalization.

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

By Mr. Morris:

House Resolution No. 30

Relative to requesting the Assembly Interim Committee on Agriculture to investigate trichinosis

WHEREAS, Trichinosis is a disease caused by trichinae in the intestinal tract and the muscles, and resulting from eating infected pork; and

WHEREAS, Trichinosis is marked first by intestinal disorders, as violent collicky pains, nausea, and diarrhea, and later by severe muscular pain and stiffness, dyspnea, fever, and edema caused by migration of trichna larvae to the muscles, and is sometimes fatal through exhaustion or complication; and

WHEREAS, The best known method of avoiding the incidence of trichinosis is to compel swine-feeders to boil garbage before feeding it to hogs; and

WHEREAS, All pork products made or formed in part or in whole from hogs fed unboiled garbage should bear on the surface of said pork products a label plainly stating that the pork products were from swine fed unboiled garbage and the necessary precautions to take to avoid contracting trichinosis; now, therefore, be it

Resolved by the Assembly of the State of California. That the Assembly Interim Committee on Agriculture is hereby authorized and directed to investigate all facts relating to trichinosis, the causes thereof and the means best suited to the prevention or elimination thereof, and to report thereon to the Assembly not later than

the fifteenth legislative day of the 1955 Regular Session, including in its reports its recommendations for appropriate legislation.

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. 21: By Mr. Creedon, Miss Donahoe, and Mr. Kelly—Relative to requesting the Assembly Interim Committee on Public Health, the State Department of Public Health, and the Department of Finance to study the problem of state assistance to private nonprofit hospitals.

Referred to Committee on Rules.

Assembly Concurrent Resolution No. 22: By Mr. Lowrey—Relative to an independent study of water resource development.

Referred to Committee on Rules

Hon. Stanley T. Tomlinson Presiding

At 2.58 p.m., Hon. Stanley T. Tomlinson, Member of the Assembly from the Thirty-eighth District, presiding.

RESOLUTIONS

The following resolution was offered:

By Mr. Brady:

House Resolution No. 31

Relative to new air services at the San Francisco International Airport, complimenting and thanking the Quantas Empire Airways and the Japan Air Lines, and expressing satisfaction to the Secretary of State of the United States, and to the members of the Civil Aeronautics Board

WHEREAS, The citizens of the great State of California wish to express their satisfaction and gratitude through their representatives in the State Legislature that another air service has come to our State through the City of San Francisco; and

WHEREAS, The Quantas Empire Airways has found San Francisco International Airport the proper United States terminus from Australia, South Africa, and Europe; and

WHEREAS, California and San Francisco now become an integral part of this 62,000-mile route which extends from Australia, through Asia to London, across the Pacific Ocean to San Francisco and Vancouver, B. C.; and

WHEREAS, Japan Air Lines has already recognized the stature of San Francisco International Airport by choosing it as the United States terminus; and

WHEREAS, This insistence that San Francisco International Airport be chosen as the terminus of these two new air services has been sanctioned by the United States State Department and the Civil Aeronautics Board pursuant to international air treaties heretofore established; and

WHEREAS, As the Civil Aeronautics Board has harkened to the voice of the State Legislature ere now when pursuant to our House resolution in 1945 it caused to be established a new route from Los Angeles, California to Sacramento, California; and

WHEREAS, Our satisfaction should be noted that the federal officials' determinations have helped Los Angeles heretofore, and San Francisco currently; and

WHEREAS, Our gratitude should be expressed to the officers of the Japan Air Lines and the Quantas Empire Airways for bringing these new horizons to the front door of California at her glorious Golden Gate; now, therefore, be it

Resolved by the Assembly of the State Legislature of the State of California, That the Chief Clerk of the Assembly prepare suitable copies of this resolution and transmit one each to the President, and the General Manager of the Quantas Air Lines; to the President, and the General Manager of the Japan Air Lines; to the Secretary of State of the United States; and to the members of the Civil Aeronautics Board.

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

Speaker pro Tempore Presiding

At 3.18 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which was referred:

Senate Bill No. 36

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

LINDSAY, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 36—An act to amend Section 2210.5 of the Streets and Highways Code, relating to county highways

Bill read second time, and ordered to third reading.

Senate Bill No. 56—An act to amend Section 25602 of the Corporations Code, relating to advertisement of government securities, declaring the urgency of this act, to take effect immediately

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Conservation, Planning, and Public Works

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: Your Committee on Conservation, Planning, and Public Works, to which were referred:

Senate Bill No. 51
Senate Bill No. 64

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

LINDSAY, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 51—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 inclusive, to the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of the Statutes of 1951), relating to flood control and water conservation, 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 Conservation, Planning, and Public Works:

Amendment No. 1

In line 5 of the title of the printed bill, as amended in the Senate on March 24, 1954, strike out "inclusive".

Amendment No. 2

On page 22, line 4, strike out "bill", and insert "act".

Amendments read, and adopted

Bill ordered reprinted, and to third reading.

Senate Bill No. 64—An act to amend Sections 27262, 27267, and 27268 of the Water Code, relating to irrigation districts, 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 Conservation, Planning, and Public Works:

Amendment No. 1

On page 2, line 13, of the printed bill, strike out "at present", and insert "to be".

Amendment No. 2

On page 2, line 22, strike out "districts", and insert "district".

Amendment No. 3

On page 2, line 24, strike out the second "and", and insert "then be".

Amendment No. 4

On page 3, line 41, after "district", insert "and the terms and conditions fixed by the annexation, and said board shall take all steps and perform all acts necessary to carry out said terms and conditions, and the holder of any of said bonds may by appropriate suit or action enforce the terms and conditions for the payment of the bonds and the raising of funds therefor as provided in the annexation proceeding".

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Hon. Charles W. Meyers Presiding

At 3.24 p.m., Hon. Charles W. Meyers, Member of the Assembly from the Nineteenth District, presiding.

Speaker pro Tempore Presiding

At 3.27 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MEMBER EXCUSED FOR MEETING

At 3.34 p.m., Mr. Erwin asked for, and was granted, unanimous consent that he be excused, for the purpose of holding a meeting with the Director of the Wildlife Department, at this time.

REQUEST FOR UNANIMOUS CONSENT THAT MR. RUMFORD BE INVITED TO GIVE A REPORT RELATIVE TO HIS RECENT TRIP TO EUROPE

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that Mr. Rumford be invited to the rostrum for the purpose of reporting to the members relative to his recent trip to Europe under the sponsorship of the State Department.

MR. RUMFORD INVITED TO ROSTRUM

Pursuant to the unanimous consent request granted to Mr. Thomas J. Doyle, Mr. Rumford was invited to the rostrum by Speaker pro Tempore Maloney to address the Assembly

RECESS

At 3.56 p.m., on motion of Mr. Charles W. Lyon, the Assembly recessed until 5 p.m.

REASSEMBLED

At 5 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Bill No. 19

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

Above bill ordered enrolled.

Speaker pro Tempore Presiding

At 5.04 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 53

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

Assembly Bill No. 53—An act to amend Section 18600 of the Health and Safety Code, relating to auto and trailer parks.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 53?

Amendment No. 1

On page 2, line 11, of the printed bill, after "therein", insert "and reasonably consistent with the construction standards contained in this part".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 53 by the following vote:

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Lanterman, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Shell, Smith, Stanley, Stewart, and Thomas—52.

NOES—None.

Assembly Bill No. 53 ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Concurrent Resolution No. 14
Assembly Concurrent Resolution No 15

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR SPEAKER: Your Committee on Legislative Procedure has examined:

Assembly Joint Resolution No. 7
Assembly Joint Resolution No. 8

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1954

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

Senate Concurrent Resolution No. 7

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

FIRST READING AND REFERENCE OF SENATE BILLS (RESUMED)

The following resolution was read:

Senate Concurrent Resolution No. 7—Relative to the maintenance of the Jenner Jetty at the mouth of the Russian River.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1954

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

Senate Bill No. 59
Senate Bill No. 60
Senate Bill No. 63

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. 59—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to loans and grants to school districts, to take effect immediately.

Referred to Committee on Education.

Senate Bill No. 60—An act to add Chapter 23 to Division 3 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the State; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due,

and also for the payment and discharge of the principal of such bonds as such principal matures, and appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued, and for the administration of this chapter

Referred to Committee on Education

Senate Bill No. 63—An act to add Section 23045 to, and to amend Sections 23320, 23321, 23397, 23664, 23665, 23786, 24040, 24043, 24046, 24407, 24468, 24469, and 25171 of, the Business and Professions Code, relating to alcoholic beverages.

Referred to Committee on Government Organization.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: Your Committee on Education, to which were referred:

Senate Bill No. 38	Senate Bill No. 50
Senate Bill No. 44	Senate Bill No. 58

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

COLLIER, Chairman

Above reported bills ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 38—An act to amend Sections 14633 and 14639.5 of, and to add Section 14639.6 to, the Education Code, relating to the State Teachers' Retirement System.

Bill read second time, and ordered to third reading.

Senate Bill No. 44—An act to amend Section 7702 of the Education Code, relating to state school building aid.

Bill read second time, and ordered to third reading.

Senate Bill No. 50—An act to add Sections 7154 and 7155 to the Education Code, relating to the education of pupils residing in one school district and attending in another, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 58—An act to amend Section 7717 of the Education Code, relating to state school building aid.

Bill read second time, and ordered to third reading.

REQUEST FOR UNANIMOUS CONSENT

Mr. Nielsen asked for and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 15, at this time, without reference to file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 15

Assembly Concurrent Resolution No. 15—Relative to the passing of Colonel Nelson M. Holderman.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—70.

NOES—None.

Resolution ordered transmitted to the Senate.

EXPLANATION OF ABSENCE

I missed roll calls from 2.30 p.m. to 5.10 p.m. this afternoon because I was meeting with the Conference Committees concerning Senate Constitutional Amendment No. 4 and Senate Bill No. 28, the alcoholic beverage control measures.

CASPAR W. WEINBERGER
GORDON A. FLEURY
THOMAS W. CALDECOTT

REQUEST FOR UNANIMOUS CONSENT

Mr. Cloyed asked for, and was granted, unanimous consent to take up House Resolution No. 27, at this time, without reference to file.

CONSIDERATION OF HOUSE RESOLUTION NO. 27

By Mr. Cloyed:

House Resolution No. 27

Relative to the survey of a state highway between Del Mar and Palm City

WHEREAS, Existing highway facilities in the San Diego area are totally inadequate to accommodate the constantly expanding flow of civilian and military traffic; and

WHEREAS, The Legislature has empowered the California Highway Commission to authorize preliminary surveys to determine the advisability of extending the State Highway System; and

WHEREAS, The establishment of a new state highway between a point north of the City of Del Mar and a point near Palm City, via Sorrento Canyon and Murphy Canyon, would be of great benefit to the State and would assist tremendously in reducing traffic congestion in the San Diego area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California Highway Commission is hereby requested to authorize such preliminary surveys, including cost surveys, as are necessary to determine the feasibility of the creation of a new state highway from a point north of the City of Del Mar to a point near Palm City, via Sorrento Canyon and Murphy Canyon, and to report to the Legislature the results of such preliminary surveys as soon as possible and not later than the first day of the 1955 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the California Highway Commission, to the Honorable Frank B. Durkee, Director of Public Works, and to Mr. G. T. McCoy, State Highway Engineer.

Resolution read, and ordered held at desk.

ANNOUNCEMENT

Speaker pro Tempore Maloney announced that the father of Mr. Lindsay is in the hospital and about to undergo a serious operation, and extended the prayerful wishes of the members that Mr. Lindsay, Sr., have a successful recovery.

REQUEST FOR UNANIMOUS CONSENT

Mr. Kelly asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 7, at this time, without reference to file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 7

Assembly Joint Resolution No. 7—Relative to memorializing Congress to direct the General Services Administration to standardize purchasing procedures for strategic metals.

Resolution read.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloved, Collier, Collins, Conrad, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—68.

NOES—None.

Resolution ordered transmitted to the Senate

REQUEST FOR UNANIMOUS CONSENT

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 14, at this time, without reference to file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 14

Assembly Concurrent Resolution No. 14—Relative to congratulating California libraries, schools and school authorities and associations receiving awards from the Freedoms Foundation.

Resolution read.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloved, Collier, Collins, Conrad, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Backstrand asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 8, at this time, without reference to file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 8

Assembly Joint Resolution No. 8—Relative to the construction of a road through the Joshua Tree National Monument.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—66

NOES—None.

Resolution ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 23: By Mr. Lowrey—Relative to the pricing of fluid cream and skim milk.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cloyed asked for, and was granted, unanimous consent to take up further consideration of House Resolution No. 27, which is being held at the desk, at this time, without reference to file.

FURTHER CONSIDERATION OF HOUSE RESOLUTION NO. 27

By Mr. Cloyed:

House Resolution No. 27

Relative to the survey of a state highway between Del Mar and Palm City

WHEREAS, Existing highway facilities in the San Diego area are totally inadequate to accommodate the constantly expanding flow of civilian and military traffic, and

WHEREAS, The Legislature has empowered the California Highway Commission to authorize preliminary surveys to determine the advisability of extending the State Highway System; and

WHEREAS, The establishment of a new state highway between a point north of the City of Del Mar and a point near Palm City, via Sorrento Canyon and Murphy Canyon, would be of great benefit to the State and would assist tremendously in reducing traffic congestion in the San Diego area; now, therefore, be it

Resolved by the Assembly of the State of California, That the California Highway Commission is hereby requested to authorize such preliminary surveys, including cost surveys, as are necessary to determine the feasibility of the creation of a new state highway from a point north of the City of Del Mar to a point near Palm City, via Sorrento Canyon and Murphy Canyon, and to report to the Legislature the results of such preliminary surveys as soon as possible and not later than the first day of the 1955 Regular Session of the Legislature; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit copies of this resolution to the California Highway Commission, to the Honorable Frank B. Durkee, Director of Public Works, and to Mr. G. T. McCoy, State Highway Engineer

Resolution read, and adopted.

RESOLUTIONS

The following resolution was offered:

By Mr. Hobbie:

House Resolution No. 32

Relative to the Assembly Interim Committee on Transportation and Commerce

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 Transportation and Commerce (created by House Resolution No 120, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said contingent fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

Speaker Presiding

At 5.35 p m, Hon. James W. Silliman, Speaker of the Assembly, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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.

SILLIMAN, Chairman

Above reported resolution ordered on file.

RECESS

At 5.38 p.m., on motion of Mr. Levering, the Assembly recessed until 11.05 p m.

REASSEMBLED

At 11.05 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: The Committee on Conference concerning:

Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on March 25, 1954, be further amended as follows:

Amendment No. 1

On page 1, line 19, of the printed measure, as amended in the Assembly on March 25, 1954, after the period, insert "In the exercise of these rights and powers, the Legislature shall not constitute the State or any agency thereof a manufacturer or seller of intoxicating liquors"

Amendment No. 2

On page 2, line 11, after "by", insert "a majority vote of all of the members elected to".

Amendment No. 3

On page 2, line 13, after "may", insert "be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove the director from office for dereliction of duty or corruption or incompetency. The director may".

Amendment No. 3.5

On page 2, line 17, strike out "one person", and insert "three persons"

Amendment No. 4

On page 2, line 21, after the comma, insert "except as herein provided and".

Amendment No. 5

On page 2, lines 28 and 29, strike out "inconsistent with the enforcement of any law involving moral turpitude", and insert "that a person seeking or holding a license has violated any law prohibiting conduct involving moral turpitude".

Amendment No. 6

On page 2, between lines 32 and 33, insert

"The Alcoholic Beverage Control Appeals Board shall consist of three members appointed by the Governor, subject to confirmation by a majority vote of all of the members elected to the Senate Each member, at the time of his initial appointment, shall be a resident of a different county from the one in which either of the other members resides The members of the board may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove any member from office for dereliction of duty or corruption or incompetency

When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of intoxicating liquor, the board shall review the decision subject to such limitations as may be imposed by the Legislature In such cases, the board shall not receive evidence in addition to that considered by the department Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department it may enter an order remanding the matter to the department for reconsideration in the light of such evidence In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department Orders of the board shall be subject to judicial review upon petition of the director or any party aggrieved by such order"

Amendment No. 7

On page 2, after line 50, insert

"A concurrent resolution for the removal of either the director or any member of the board may be introduced in the Legislature only if five Members of the Senate, or 10 Members of the Assembly, join as authors."

Amendment No. 8

On page 3, between lines 34 and 35, insert

"The provisions of this section shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with such provisions."

BREED	WEINBERGER
HULSE	FLEURY
REGAN	CALDECOTT
Senate Committee on Conference	Assembly Committee on Conference

Report read.

Motion to Print Report of Committee on Conference Concerning Senate Constitutional Amendment No. 4

Mr. Dunn moved that the report of the Committee on Conference concerning Senate Constitutional Amendment No. 4 be printed in the Journal, and that action upon it be deferred until tomorrow, Wednesday, March 31st.

Mr. Brady seconded the motion.

Motion Withdrawn

Mr. Brady withdrew his second.

Mr. Dunn withdrew his motion.

The question being on the adoption of the report of the Committee on Conference concerning Senate Constitutional Amendment No. 4.

Motion to Adjourn

Mr. Shaw moved that the Assembly do now adjourn until 10 a.m., on Wednesday, March 31st.

Mr. Lowrey seconded the motion.

Roll Call Demanded

Messrs. Conrad, Cloyed, and Burke demanded a roll call.

The roll was called, and the motion lost by the following vote:

AYES—Brady, Collins, Davis, Kilpatrick, Lowrey, Masterson, and Shaw—7.

NOES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Cloyed, Collier, Conrad, Coolidge, Dahl, Dolwig, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—61.

The question being the adoption of the report of the Committee on Conference concerning Senate Constitutional Amendment No 4.

Motion to Print Report

Mr. Masterson moved that the report of the Committee on Conference concerning Senate Constitutional Amendment No. 4 be printed in the Journal, and that action on this report be deferred until tomorrow.

Mr. Lowrey seconded the motion

The roll was called, and the motion lost by the following vote:

AYES—Brady, Coolidge, Davis, Dunn, Samuel R. Geddes, Kilpatrick, Lowrey, Masterson, Munnell, and Shaw—10

NOES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Cloyed, Collier, Conrad, Dahl, Dolwig, Donald D. Doyle, Thomas J. Doyle, Erwin, Fleury, Ernest R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, McFall, McMillan, Meyers, Miller, Morris, Nielsen, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—73.

The question being on the adoption of the report of the Committee on Conference concerning Senate Constitutional Amendment No. 4.

Demand for Previous Question

Messrs. Klocksiem, Ross, Backstrand, Luckel, and Lanterman demanded the previous question.

Demand for previous question sustained.

The question being on the adoption of the report of the Committee on Conference concerning Senate Constitutional Amendment No. 4.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—73.

NOES—Collins—1.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: The Committee on Conference concerning.

Senate Bill No. 28—An act to create a Department of Alcoholic Beverage Control, an Alcoholic Beverage Commission, and the office of Director of Alcoholic Beverage Control, by amending Section 11551 of the Government Code, and adding Chapter 1.5 to Division 9 of the Business and Professions Code, relating to the state administration of alcoholic beverage control

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Assembly be concurred in and that the bill, as amended on March 26, 1954, be further amended as follows:

Amendment No. 1

In line 2 of the title of the printed bill, as amended in the Assembly on March 26, 1954, strike out "Commission", and insert "Control Appeals Board".

Amendment No. 2

In line 4 of the title, strike out "tion 11551", and insert "tions 11554 and 11556".

Amendment No. 3

On page 1, line 1, strike out "11551", and insert "11554".

Amendment No. 4

On page 1, strike out lines 3 to 8, inclusive, and insert

"11554. An annual salary of fourteen thousand dollars ($14,000) shall be paid to each of the following:

(a) Each member of the California Unemployment Insurance Appeals Board.
(b) Secretary of State.
(c) Each member of the State Board of Equalization.
(d) State Treasurer.
(e) Insurance Commissioner.
(f) Lieutenant Governor.
(g) Each member of the Public Utilities Commission.
(h) Executive Officer of the Franchise Tax Board.
(i) Director of Corrections.
(j) Director of Agriculture.
(k) Director of Alcoholic Beverage Control"

Amendment No. 5

On page 1, between lines 8 and 9, insert

"SEC. 2. Section 11556 of the Government Code is amended to read:

11556. An annual salary of twelve thousand dollars ($12,000) shall be paid to each of the following:

(a) Commissioner of the California Highway Patrol.
(b) Each member of the Adult Authority.
(c) Each member of the Youth Authority.
(d) Director of Professional and Vocational Standards
(e) Director of Industrial Relations.
(f) Commissioner of Corporations.
(g) Real Estate Commissioner.
(h) Director of Veterans Affairs.
(i) Building and Loan Commissioner.
(j) Each member of the Alcoholic Beverage Control Appeals Board."

Amendment No. 6

On page 2, line 8, strike out "SEC 2", and insert "SEC 3."

Amendment No. 7

On page 2, between lines 43 and 44, insert "Any license issued by the board and in effect on December 31, 1954, shall be deemed on and after January 1, 1955, to be a license of the department."

Amendment No. 8

On page 3, lines 25 and 26, strike out "and the Alcoholic Beverage Control Commission".

Amendment No. 9

On page 3, strike out lines 31 and 32, and insert

"Article 2. Prohibited Activity

23060. Neither the Director of Alcoholic Beverage Control nor any member of the Alcoholic Beverage Control Appeals Board shall have or do any of the fol-".

Amendment No. 10

On page 3, strike out lines 34 to 44, inclusive.

Amendment No. 11

On page 3, line 45, strike out "(d)", and insert "(a)".

Amendment No. 12

On page 3, line 48, strike out "(e)", and insert "(b)".

Amendment No. 13

On page 3, line 50, strike out "(f)", and insert "(c)".

Amendment No. 14

On page 4, line 1, strike out "(g)", and insert "(d)".

Amendment No. 15

On page 4, line 3, strike out "(h)", and insert "(e)".

Amendment No. 16

On page 4, line 7, strike out "or employment. As to any civil service", and insert a period.

Amendment No. 17

On page 4, strike out lines 8 to 49, inclusive; and on page 5, strike out lines 1 to 31, inclusive, and insert

"Article 3. *The Alcoholic Beverage Control Appeals Board*

23075. There is in the State Government an Alcoholic Beverage Control Appeals Board the members of which shall be appointed and shall serve as provided in Section 22 of Article XX of the Constitution, and shall receive an annual salary as provided for by Chapter 6 of Part 1 of Division 3 of Title 2 of the Government Code.

23076. All personnel of the Alcoholic Beverage Control Appeals Board shall be appointed, directed and controlled by the board. The director shall furnish the equipment, supplies, and housing necessary to the operation of the board and shall perform such other mechanics of administration as the board and the director may agree upon.

23077. The Alcoholic Beverage Control Appeals Board shall exercise such powers as are vested in it by Section 22 of Article XX of the Constitution and may adopt such rules pertaining to appeals and other matters within its jurisdiction as may be required. The board and its duly authorized representatives in the performance of its duties under this chapter shall have the powers of a head of a department as set forth in Sections 11180 to 11191, inclusive, of the Government Code.

Article 4. *Appeals from Decisions of the Department*

23080. As used in this article "decision" means any determination of the department imposing a penalty assessment or affecting a license which may be appealed to the board under Section 22 of Article XX of the Constitution.

23081. Within 40 days after the decision of the department is delivered or mailed to the parties, any party aggrieved by a final decision of the department may appeal to the board from such decision. The appeal shall be in writing and shall state the grounds upon which a review is sought. A copy of the appeal shall be mailed by the appellant to each party who appeared in the proceeding before the department, including the department which shall thereafter be treated in all respects as a party to the appeal.

23082. No decision of the department shall become effective during the period in which an appeal may be filed and the filing of an appeal shall stay the effect of the decision until such time as a final order is made by the board.

23083. The board shall determine the appeal upon the record of the department and upon any briefs which may be filed by the parties. If any party to the appeal requests the right to appear before the board, the board shall fix a time and place for argument. *The board shall not receive any evidence other than that contained in the record of the proceedings of the department.*

23084. The *review by the board of a decision* of the department *shall be limited to the questions*:

(a) Whether the department has proceeded without, or in excess of, its jurisdiction.

(b) Whether the department has proceeded in the manner required by law.

(c) Whether the decision is supported by the findings.

(d) Whether the findings are supported by substantial evidence in the light of the whole record.

(e) Whether there is relevant evidence, which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department

23085 In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department, it may enter an order remanding the matter to the department for reconsideration in the light of such evidence In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department.

23086. In all cases, the board shall enter its order within sixty days after the filing of an appeal.

Article 5. *Judicial Review*

23090. A final order of the board on appeal from a decision shall be in writing, and copies thereof shall be delivered to the parties personally or sent to them by registered mail. The order shall be final upon its delivery or mailing, and no reconsideration or rehearing shall be permitted

23091. Final orders of the board shall be subject to judicial review as prescribed by law. Where any statute specifies a limited period within which an action for judicial review of any matter within the jurisdiction of the board may be instituted, the time for filing the action shall commence to run on the date on which the final order of the board is delivered to the parties personally or sent to them by registered mail"

Amendment No. 18

On page 5, line 32, strike out "Sec 3.", and insert "SEC. 4."

BREED	WEINBERGER
HULSE	FLEURY
REGAN	CALDECOTT
Senate Committee on Conference	Assembly Committee on Conference

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—70.

NOES—None

Explanation of Vote

Due to apparent mechanical failure of the voting switch, my intended "aye" vote on adoption of the Conference Committee's report concerning Senate Bill No. 28 did not record, and this statement will have to serve as my record of approval.

FRANK LANTERMAN

RESOLUTIONS

The following resolutions were offered:

By Mr. Rumford:

House Resolution No. 33

Relative to the Assembly Interim Committee on Public Health

Resolved by the Assembly of the State of California, That in addition to any money herefore 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 Public Health (created by House Resolution No 167, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the Committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Stanley:

House Resolution No. 34

Relative to the Assembly Interim Committee on Municipal and County Government

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Municipal and County Government (created by House Resolution No 155, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Hansen:

House Resolution No. 35

Relative to the Assembly Interim Committee on Livestock and Dairies

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of two thousand, four hundred and seven dollars and eighteen cents ($2,407 18) 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 Livestock and Dairies (created by House Resolution No. 191, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr Fleury:

House Resolution No. 36

Relative to the Assembly Interim Committee on Judiciary

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of five thousand, one hundred fifty-six dollars and fifty-five cents ($5,156.55) 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 Judiciary (created by House Resolution No. 197, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury

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

By Mr. Stewart:

House Resolution No. 37

Relative to the Assembly Interim Committee on Governmental Efficiency and Economy

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 Governmental Efficiency and Economy (created by House Resolution No 160, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury

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

By Mr Smith:

House Resolution No. 38

Relative to the Assembly Interim Committee on Public Utilities and Corporations

Resolved by the Assembly fo the State of California, That in addition to any money heretofore made available the sum of four thousand two hundred ninety-nine dollars and eighty cents ($4,299 80), 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. 187, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Erwin:

House Resolution No. 39

Relative to the Assembly Interim Committee on Revenue and Taxation

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of six thousand dollars ($6,000) 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 Revenue and Taxation (created by House Resolution No. 141, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Lanterman:

House Resolution No. 40

Relative to the Assembly Interim Committee on Social Welfare

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 Social Welfare (created by House Resolution No. 195, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Henderson:

House Resolution No. 41

Relative to augmenting funds of the Assembly Interim Committee on Civil Service and State Personnel

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 Civil Service and State Personnel (created by Assembly Resolution No 200, 1953 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. Lindsay:

House Resolution No. 42

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 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 Conservation, Planning, and Public Works (created by House Resolution No 177, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury

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

By Mr. Conrad:

House Resolution No. 43

Relative to the Assembly Interim Committee on Elections and Reapportionment

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of one thousand, five hundred sixty eight dollars and eighty five cents ($1,568.85) 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 Elections and Reapportionment (created by House Resolution No. 159, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Fleury:

House Resolution No. 44

Relative to the Assembly Interim Committee on Finance and Insurance

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Finance and Insurance (created by House Resolution No 183, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

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

By Mr. Erwin:

House Resolution No. 45

Relative to the retirement of Stewart Hinckley as Assemblyman from the 73rd Assembly District

WHEREAS, After four terms in the Assembly representing the Seventy-third Assembly District, our good friend Stewart Hinckley is retiring to private life; and

WHEREAS, As an active and conscientious legislator he was instrumental in fostering legislation for research on plant and tree diseases and on the smog situation, both problems of vital concern to the welfare and economy of the State; and

WHEREAS, He leaves us as Chairman of the Fish and Game Committee and member of the Committees on Agriculture, Education, Industrial Relations and Ways and Means; and

WHEREAS, The genuine warmth and ability of Stewart Hinckley has earned him a high degree of respect and admiration in this House and we shall miss his presence, hoping, however, that the personal friendships will not be severed by his withdrawal from office; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof extend every good wish to Stewart Hinckley upon his retirement as Assemblyman from the Seventy-third Assembly District and know he will enjoy a full measure of happiness and success in private life with the companionship of his charming wife, Bertha Craig Hinckley, and fine daughter and son, Nancy and Craig, and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a suitably prepared copy of this resolution to Assemblyman Stewart Hinckley.

Resolution read, and ordered held at the desk.

By Mr. Henderson:

House Resolution No. 46

Relative to commending Stanford C Shaw for his service on behalf of the people of the State of California as a Member of the Assembly

WHEREAS, Stanford C. Shaw has announced his retirement from the Assembly at the conclusion of his present term; and

WHEREAS, Stanford C Shaw, representing the Seventy-second Assembly District has been a Member of the Assembly since 1951; and

WHEREAS, Stanford C. Shaw has at all times represented the people of the Seventy-second Assembly District honestly, diligently, and capably; and

WHEREAS, He has devoted himself vigorously and conscientiously to the work of this Legislature, serving on important committees, and also as the Assembly Member of the California Law Revision Commission; and

WHEREAS, Stanford C. Shaw's ability, character, conscientious 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 Stanford C. Shaw has rendered to this Assembly, to the people of the Seventy-second 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 Stanford C. Shaw as an expression of the friendship and esteem of this Assembly, and as evidence that he takes with him their great wishes for success and achievement in his aspiration for the future.

Resolution read, and ordered held at the desk.

By Messrs. Brady, Henderson, McFall, Rumford, Dunn, Lowrey, Porter, Mrs. Davis, Messrs. Meyers, Berry, Shaw, Thomas, Munnell, LeRoy E. Lyon, Hawkins, Elliott, McMillan, Stanley, Thomas J. Doyle, Masterson, Creedon, Chapel, Samuel R. Geddes, and Miss Donahoe:

House Resolution No. 47

Relative to the Honorable George D. Collins, Jr.

WHEREAS, The Honorable George D. Collins, Jr., Member of the Assembly from the Twenty-fourth District, has announced that he will seek other elective office in the service of the people of the State of California, and, thus, will retire from his legislative duties at the end of his present term of office; and

WHEREAS, George D. Collins, Jr., who is recognized by his fellow members as one of the elder statesmen of our Legislature, was first elected to the Assembly in 1938 and has faithfully served the citizens of his district and the people of this State as an Assemblyman ever since; and

WHEREAS, In leaving his colleagues in the Assembly George D. Collins, Jr., will depart with an enviable record of many accomplishments in furthering progressive and beneficial legislation for the welfare of the public, and with his ability and integrity a constant source of inspiration to each and every member who has had the pleasure of serving with him in the deliberations of this house; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby wish to express to the Honorable George D. Collins, Jr., their appreciation, and to extend their commendation, for the valuable services he has rendered to the people of the State and of his district during his long career in the Legislature, and to extend their best wishes to him for the future; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby requested to present a suitably prepared copy of this resolution to the Honorable George D. Collins as a token of the esteem and friendship of the Members of this Assembly.

Resolution read, and ordered held at the desk.

By Mr. Evans:

House Resolution No. 48

Relative to the proposed Los Angeles Civic Auditorium

WHEREAS, On June 8, 1954, at the primary elections, the people of the City of Los Angeles will be given the opportunity to authorize the construction of a new Civic Auditorium; and

WHEREAS, Los Angeles has long needed such an auditorium; and

WHEREAS, The construction of such an auditorium will provide a place capable of handling major conventions and sporting events and attract to California and Los Angeles thousands of visitors from other states and nations; and

WHEREAS, The wealth brought into California by these guests will be of great benefit to merchants and the service trades and will create many new jobs; and

WHEREAS, The cost, to the average taxpaying family in the City of Los Angeles, of the construction of this auditorium will, during the 30 years necessary to amortize the bonds, be only 50 cents a year; and

WHEREAS, After the construction costs have been paid, the handsome profits derived from the auditorium will be available for the installation and maintenance of parks and other recreational areas in the City of Los Angeles; and

WHEREAS, The proposed bond issue for the construction of a new Civic Auditorium has been endorsed by both organized labor and industry as well as the Los Angeles press; now, therefore, be it

Resolved by the Assembly of the State of California, That this House respectfully urges the citizens of the City of Los Angeles to, on June 8, 1954, at the primary election, approve the bond issue for the construction of the proposed Los Angeles Civic Auditorium in order that the City of Los Angeles may consolidate its position as the leading convention city in the United States and the best city in which to hold major sporting events; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and to transmit suitable copies of this resolution to the Honorable Mayor and City Council of the City of Los Angeles.

Resolution read, and ordered held at desk

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

The following resolution was offered:

Assembly Concurrent Resolution No. 24: By Mr. Evans—Relative to the proposed Los Angeles Civic Auditorium.

Referred to Committee on Rules.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No. 7
Assembly Bill No. 47
Assembly Bill No. 48
Assembly Bill No. 52
Assembly Bill No. 59

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above bills ordered to unfinished business file

SENATE CHAMBER, SACRAMENTO, March 30, 1954

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. 5

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.

EXPLANATION OF ABSENCE

I missed roll calls from 8:15 p.m. to 11 p.m. because I was meeting with the Conference Committee concerning Senate Constitutional Amendment No. 4 and Senate Bill No. 28, re Alcoholic Beverage Control Bills

CASPAR W. WEINBERGER

COMMUNICATIONS

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

By the Chief Clerk:

MR SPEAKER As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No 1 to Senate Bill No 49, by placing the amendment on page 1, line 3, instead of on page 1, line 2, in order that the amendment will fit the bill

ARTHUR A OHNIMUS, Chief Clerk of the Assembly
By ROBERT S THURN, Assistant Clerk

APPROVED.

JAMES W SILLIMAN, Speaker of the Assembly

MR SPEAKER As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No 1 to Assembly Concurrent Resolution No 18, by placing the amendment on page 2, instead of on page 3, in order that the amendment will fit the bill

ARTHUR A OHNIMUS, Chief Clerk of the Assembly
By ROBERT S THURN, Assistant Clerk

APPROVED:

JAMES W. SILLIMAN, Speaker of the Assembly

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

Tomorrow, Wednesday, March 31st, at 9.30 a.m.—

Education, in Room 4202.

Ways and Means, in Room 4202.

ADJOURNMENT

At 11.45 p.m., on motion of Mr Levering, the Speaker declared the Assembly adjourned until 10 a m., Wednesday, March 31, 1954.

JAMES W. SILLIMAN, Speaker

GERALDINE B. HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-FIRST LEGISLATIVE DAY

THIRTY-FIRST CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Wednesday, March 31, 1954

The Assembly met at 10 a m.

Hon. James W. Silliman, 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:

Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Kloeksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

Our Father, Once more we come into Thy presence feeling a deep sense of responsibility as representatives of the people of our State. Grant that we may remain steadfast in the cause of human rights and liberties of law and order and true Americanism. Above all keep us forever firm in righteousness, humble of heart, and unselfish in purpose Through Christ our Lord—AMEN.

READING OF THE JOURNAL DISPENSED WITH

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

LEAVE OF ABSENCE FOR THE DAY

The following member was granted leave of absence for the day, because of illness:

Mrs. Nichouse, on motion of Mr. Hawkins.

EXPLANATION OF VOTE

Due apparently to the fact that my voting machine was not working when the vote was recorded on the adoption of the Free Conference report concerning Senate Bill No. 28 which was held, Tuesday, March 30th, at 11.30 p.m. I was recorded as not voting.

Had my vote been properly recorded, my vote would have been "Aye".

ALLEN MILLER

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Senate Concurrent Resolution No. 7
Senate Concurrent Resolution No. 8
Senate Concurrent Resolution No. 11
Senate Concurrent Resolution No. 12

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

SILLIMAN, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Concurrent Resolution No. 20

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Joint Resolution No. 9

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

SILLIMAN, Chairman

Above reported resolution ordered engrossed.

Speaker pro Tempore Presiding

At 10.06 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

House Resolution No. 16
House Resolution No. 31

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

SILLIMAN, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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 the recommendation: Be adopted

SILLIMAN, Chairman

Above reported resolutions ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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.

SILLIMAN, Chairman

Above reported resolution ordered on file.

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

MR. SPEAKER: Your Committee on Education, to which were referred:

Senate Bill No. 59
Senate Bill No. 60

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

COLLIER, Chairman

Above reported bills ordered to second reading.

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Bill No. 78

And reports the same correctly engrossed

BURKE, Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Joint Resolution No. 2

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above resolution ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Bill No. 16
Assembly Bill No. 17
Assembly Bill No. 18
Assembly Bill No. 30
Assembly Bill No. 51
Assembly Bill No. 60
Assembly Bill No. 70
Assembly Bill No. 85

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above bills ordered enrolled.

CONSIDERATION OF DAILY FILE

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 5—Relative to the resumption of surveys, plans, and estimates for a toll or other bridge across Carquinez Straits between the Cities of Benicia and Martinez.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Concurrent Resolution No. 5?

Amendment No. 1

On page 2 of the printed resolution, as amended, strike out lines 14 to 18, inclusive, and insert "Cities of Benicia and Martinez, and to report to the Legislature the results of its studies"

The roll was called, and the Assembly concurred in Senate amendment to Assembly Concurrent Resolution No. 5 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney,

Masterson, McCollister, McFall, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—62

NOES—None.

Assembly Concurrent Resolution No 5 ordered enrolled.

Assembly Bill No. 47—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.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No 47?

Amendment No. 1

On page 1, line 10, of the printed bill, as amended in the Assembly on March 19, 1954, strike out "Citrus", and insert "Citrous".

Amendment No. 2

On page 1, line 19, strike out "water works", and insert "waterworks".

Amendment No. 3

On page 2, strike out line 3, and insert
"Horticultural protection districts
Horticultural development districts".

Amendment No. 4

On page 2, line 17, after "improvement", insert "assessment".

Amendment No. 5

On page 2, line 27, strike out "control", and insert "abatement".

Amendment No. 6

On page 2, line 38, strike out "Sanitation", and insert "County sanitation".

Amendment No. 7

On page 3, line 24, after "public body" insert "or for the annexation of any such public body to any other such public body".

Amendment No. 8

On page 4, line 15, after "sections", insert ", except the statements, together with maps or plats filed for community services districts and county water districts on or before March 15, 1954, are hereby confirmed, validated and declared as legally effective for all purposes as though filed on or before February 1, 1954"

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No 47 by the following vote:

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R Geddes, Samuel R Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shell, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—59.

NOES—Allen—1.

Assembly Bill No. 47 ordered enrolled.

Assembly Bill No. 48—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. 48?

Amendment No. 1

On page 1, line 10, of the printed bill, as amended in the Assembly on March 19, 1954, strike out "Citrus", and insert "Citrous".

Amendment No. 2

On page 1, line 19, strike out "water works", and insert "waterworks".

Amendment No. 3

On page 2, strike out line 3, and insert
"Horticultural protection districts
Horticultural development districts"

Amendment No. 4

On page 2, line 17, after "improvement", insert "assessment".

Amendment No. 5

On page 2, line 27, strike out "control", and insert "abatement".

Amendment No. 6

On page 2, line 38, strike out "Sanitation", and insert "County sanitation".

Amendment No. 7

On page 3, line 24, after "public body", insert "or for the annexation of any such public body to any other such public body".

Amendment No. 8

On page 4, line 15, after "sections", insert ", except the statements, together with maps or plats filed for community services districts and county water districts on or before March 15, 1954, are hereby confirmed, validated and declared as legally effective for all purposes as though filed on or before February 1, 1954".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 48 by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—63.
NOES—None

Assembly Bill No. 48 ordered enrolled.

Assembly Bill No. 59—An act to amend Section 6910 of, and to add Section 6917 to, the Health and Safety Code, relating to sanitary districts, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 59?

Amendment No. 1

On page 2, line 3, of the printed bill, as amended in the Assembly on March 19, 1954, strike out "district board", and insert "board of supervisors".

Amendment No. 2

On page 2, line 12, after "board", insert "of supervisors".

Amendment No. 3

On page 2, line 17, after "board", insert "of supervisors".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 59 by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Conrad, Cooke, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln,

Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—63.
NOES—None.

Assembly Bill No. 59 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT THAT ADDITIONAL COPIES OF OPINIONS BE PRINTED

Mr. Shaw asked for, and was granted, unanimous consent that 500 additional copies of the opinion of the Legislative Counsel entitled "Central Valley Project—No 1323" be ordered printed.

Hon. Vincent Thomas Presiding

At 10.19 a m., Hon. Vincent Thomas, Member of the Assembly from the Sixty-eighth District, presiding

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Joint Resolution No. 4—Relative to the Los Angeles International Airport.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Dills, Thomas J. Doyle, Elliott, Erwin, Ernest R. Geddes, Samuel R Geddes, Hawkins, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Luckel, LeRoy E. Lyon, Marsh, Miller, Morris, Munnell, Nielsen, Porter, Ross, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—43
NOES—Berry, Caldecott, Collins, Coolidge, Creedon, Dahl, Donald D. Doyle, Lincoln, Maloney, Masterson, Meyers, Patterson, Rumford, and Weinberger—14.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 20

By Mr. Klocksiem:

House Resolution No. 20—In honor of Captain Willis W. Bradley.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 20 as Co-authors

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No 20 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 20:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—77
NOES—None.

Consideration of House Resolution No. 20, as Amended

By Messrs. Klocksiem, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs. Davis, Messrs. Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 20

In honor of Captain Willis W. Bradley

WHEREAS, The Members of Assembly of the State of California are justly proud to have as a fellow Assemblyman, a man of the stature of Captain Willis W. Bradley, scholar, naval officer, and statesman, the recipient of the highest honor that our Government can bestow, the Congressional Medal of Honor, who has won international recognition for his outstanding achievements in the public service; and

WHEREAS, Captain Bradley, the scholar, graduated from the United States Naval Academy in 1906, received a degree of Master of Science at George Washington University in 1914, and graduated from the Navy War College in 1938; and

WHEREAS, Captain Bradley, the naval officer, was awarded a Silver Medal by Pope Pius XI and a Silver Medal by the Italian Red Cross in recognition of his outstanding service in aiding the victims of the Messina earthquake in 1908-1909; and

WHEREAS, Captain Bradley, the naval officer, served his Country well during both World War I and World War II, winning the Congressional Medal of Honor in July, 1917, for extraordinary heroism while serving on the *USS Pittsburgh*, and accomplishing the difficult and exacting task of inspecting and accepting for the United States Navy approximately 1,000 ships during the period just prior to and during World War II; and

WHEREAS, Captain Bradley, the statesman, rendered distinguished service as the Governor of Guam from 1929 to 1931, during which time he granted a "Bill of Rights" to the people of Guam, established "citizenship of Guam," created the bicameral Guam Congress, held the first election, and inaugurated the mail service; and

WHEREAS, Captain Bradley, the statesman, upon retirement from the Navy in 1946, was selected to represent the Eighteenth District in California in the Eightieth Congress and, in 1952, was elected Assemblyman from the Seventieth District to represent the people in the Long Beach area in this House; and

WHEREAS, Captain Bradley, the scholar, naval officer, and statesman, who has brought honor to our State and our Nation during his many years of public service, is a stirring example of the outstanding courage and leadership that has made this Country great; and

WHEREAS, Captain Bradley will retire as a Member of the Assembly of California at the end of his present term of office, having won the esteem of his fellow members in the conduct of his duties; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body salute the Honorable Willis W. Bradley for his magnificent achievements in the public service and wish him long and continuing success in whatever endeavors he may undertake in the future; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to Captain Willis W. Bradley.

Resolution read, and adopted unanimously.

MOTION THAT CERTAIN HOUSE RESOLUTIONS BE PROPERLY ENGROSSED

Mr. Lowrey moved that House Resolution No. 20 and all other similar resolutions which may be adopted during this session be properly engrossed, and that such suitable copies be forwarded to the recipients.

Mr. Collier seconded the motion.

Motion carried.

Speaker pro Tempore Presiding

At 10.53 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 7

Mr. Coolidge asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 7, temporarily passed on the unfinished business file.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT) CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 7—An act to amend Section 25660 of the Business and Professions Code, relating to the use of identification cards with respect to the purchase of alcoholic beverages.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 7?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 15, 1954, strike out "to add Section 653 to the Penal Code and".

Amendment No. 2

In line 3 of the title, strike out "issuance and".

Amendment No. 3

In line 3 of the title, after "cards", insert "with respect to the purchase of alcoholic beverages".

Amendment No. 4

On page 1, strike out lines 1 to 10, inclusive.

Amendment No. 5

On page 1, line 11, strike out "SEC. 2", and insert "SECTION 1".

Amendment No. 6

On page 1, line 18, after "agency", insert ", or any political subdivision of this State or any other state,".

Amendment No. 7

On page 2, line 5, strike out "shown, and under all of the other circumstances", and insert "and identity shown, or under all of the other circumstances use reasonable care".

Amendment No. 8

On page 2, after line 8, insert

"No proceeding for the suspension or revocation of any license based upon violation of Section 25658 shall be commenced if there has been a criminal action brought against the licensee or his agent or employee, or both, and in such action a verdict or judgment of not guilty as to either the licensee or his agent or employee, or both."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 7 by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Chapel, Clarke, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Lanterman, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—55.

NOES—None.

Assembly Bill No. 7 ordered enrolled.

ANNOUNCEMENT

Mr. Ernest R. Geddes announced that he had received a press clipping from a Stockholm, Sweden, newspaper dated March 24, 1953, referring to the section of "Sierra Redwood" given by California to the Royal Museum of Natural History of Stockholm.

The article referred to the joint resolution of the California Legislature adopted in 1953, which expressed the friendship of the people of California for the people of Sweden; and to the fact that Earl Warren, while Governor of California, and a visitor to Sweden, was presented with the Greater Linens Medal in appreciation of the part he played in securing the section of *Sequoia gigantea*.

REQUEST FOR UNANIMOUS CONSENT TO WITHDRAW SENATE BILL NO. 60 FROM COMMITTEE

Mr. Collier asked for, and was granted, unanimous consent that Senate Bill No. 60 be withdrawn from the file, for purpose of amendment, and that the bill be re-referred to the Committee on Education.

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 10.50 a.m., Mr. Collier asked for, and was granted, unanimous consent that he and the members of the Committee on Education be excused, for the purpose of holding a meeting of the committee in the rear of the Assembly Chamber, at this time.

RESOLUTIONS

The following resolutions were offered:

By Mr. Levering:

House Resolution No. 49

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, said compensation to be upon a seven-day week basis

Commencing Wednesday March 31, 1954	*Per day*
Chief Clerk, Arthur A. Ohnimus	$30.00
Minute Clerk, Geraldine B. Hadsell	18.00
Sergeant-at-Arms, Wilkie Ogg	18.00
Chaplain, Rev. James D. Poole	7.50
Engrossing-Enrolling Clerk, Charles W. Robbins	17.00
History Clerk, Ethel E. Brockelbank	15.75
File Clerk, Ruth Riley	14.50
Assistant Clerk, Paul F. Crum	17.00
Assistant Clerk, Robert S. Thurn	14.50
Assistant Clerk, Patrick R. Murphy	14.50
Sound Technician, James T. Doyle	14.50
Assistant at Desk, William J. Greene	13.50
Journal Clerk, Walter W. Feeley	14.50

Request for Unanimous Consent

Mr. Levering 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.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—70.

NOES—None.

By Mr. Levering:

House Resolution No. 50

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, and that the committee rooms, offices, desks, furniture and equipment of the Assembly be under the control of the Committee on Rules 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 any requests for the use of the Assembly Chamber must be made to the Speaker at least 10 days prior to the requested date for the use of the Assembly Chamber, and 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 be it further

Resolved, That any requests for the use of the committee rooms, offices, desks, furniture, or equipment of the Assembly shall be made to the Speaker of the Assembly, in writing, at least 10 days prior to the requested date for the use of such committee rooms.

Request for Unanimous Consent

Mr. Levering asked for, and was granted, unanimous consent to take up House Resolution No. 50, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Levering:

House Resolution No. 51

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 1954; and shall have charge of indexing, correcting, comparing and proofreading, and otherwise preparing the Journal and Final History of the Assembly of the First Extraordinary Session of the Legislature of 1954; 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 1954. 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 1954, 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. Levering 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.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson 70.

NOES—None.

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

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent that a letter of transmittal be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

(Chairman of Subcommittee)

ASSEMBLY CHAMBER, STATE CAPITOL
SACRAMENTO, CALIFORNIA, March 30, 1954

Hon. James W. Silliman
Speaker of the Assembly; and
Members of the Assembly
Assembly Chamber, Sacramento, California

GENTLEMEN: Pursuant to House Resolution No. 213, 1953, the Subcommittee of the Assembly Interim Committee on Governmental Efficiency and Economy which has been assigned to study regulation of psychology practices and problems herewith submits a progress report.

This progress report is being submitted at this time so that statements, exhibits and excerpts of testimony which were presented before the subcommittee's initial hearing on February 16, 1954, be made available to all interested parties prior to the next meeting of this subcommittee, at which time specific subcommittee findings and recommendations will be made.

Respectfully submitted.

ERNEST R GEDDES, Chairman
DANIEL J CREEDON
LESTER A. McMILLAN

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent that the above letter of transmittal, and a Progress Report of the Assembly Interim Committee on Governmental Efficiency and Economy by the Subcommittee on Regulation of Psychology Practice Problems and Proposals, be ordered printed as a separate document, in 10-point type, and that 500 copies be printed.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS (RESUMED)

Assembly Bill No. 78—An act to amend Section 3003 of, and to add Article 6 to Chapter 5 of Part 2 of the Unemployment Insurance Code, comprising Sections 3151 to 3156, inclusive, relating to investments in branch office buildings for the Department of Employment

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—68.

NOES—None.

Bill ordered transmitted to the Senate.

THIRD READING OF SENATE BILLS

Senate Bill No. 56—An act to amend Section 25602 of the Corporations Code, relating to advertisement of government securities, 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—67.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—67.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 32

Mr. Silliman asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 32, temporarily passed on file.

CONSIDERATION OF HOUSE RESOLUTION NO. 32

By Mr. Hobbie:

House Resolution No. 32

Relative to the Assembly Interim Committee on Transportation and Commerce

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 Transportation and Commerce (created by House Resolution No. 120, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, and Tomlinson—67.

NOES—Collins—1.

Speaker Presiding

At 11.12 a.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)

THIRD READING OF SENATE BILLS

Senate Bill No. 49—An act to add Section 652 to the Unemployment Insurance Code, relating to unemployment insurance.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McCollister, McGee, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—63.

NOES—Luckel—1

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 4—Relative to memorializing Congress and the President of the United States to refrain from terminating federal control and protection of Indian reservations

Resolution read.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Chapel, Clarke, Collins, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Henderson, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Morris, Nielsen, Porter, Ross, Rumford, Shaw, Smith, Stewart, Thomas, and Tomlinson—53.
NOES—Bulen, Luckel, Miller, and Munnell—4

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 5—Relative to congratulating Dr. Rockwell Dennis Hunt on his being named "Mr. California."

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—67.
NOES—None.

Resolution ordered transmitted to the Senate.

ANNOUNCEMENT

Speaker Silliman announced that Tom Lyons, who for many years has been a trusted Assembly attache, has unexpectedly passed away, and expressed the sincere regrets of all members relative to this misfortune.

MOTION THAT ASSEMBLY ADJOURN THIS DAY OUT OF RESPECT TO THE MEMORY OF TOM LYONS

Mr. Henderson moved that when the Assembly does this day adjourn it do so out of respect to the memory of Tom Lyons.

Mr. Hawkins seconded the motion.

Motion carried unanimously by a rising vote.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Bill No. 36—An act to amend Section 2210.5 of the Streets and Highways Code, relating to county highways.

Bill read third time

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Cloyed, Collier, Collins, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—69.
NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 51—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40, to the Lake County Flood Control and Water Conservation District Act (Chapter 1554 of the Statutes of 1951), relating to flood control and water conservation, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—66.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—66

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 34—An act to amend Sections 27262, 27267, and 27268 of the Water Code, relating to irrigation districts, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brown, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Donahoe, Thomas J. Doyle, Dunn, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—62

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brown, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Donahoe, Thomas J. Doyle, Dunn, Erwin, Evans, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—62

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 38—An act to amend Sections 14633 and 14639.5 of, and to add Section 14639.6 to, the Education Code, relating to the State Teachers' Retirement System.

Bill read third time.

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

AYES—Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Tomlinson—69

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 44—An act to amend Section 7702 of the Education Code, relating to state school building aid.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, and Tomlinson—67.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 50—An act to add Sections 7154 and 7155 to the Education Code, relating to the education of pupils residing in one school district and attending in another, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, and Tomlinson—66

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E

Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, and Tomlinson—66.
NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 58—An act to amend Section 7177 of the Education Code, relating to state school building aid.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stanley, Stewart, and Thomas—67.
NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENT TO ASSEMBLY BILL NO. 52

Mr. Dolwig asked for, and was granted, unanimous consent that he be permitted to take up Senate amendment to Assembly Bill No. 52, temporarily passed on the unfinished business file.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 52—An act to amend Section 1 of Chapter 1359 of the Statutes of 1945, relating to the granting of certain lands, salt marsh, tidelands, submerged lands, swamp and overflowed lands of the State of California to the City of Redwood City, including the management, use and control thereof, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 52?

Amendment No. 1

On page 4, line 6, of the printed bill, after "SEC. 2.", insert "The State Lands Commission shall, at the cost of the grantee, survey, monument, plat, and record in the Office of the Recorder of San Mateo County, the area of state lands described in this act.
SEC. 3."

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 52 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stewart, and Thomas—64.
NOES—None.

Assembly Bill No. 52 ordered enrolled.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 59—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to loans and grants to school districts, to take effect immediately.

Bill read second time, and ordered to third reading.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Bill No. 60

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

COLLIER, Chairman

Above reported bill ordered to second reading.

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 60—An act to add Chapter 23 to Division 3 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the State; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures; and appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued, and for the administration of this chapter.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Education:

Amendment No. 1

On page 2, lines 10 and 11, of the printed bill, as amended in the Senate on March 26, 1954, strike out "of 1954".

Amendment No. 2

On page 2, line 12, strike out "7952.1", and insert "7953".

Amendment No. 3

On page 2, line 21, strike out "7953", and insert "7954".

Amendment No. 4

On page 3, line 1, strike out "7953.1", and insert "7955".

Amendment No. 5

On page 3, strike out line 4, and insert "provided in Section 7954. When transferred to the General Fund such money shall be applied as a reimbursement to the General Fund on account of principal and interest due and payable or paid from the General Fund on the earliest issue of school building bonds for which the General Fund has not been fully reimbursed by such transfer of funds."

Amendment No. 6

On page 3, strike out lines 5 to 17, inclusive and insert

"7956. The sum of seventy-five thousand dollars ($75,000) is hereby appropriated out of the General Fund to be used as a revolving fund to pay the expenses incurred by the State Treasurer in having bonds prepared and in advertising their sale or

their prior redemption, for expenses incurred by the committee pursuant to Government Code Section 16758, and for legal services, upon approval of the State Board of Control, pursuant to Government Code Section 16750. Whenever bonds are sold, out of the first money realized from their sale, there shall be redeposited in the revolving fund such sums as have been expended for the above purposes, which may be used for the same purpose and repaid in the same manner whenever additional sales are made. Whenever all the bonds authorized by this chapter have been sold, the amount of the appropriation made by this section shall revert to the unappropriated surplus in the General Fund."

Amendment No. 7

On page 3, line 18, strike out "7954", and insert "7957".

Amendment No. 8

On page 3, line 37, strike out "7955", and insert "7958".

Amendment No. 9

On page 3, line 48, strike out "7956", and insert "7959".

Amendment No. 10

On page 4, line 4, strike out "7957", and insert "7960".

Amendment No. 11

On page 4, strike out lines 11 through 27, inclusive, and insert

"7961. All proceeds from the sale of the bonds herein authorized deposited in the fund, as provided in Section 16757 of the Government Code, except those derived from premium and accrued interest, shall be available for the purpose herein provided, but shall not be available for transfer to the General Fund pursuant to Section 7954 to pay principal and interest on bonds other than bonds herein authorized."

Amendment No. 12

On page 4, line 28, strike out "7961", and insert "7962".

Amendment No. 13

On page 4, strike out lines 32 to 37, inclusive.

Amendment No. 14

On page 4, line 38, strike out "(c)", and insert "(a)".

Amendment No. 15

On page 4, line 42, strike out "(d)", and insert "(b)".

Amendment No. 16

On page 4, line 43, strike out "7953", and insert "7954".

Amendments read, and adopted.

Bill ordered reprinted, and to third reading.

Request for Unanimous Consent That Rush Order Be Placed Upon Printing of Senate Bill No. 60

Mr. Collier asked for, and was granted, unanimous consent that a rush order be placed upon the printing of Senate Bill No. 60.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Concurrent Resolution No. 16
Assembly Concurrent Resolution No. 17
Assembly Concurrent Resolution No. 20

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Joint Resolution No. 9

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolution ordered on file.

ANNOUNCEMENT

Mr. Evans announced a luncheon meeting of the Los Angeles Delegation today, upon recess, at the Hotel Sacramento.

RECESS

At 11.50 a.m., on motion of Mr. Levering, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

EXPLANATION OF ABSENCE

I missed roll calls from 10.40 a.m. to recess this noon because I was conferring with Senators during the presentation in the Senate of the Conference Committee reports concerning Senate Constitutional Amendment No. 4 and Senate Bill No. 28, the Alcoholic Beverage Control Measures.

CASPAR W. WEINBERGER

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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 Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

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

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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. 28—An act to create a Department of Alcoholic Beverage Control, an Alcoholic Beverage Commission, and the office of Director of Alcoholic Beverage Control, by amending Section 11751 of the Government Code, and adding Chapter 1.5 to Division 9 of the Business and Professions Code, relating to the state administration of alcoholic beverage control.

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

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Bill No. 15
Assembly Bill No. 21
Assembly Bill No. 81
Assembly Bill No. 88
Assembly Bill No. 94

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Concurrent Resoultion No. 14
Assembly Concurrent Resolution No. 15

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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. 71

And respectfully requests your honorable body to concur in said amendments.

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

Above bills ordered to unfinished business file.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Joint Resolution No. 5

J. A. BEEK, Secretary of the Senate
By L. RICHARDS, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Bill No. 57

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 Joint Resolution No. 5—Relative to additional local air service routes in California.

Referred to Committee on Rules.

Senate Bill No. 57—An act to amend Section 11550 of the Government Code, relating to the salary of the Director of Finance.

Ordered held at desk.

RESOLUTIONS

The following resolutions were offered:

By Mr. Hobbie:

House Resolution No. 52

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

(1). The Chief Clerk of the Assembly is hereby authorized and directed to cause to be printed 5,000 copies of a report entitled "Planning Booklet" prepared for the Assembly Committee on Conservation, Planning, and Public Works.

(2). The Chief Clerk of the Assembly is further directed to cause 1,500 copies of said report to be distributed without cost pursuant to instructions by the Assembly Committee on Rules.

(3). The Chief Clerk of the Assembly is further instructed to deliver the remaining 3,500 copies of said report to the bill filing room maintained by the Department of Finance, to be sold by the Department of Finance at a price sufficient to repay to the Legislative Printing Fund the entire cost of printing the 5,000 copies provided for in this resolution.

Resolution read, and ordered held at desk.

By Mr. Cloyed:

House Resolution No. 53

Relating to the Honorable Kathryn Theresa Niehouse

WHEREAS, The Members of this Assembly have learned with sincere regret that the Honorable Kathryn Theresa Niehouse does not intend to run for re-election to this body; and

WHEREAS, Mrs. Niehouse was first elected to this Assembly to represent the Seventy-ninth Assembly District in the year 1942, and has been re-elected to this body every two years since that time; and

WHEREAS, During a portion of the time in which Mrs Niehouse has served as an Assemblywoman, she was the only woman serving in the California Legislature; and

WHEREAS, Kathryn Theresa Niehouse has earned the respect and admiration of every Member of this Assembly by her outstanding ability to cope with, and her keen understanding of, the many varied and complex problems which beset this Assembly; and

WHEREAS, Mrs. Niehouse has served this Assembly in many important positions including the positions of Chairman of the Committee on Social Welfare and Chairman of the Interim Committee on Social Welfare and she has been appointed to membership on the Committees on Education; Manufacturing, Oil, and Mining Industry; and Military Affairs; and

WHEREAS, The Members of this Assembly have taken to their hearts this woman who has demonstrated the great qualities of American womanhood by her courage and her awareness of the responsibilities of public service; and

WHEREAS, As Kathryn Theresa Niehouse leaves her position in this Assembly, she takes with her the warm friendship of her colleagues with whom she has served and the friendship of the many other persons who have had the opportunity of working with her; and

WHEREAS, Mrs. Niehouse's devotion to public service was not limited to service in the Legislature but included membership in the American Legion Auxiliary, the Veterans of Foreign Wars Auxiliary, the California Federation of Women's Clubs, and many other civic and patriotic organizations; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members thereof take this opportunity to commend Kathryn Theresa Niehouse for her long and outstanding service to this Assembly and to the people of the State of California; and be it further

Resolved, That the Members of this Assembly extend to Mrs Niehouse their sincere and best wishes for a long life of good health and happiness; 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 the Honorable Kathryn Theresa Niehouse.

Resolution read, and ordered held at desk.

By Mr. Levering:

House Resolution No. 54

Relating to the Honorable Ralph R. Cloyed

WHEREAS, The Honorable Ralph R. Cloyed, Member of the Assembly from the Eightieth Assembly District, has decided not to seek re-election to the State Assembly; and

WHEREAS, Ralph R. Cloyed was first elected to this body to represent the Eightieth Assembly District in the year 1949, and has been re-elected every two years since that time; and

WHEREAS, Born in Monroe County, Iowa, he has served with distinction the people of this, his adopted State, and particularly the people of his Assembly district; and

WHEREAS, This legislator's great ability as a legislator and statesman has resulted in his serving in many important positions in this Assembly including membership on the Committees on Agriculture; Conservation, Planning, and Public Works; Livestock and Dairies; and the important Rules Committee and Ways and Means Committee; 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 energy to the welfare of the people and the solution of those problems; and

WHEREAS, Ralph R. Cloyed has been active in community affairs being a member of the Rotary Club, Past Commander of the American Legion, a member of the Farm Bureau, Vice President of the Chula Vista Chamber of Commerce, and a member of the Chula Vista City Planning Commission; and

WHEREAS, Assemblyman Cloyed is deserving of the highest commendation of this Assembly because of his distinguished record of constructive public service and as a community leader and statesman; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof hereby express their whole-hearted appreciation of the capable and conscientious public service which Ralph R. Cloyed has rendered to this Assembly, to the people of the Eightieth Assembly District, and to the people of the State of California; and be it further

Resolved, That the Members of this Assembly extend to Ralph R. Cloyed their warmest wishes for many years of good health and happiness; 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 the Honorable Ralph R. Cloyed.

Resolution read, and ordered held at desk.

By Mr. Thomas J. Doyle:

House Resolution No. 55

Relative to Commander John Bleecker Cooke

WHEREAS, The Members of the Assembly have learned with regret that Commander John Bleecker Cooke, Assemblyman from the Thirty-seventh District in Ventura County, will not seek re-election to the Legislature at the 1954 elections; and

WHEREAS, The life of Commander John Bleecker Cooke has been one of unselfish and courageous devotion to the service of his Country and fellow man; and

WHEREAS, For 40 years Commander Cooke has served with distinction and honor as an officer in the United States Navy, including gallant service to our Country in the Central American Revolution in 1907, World War I, and World War II; and

WHEREAS, During the nine years that he has served as a legislator, Commander Cooke has combined his outstanding leadership and great understanding of the problems of his fellow man to render an invaluable service in representing the people of Ventura County and of the State, serving as Chairman of the Assembly Committees on Military Affairs and State Civil Service and as a member of many other important committees, including the Joint Committee on Water Problems and the Assembly Committees on Agriculture, Crime and Correction, Prisons and Reformitories, Governmental Efficiency and Economy, Social Welfare, Manufacturing, Oil, and Mining Industry, and State Grounds and Parks; and

WHEREAS, His kind, courteous and pleasant manner, as well as his ability and diligence and his willingness to unhesitatingly render aid to a colleague in distress without regard to his own life, will long be remembered by his friends in the California Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Honorable John Bleecker Cooke is commended for the outstanding and valuable service that he has rendered, not only to the people of his district and to the State but to the people of the Nation, as a naval officer and legislator, and that he be extended the best wishes of each Member of the Assembly for good health and for continued success and achievement in whatever future ventures he may undertake; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably engrossed copy of this resolution to Commander John Bleecker Cooke.

Resolution read, and ordered held at desk.

By Messrs. Rumford, Ernest R. Geddes, Cooke, Mrs. Davis, Messrs. Hawkins, Elliott, Samuel R. Geddes, Thomas, Kilpatrick, Tomlinson, Lowrey, Caldecott, Shaw, McCollister, Thomas J. Doyle, Fleury, Porter, Miss Donahoe, Messrs. Henderson, Berry, Hinckley, Dills, Munnell, Miller, Nielsen, and Levering:

House Resolution No. 56

Relative to the retirement of Assemblyman Francis Dunn, Jr.

WHEREAS, Assemblyman Francis Dunn, Jr., has announced that he will soon retire from the California Legislature to seek broader fields of public service; and

WHEREAS, Elected to the Assembly for the first time in 1942, Francis Dunn, Jr., has devoted the intervening years to faithful service to the people of the State of California and of his district; and

WHEREAS, Mr. Dunn brought to the Legislature a wide experience gained through his early school years in England, having been born in Hyde, England, receiving his education at St. Pauls R. C. School, supplemented by night schools and extension courses at Oxford, and through his years of employment on the San Francisco Bay Ferries, during which time he became known as the originator of the "Dismissal Wage Plan" for ferry employees who were laid off after completion of the San Francisco-Oakland and Golden Gate bridges; and

WHEREAS, Notwithstanding Mr. Dunn's active participation in the work of the Assembly during the interim between sessions as a member of several interim committees, he found time to participate in various civic and fraternal groups, being a member of the International Brotherhood of Painters, Local 127; Eagles, Moose, Dads Club and Life Member of the Parent Teachers Association, and

WHEREAS, Francis Dunn, Jr., has been particularly interested in legislation furthering public education, having served as Chairman of the Assembly Committee on Education for many years, and having authored innumerable bills in the field of public education among which were the School Apportionment Law and School Bond Act of 1949; and

WHEREAS, The absence of Mr Dunn's active participation in all phases of the work of the Assembly, his wholehearted good fellowship and ready wit will be greatly felt by those who have had the good fortune to be associated with him; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body take this means to commend Assemblyman Francis Dunn, Jr. on his long and distinguished legislative career, and to extend to him our best wishes for the success in his new chosen field which his talents and abilities are bound to assure him; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit to Francis Dunn, Jr., a suitably prepared copy of this resolution.

Resolution read, and ordered held at desk.

By Mr. Collier:

House Resolution No. 57

Relating to Assemblyman Stanley T. Tomlinson

WHEREAS, The Honorable Stanley T. Tomlinson, Member of the Assembly from the Thirty-sixth Assembly District has decided not to seek re-election to the State Assembly; and

WHEREAS, Stanley T. Tomlinson was first elected to represent the now Thirty-sixth Assembly District in the year 1948 and has been re-elected every two years since that time; and

WHEREAS, A native of this State he has served so well, Stanley T. Tomlinson was born in Santa Barbara in the year 1903 and was educated in the Santa Barbara public schools, the University of Oregon, and received his law degree from the University of Southern California; and

WHEREAS, Stanley T. Tomlinson has established an outstanding legislative record as a Member of this Assembly and has served ably and well the people of his district and the people of this State; and

WHEREAS, Assemblyman Tomlinson has served in many important positions in the Assembly including membership on the Committees on Education, Elections and Reapportionment, Judiciary, and Transportation and Commerce, and has served as Chairman of the Joint Interim Committee on Impounded Funds from Tide and Submerged Land; and

WHEREAS, Stanley T Tomlinson is a well known community leader in Santa Barbara being a member of the Masons, the Shrine, the American Legion, and the Native Sons of the Golden West, and has held the position of United States Commissioner for Santa Barbara and Ventura Counties; and

WHEREAS, His geniality, helpfulness, and enthusiasm will be greatly missed by his fellow Assemblymen; and

WHEREAS, In vacating his office in this Assembly, Stanley T. Tomlinson takes with him the warm friendship and respect of all the members of this body who have had the opportunity and pleasure of working and serving with him; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof reluctantly bid farewell to their esteemed colleague Stanley T Tomlinson and commend him for the outstanding service he has rendered to this Assembly and to the State of California, and be it further

Resolved, That the Members of this Assembly extend to him their best wishes for good health and happiness in the coming years; 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 the Honorable Stanley T. Tomlinson.

Resolution read, and ordered held at desk.

By Mr. Levering:

House Resolution No. 58

Relating to James Willys Silliman

WHEREAS, As the legislative labors of this session come to an end and the Members of the Assembly bid each other farewell until again they meet, there is present in the mind of each member the fact that our presiding officer, the Honorable James Willys Silliman, is leaving this body he has served so ably; and

WHEREAS, Elected in 1946 to this Assembly and re-elected every two years since that time, he has served as Chairman of the Standing Committee on Livestock and Dairies and has served as Chairman of the Interim Committee of Governmental Reorganization and, at the 1953 Regular Session was honored by his colleagues by being selected as Speaker of the Assembly; and

WHEREAS, James Willys Silliman, in going forth from this Assembly, leaves behind him an enviable record of outstanding accomplishment and achievement as the representative of the Thirty-fourth Assembly District, which record is ample evidence of his great ability and tremendous energy; and

WHEREAS, This Legislator, in being elected to the post of presiding officer of this Assembly has demonstrated dynamic, progressive and wise leadership in overcoming the many and complex duties presented by that position; and

WHEREAS, James Willys Silliman both as an active member on the floor and as Speaker of this body has earned the respect of every Member of this Assembly for his learned counsel and just decisions and his unwavering sense of fair play; and

WHEREAS, In vacating his office in this Assembly, he leaves behind a host of friends with whom he has served and labored; and

WHEREAS, He has served his community not only as a legislator, but also as an active participant in other civic affairs, being a member of the Masons, the Moose and the California Farm Bureau and also being a Past District Governor of the Rotary International; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly with a deep sense of loss, bid farewell to their esteemed colleague and presiding officer, James Willys Silliman, and extend to him their best wishes for every happiness in future years and as he leaves this body in which he has served so well, may he be assured that he takes with him the warm friendship and admiration of the Members of this Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to deliver a suitably prepared copy of this resolution to the Honorable James Willys Silliman.

Resolution read, and ordered held at desk.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

House Resolution No. 33	House Resolution No. 39
House Resolution No. 34	House Resolution No. 40
House Resolution No. 35	House Resolution No. 41
House Resolution No. 36	House Resolution No. 42
House Resolution No. 37	House Resolution No. 43
House Resolution No. 38	House Resolution No. 44

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

SILLIMAN, Chairman

Above reported resolutions ordered on file.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 71—An act to add Section 17708 to the Health and Safety Code, relating to cooking in hotel rooms, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 71?

Amendment No. 1

On page 1 between lines 16 and 17 of the printed bill, as amended in the Assembly, on March 23, 1954, insert

"Any city or county may enact an ordinance to prohibit the installation, maintenance or use of a hot plate in any room of any hotel."

Senate amendment read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Levering moved a call of the Assembly.

Motion carried. Time, 2 13 p.m.

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

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Thomas J. Doyle 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.

Speaker pro Tempore Presiding

At 2.15 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO 28

Mr. Levering asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 28, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 28

By Mr. Ernest R. Geddes:

House Resolution No. 28—Relating to the retirement of Legislative Advocate Harold M. Miles.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 28 as Co-authors

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 28 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 28:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Donahoe, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Marsh, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—61.

NOES—None.

Consideration of House Resolution No. 28, as Amended

By Messrs. Ernest R. Geddes, Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs.

Davis, Messrs. Dickey, Dills, Miss Donahoe, Messrs. Thomas J. Doyle, Elliott, Erwin, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Marsh, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 28

Relating to the retirement of Legislative Advocate Harold M. Miles

WHEREAS, Harold M. Miles' career as a legislative advocate has been exemplary and worthy of emulation; and

WHEREAS, This man has diligently and faithfully served his employer the Southern Pacific Company as legislative advocate since 1934, and, indeed, first appeared here to advise and counsel the Members of this Assembly in 1911; and

WHEREAS, He has always honestly advocated what he truly believed to be in the best interests of the people of California; and

WHEREAS, Although born in 1889 in Brooklyn, New York, and thus, by his own admission he is "one of dem bums," he became a cosmopolitan, obtaining his education in London, England; Johannesburg, South Africa; St. Louis, Missouri; Brooklyn, New York; New York, New York; Mt. Vernon, New York; and Oak Park, Illinois; and

WHEREAS, He was a member of the Fifth California Infantry and served loyally on the Mexican Border during the troubled years of 1916 and 1917; and

WHEREAS, He was a reporter, an advertising man, and a publicist in the years between 1907 and 1925 and gained from such experiences the admirable gifts of being a good listener and being able to express his own thoughts in a concise and purposeful manner; and

WHEREAS, He has now, after 20 years of attending and advising our legislative sessions, reached that age at which he may lay aside the troubles and problems of the world and of California and go forth unburdened with cares and tribulations; now, therefore, be it

Resolved by the Assembly of the State of California, That we extend to Harold M. Miles our heartiest congratulations upon the completion of a task well done and our sincere best wishes that the years of his retirement in the company of his good wife, shall be many and happy, and may they be rich with the accomplishments of his three fine sons who reflect his wise and judicious ability as a parent. May his memories all be pleasant. We shall miss him and can but hope that his exemplary performance as a legislative advocate will be emulated by those who shall follow him; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to prepare and to transmit a suitable copy of this resolution to Harold M. Miles

Resolution read, and adopted.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 16

Mr. Belotti asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 16, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 16

By Mr. Belotti:

House Resolution No. 16

Relative to a study of state highways in the Redwood Empire of the State of California

WHEREAS, The hazardous condition of the highways in the state parks in Northern California is an acute problem to the operation and maintenance of the State Highway System in that area; and

WHEREAS, The highways in the state parks have been constructed and maintained in a manner so as to preserve, as nearly as possible, the state parks in their natural condition; and

WHEREAS, The condition of these highways constitutes a hazard to present heavy traffic which is far in excess of that contemplated when the highways were constructed; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Interim Committee on Transportation and Commerce created by House Resolution No. 120 of 1953 is requested to undertake a study of all problems relating to state highways in the Redwood Empire of Northern California, and to report thereon to the Assembly at the 1955 Session of the Legislature.

Resolution read, and adopted.

REQUEST FOR UNANIMOUS CONSENT

Mr. Morris asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 9, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 9

Assembly Joint Resolution No. 9—Relative to compensation of postal employees.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Clarke, Cloyed, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, McFall, McGee, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Rumford, Shaw, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—57.

NOES—None.

Resolution ordered transmitted to the Senate.

Hon. Augustus F. Hawkins Presiding

At 2.25 p.m., Hon. Augustus F. Hawkins, Member of the Assembly from the Sixty-second District, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 45

Mr. Erwin asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 45, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 45

By Mr. Erwin:

House Resolution No. 45—Relative to the retirement of Stewart Hinckley as Assemblyman from the Seventy-third Assembly District.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 45 as Co-authors

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 45 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 45:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—67.

NOES—None.

Consideration of House Resolution No. 45, as Amended

By Messrs. Erwin, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Creedon, Dahl, Mrs. Davis, Messrs. Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Elliott, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 45

Relative to the retirement of Stewart Hinckley as Assemblyman from the Seventy-third Assembly District

WHEREAS, After four terms in the Assembly representing the Seventy-third Assembly District, our good friend Stewart Hinckley is retiring to private life; and

WHEREAS, As an active and conscientious legislator he was instrumental in fostering legislation for research on plant and tree diseases and on the smog situation, both problems of vital concern to the welfare and economy of the State; and

WHEREAS, He leaves us as Chairman of the Fish and Game Committee and member of the Committees on Agriculture, Education, Industrial Relations and Ways and Means; and

WHEREAS, The genuine warmth and ability of Stewart Hinckley has earned him a high degree of respect and admiration in this House and we shall miss his presence, hoping, however, that the personal friendships will not be severed by his withdrawal from office; now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof extend every good wish to Stewart Hinckley upon his retirement as Assemblyman from the Seventy-third Assembly District and know he will enjoy a full measure of happiness and success in private life with the companionship of his charming wife, Bertha Craig Hinckley, and fine daughter and son, Nancy and Craig; and be it further

Resolved, That the Chief Clerk of the Assembly be hereby directed to transmit a suitably prepared copy of this resolution to Assemblyman Stewart Hinckley.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 47

Mr. Brady asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 47, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 47

By Messrs. Brady, Henderson, McFall, Rumford, Dunn, Lowrey, Porter, Mrs. Davis, Messrs Meyers, Berry, Shaw, Thomas, Munnell, LeRoy E. Lyon, Hawkins, Elliott, McMillan, Stanley, Thomas J. Doyle, Masterson, Creedon, Chapel, Samuel R. Geddes, and Miss Donahoe:

House Resolution No. 47—Relative to the Honorable George D. Collins, Jr.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 47 as Co-authors

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 47 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 47:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—65.

NOES—None.

Consideration of House Resolution No. 47, as Amended

By Messrs. Brady, Henderson, McFall, Rumford, Dunn, Lowrey, Porter, Mrs. Davis, Messrs. Meyers, Berry, Shaw, Thomas, Munnell, LeRoy E. Lyon, Hawkins, Elliott, McMillan, Stanley, Thomas J. Doyle, Masterson, Creedon, Chapel, Samuel R. Geddes, Miss Donahoe, Messrs. Allen, Backstrand, Belotti, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Dills, Dolwig, Donald D. Doyle, Evans, Fleury, Ernest R. Geddes, Hansen, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lindsay, Charles W. Lyon, Maloney, Marsh, McCollister, McGee, Miller, Morris, Nielsen, Shell, Smith, Stewart, Tomlinson, and Weinberger:

House Resolution No. 47

Relative to the Honorable George D. Collins, Jr.

WHEREAS, The Honorable George D. Collins, Jr., Member of the Assembly from the Twenty-fourth District, has announced that he will seek other elective office in the service of the people of the State of California, and, thus, will retire from his legislative duties at the end of his present term of office; and

WHEREAS, George D. Collins, Jr., who is recognized by his fellow members as one of the elder statesmen of our Legislature, was first elected to the Assembly in 1938 and has faithfully served the citizens of his district and the people of this State as an Assemblyman ever since; and

WHEREAS, In leaving his colleagues in the Assembly George D. Collins, Jr., will depart with an enviable record of many accomplishments in furthering progressive and beneficial legislation for the welfare of the public, and with his ability and integrity a constant source of inspiration to each and every member who has had the pleasure of serving with him in the deliberations of this House; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly hereby wish to express to the Honorable George D. Collins, Jr., their appreciation, and to extend their commendation, for the valuable services he has rendered to the people of the State and of his district during his long career in the Legislature, and to extend their best wishes to him for the future; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby requested to present a suitably prepared copy of this resolution to the Honorable George D. Collins as a token of the esteem and friendship of the Members of this Assembly.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT

Mr. Caldecott asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 16, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 16

Assembly Concurrent Resolution No. 16—Relative to Clarence M. (Nibs) Price.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—68

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT

Mr. Caldecott asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 17, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 17

Assembly Concurrent Resolution No. 17—Relative to Clinton W. Evans.

Resolution read

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70

NOES—None.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 46

Mr Henderson asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 46, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 46

By Mr. Henderson:

House Resolution No. 46—Relative to commending Stanford C. Shaw 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 Names of All Members Present Be Placed Upon House Resolution No. 46 as Co-authors

Mr. Thomas asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 46 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 46:

AYES—Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—73.

NOES—None.

Consideration of House Resolution No. 46 as Amended

By Messrs. Henderson, Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs. Davis, Messrs. Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 46

Relative to commending Stanford C. Shaw for his service on behalf of the people of the State of California as a Member of the Assembly

WHEREAS, Stanford C Shaw has announced his retirement from the Assembly at the conclusion of his present term; and

WHEREAS, Stanford C. Shaw, representing the Seventy-second Assembly District has been a Member of the Assembly since 1951; and

WHEREAS, Stanford C Shaw has at all times represented the people of the Seventy-second Assembly District honestly, diligently, and capably; and

WHEREAS, He has devoted himself vigorously and conscientiously to the work of this Legislature, serving on important committees, and also as the Assembly member of the California Law Revision Commission; and

WHEREAS, Stanford C. Shaw's ability, character, conscientious 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 Stanford C. Shaw has rendered to this Assembly, to the people of the Seventy-second 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 Stanford C. Shaw as an expression of the friendship and esteem of this Assembly, and as evidence that he takes with him their great wishes for success and achievement in his aspiration for the future.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT

Mr. Cloyed asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 20, at this time, without reference to file.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 20

Assembly Concurrent Resolution No. 20—Relative to augmenting the funds of the Joint Legislative Committee on Marine Affairs and Bay Area Development.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McMillan, Meyers, Miller, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—60

NOES—Collins—1.

Resolution ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 57

Mr. Collier asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 57, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 57

By Mr. Collier:

House Resolution No. 57—Relating to Assemblyman Stanley T. Tomlinson.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 57 as Co-authors

Mr. Collier asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 57 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 57:

AYES—Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—73

NOES—None.

Consideration of House Resolution No. 57, as Amended

By Messrs. Collier, Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs. Davis, Messrs. Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger:

House Resolution No. 57

Relating to Assemblyman Stanley T. Tomlinson

WHEREAS, The Honorable Stanley T. Tomlinson, Member of the Assembly from the Thirty-sixth Assembly District has decided not to seek re-election to the State Assembly, and

WHEREAS, Stanley T. Tomlinson was first elected to represent the now Thirty-sixth Assembly District in the year 1948 and has been re-elected every two years since that time; and

WHEREAS, A native of this State he has served so well, Stanley T. Tomlinson was born in Santa Barbara in the year 1903 and was educated in the Santa Barbara public schools, the University of Oregon, and received his law degree from the University of Southern California; and

WHEREAS, Stanley T. Tomlinson has established an outstanding legislative record as a Member of this Assembly and has served ably and well the people of his district and the people of this State; and

WHEREAS, Assemblyman Tomlinson has served in many important positions in the Assembly including membership on the Committees on Education, Elections and Reapportionment, Judiciary, and Transportation and Commerce, and has served as Chairman of the Joint Interim Committee on Impounded Funds from Tide and Submerged Land; and

WHEREAS, Stanley T. Tomlinson is a well known community leader in Santa Barbara being a member of the Masons, the Shrine, the American Legion, and the Native Sons of the Golden West, and has held the position of United States Commissioner for Santa Barbara and Ventura Counties; and

WHEREAS, His geniality, helpfulness, and enthusiasm will be greatly missed by his fellow Assemblymen; and

WHEREAS, In vacating his office in this Assembly, Stanley T. Tomlinson takes with him the warm friendship and respect of all the members of this body who have had the opportunity and pleasure of working and serving with him, now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof reluctantly bid farewell to their esteemed colleague Stanley T. Tomlinson and commend him for the outstanding service he has rendered to this Assembly and to the State of California; and be it further

Resolved, That the Members of this Assembly extend to him their best wishes for good health and happiness in the coming years; 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 the Honorable Stanley T. Tomlinson.

Resolution read, and adopted unanimously.

Speaker pro Tempore Presiding

At 3.25 p.m., Hon Thomas A Maloney, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 55

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 55, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 55

By Mr. Thomas J. Doyle:

House Resolution No. 55—Relative to Commander John Bleeker Cooke.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 55 as Co-authors

Mr. Thomas J. Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 55 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 55:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—75.

NOES—None.

Consideration of House Resolution No. 55 as Amended

By Messrs. Thomas J. Doyle, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Mrs. Davis, Messrs. Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 55

Relative to Commander John Bleecker Cooke

WHEREAS, The Members of the Assembly have learned with regret that Commander John Bleecker Cooke, Assemblyman from the Thirty-seventh District in Ventura County, will not seek re-election to the Legislature at the 1954 elections; and

WHEREAS, The life of Commander John Bleecker Cooke has been one of unselfish and courageous devotion to the service of his Country and fellow man; and

WHEREAS, For 40 years Commander Cooke has served with distinction and honor as an officer in the United States Navy, including gallant service to our Country in the Central American Revolution in 1907, World War I, and World War II; and

WHEREAS, During the nine years that he has served as a legislator, Commander Cooke has combined his outstanding leadership and great understanding of the problems of his fellow man to render an invaluable service in representing the people of Ventura County and of the State, serving as Chairman of the Assembly Committees on Military Affairs and State Civil Service and as a member of many other important committees, including the Joint Committee on Water Problems and the Assembly Committees on Agriculture, Crime and Correction, Prisons and Reformatories, Governmental Efficiency and Economy, Social Welfare, Manufacturing, Oil, and Mining Industry, and State Grounds and Parks; and

WHEREAS, His kind, courteous and pleasant manner, as well as his ability and diligence and his willingness to unhesitatingly render aid to a colleague in distress without regard to his own life, will long be remembered by his friends in the California Legislature; now, therefore, be it

Resolved by the Assembly of the State of California, That the Honorable John Bleecker Cooke is commended for the outstanding and valuable service that he has rendered, not only to the people of his district and to the State but to the people of the Nation, as a naval officer and legislator, and that he be extended the best wishes of each Member of the Assembly for good health and for continued success and achievement in whatever future ventures he may undertake; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a suitably engrossed copy of this resolution to Commander John Bleecker Cooke.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 56

Mr. Rumford asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 56, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 56

By Messrs Rumford, Ernest R Geddes, Cooke, Mrs. Davis, Messrs. Hawkins, Elliott, Samuel R. Geddes, Thomas, Kilpatrick, Tomlinson, Lowrey, Caldecott, Shaw, McCollister, Thomas J. Doyle, Fleury, Porter, Miss Donahoe, Messrs. Henderson, Berry, Hinckley, Dills, Munnell, Miller, Nielsen, and Levering:

House Resolution No. 56—Relative to the retirement of Assemblyman Francis Dunn, Jr.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 56 as Co-authors

Mr. Thomas J Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 56 as co-authors

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 56:

AYES—Allen, Backstrand, Belotti, Berry, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—72.

NOES—None.

Consideration of House Resolution No. 56 as Amended

By Messrs Rumford, Ernest R Geddes, Cooke, Mrs. Davis, Messrs. Hawkins, Elliott, Samuel R Geddes, Thomas, Kilpatrick, Tomlinson, Lowrey, Caldecott, Shaw, McCollister, Thomas J. Doyle, Fleury, Porter, Miss Donahoe, Messrs. Henderson, Berry, Hinckley, Dills, Munnell, Miller, Nielsen, Levering, Allen, Backstrand, Belotti, Clark L Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donald D Doyle, Erwin, Evans, Hansen, Hobbie, Kelly, Klocksiem, Lanterman, Lincoln, Lindsay, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Patterson, Ross, Shell, Smith, Stanley, Stewart, and Weinberger:

House Resolution No. 56

Relative to the retirement of Assemblyman Francis Dunn, Jr.

WHEREAS, Assemblyman Francis Dunn, Jr., has announced that he will soon retire from the California Legislature to seek broader fields of public service; and

WHEREAS, Elected to the Assembly for the first time in 1942, Francis Dunn, Jr., has devoted the intervening years to faithful service to the people of the State of California and of his district; and

WHEREAS, Mr. Dunn brought to the Legislature a wide experience gained through his early school years in England, having been born in Hyde, England, receiving his education at St. Pauls R. C. School, supplemented by night schools and extension courses at Oxford, and through his years of employment on the San Francisco Bay Ferries, during which time he became known as the originator of the "Dismissal Wage Plan" for ferry employees who were laid off after completion of the San Francisco-Oakland and Golden Gate Bridges; and

WHEREAS, Notwithstanding Mr. Dunn's active participation in the work of the Assembly during the interim between sessions as a member of several interim committees, he found time to participate in various civic and fraternal groups, being a member of the International Brotherhood of Painters, Local 127; Eagles, Moose, Dads Club and Life Member of the Parent Teachers Association; and

WHEREAS, Francis Dunn, Jr., has been particularly interested in legislation furthering public education, having served as Chairman of the Assembly Committee on Education for many years, and having authored innumerable bills in the field of public education among which were the School Apportionment Law and School Bond Act of 1949; and

WHEREAS, The absence of Mr. Dunn's active participation in all phases of the work of the Assembly, his wholehearted good fellowship and ready wit will be greatly felt by those who have had the good fortune to be associated with him; now, therefore, be it

Resolved by the Assembly of the State of California, That the members of this body take this means to commend Assemblyman Francis Dunn, Jr., on his long and distinguished legislative career, and to extend to him our best wishes for the success in his new-chosen field which his talents and abilities are bound to assure him; and be it further

Resolved, That the Chief Clerk of the Assembly is directed to transmit to Francis Dunn, Jr., a suitably prepared copy of this resolution.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 54

Mr. Levering asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 54, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 54

By Mr. Levering:

House Resolution No. 54—Relating to the Honorable Ralph R. Cloyed.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 54 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. 54 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 54:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Charles W Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70

NOES—None.

Consideration of House Resolution No. 54, as Amended

By Messrs Levering, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs Davis, Messrs Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Charles W Lyon LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 54

Relating to the Honorable Ralph R. Cloyed

WHEREAS, The Honorable Ralph R Cloyed, Member of the Assembly from the Eightieth Assembly District, has decided not to seek re-election to the State Assembly; and

WHEREAS, Ralph R Cloyed was first elected to this body to represent the Eightieth Assembly District in the year 1949, and has been re-elected every two years since that time; and

WHEREAS, Born in Monroe County, Iowa, he has served with distinction the people of this, his adopted State, and particularly the people of his Assembly district; and

WHEREAS, This legislator's great ability as a legislator and statesman has resulted in his serving in many important positions in this Assembly including membership on the Committees on Agriculture; Conservation, Planning, and Public Works, Livestock and Dairies; and the important Rules Committee and Ways and Means Committee; 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 energy to the welfare of the people and the solution of those problems; and

WHEREAS, Ralph R. Cloyed has been active in community affairs being a member of the Rotary Club, Past Commander of the American Legion, a member of the Farm Bureau, Vice President of the Chula Vista Chamber of Commerce, and a member of the Chula Vista City Planning Commission; and

WHEREAS, Assemblyman Cloyed is deserving of the highest commendation of this Assembly because of his distinguished record of constructive public service and as a community leader and statesman, now, therefore, be it

Resolved by the Assembly of the State of California, That the members thereof hereby express their whole-hearted appreciation of the capable and conscientious public service which Ralph R. Cloyed has rendered to this Assembly, to the people of the Eightieth Assembly District, and to the people of the State of California; and be it further

Resolved, That the Members of this Assembly extend to Ralph R. Cloyed their warmest wishes for many years of good health and happiness; 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 the Honorable Ralph R. Cloyed.

Resolution read, and adopted unanimously.

CONSIDERATION OF HOUSE RESOLUTION NO. 58

By Mr. Levering:

House Resolution No. 58—Relating to James Willys Silliman.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 58 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. 58 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 58:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—74.

NOES—None.

Consideration of House Resolution No. 58 as Amended

By Messrs. Levering, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs. Davis, Messrs Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 58

Relating to James Willys Silliman

WHEREAS, As the legislative labors of this session come to an end and the Members of the Assembly bid each other farewell until again they meet, there is present in the mind of each member the fact that our presiding officer, the Honorable James Willys Silliman, is leaving this body he has served so ably; and

WHEREAS, Elected in 1946 to this Assembly and re-elected every two years since that time, he has served as Chairman of the Standing Committee on Livestock and Dairies and has served as Chairman of the Interim Committee of Governmental Reorganization and, at the 1953 Regular Session was honored by his colleagues by being selected as Speaker of the Assembly; and

WHEREAS, James Willys Silliman, in going forth from this Assembly, leaves behind him an enviable record of outstanding accomplishment and achievement as the representative of the Thirty-fourth Assembly District, which record is ample evidence of his great ability and tremendous energy; and

WHEREAS, This legislator, in being elected to the post of presiding officer of this Assembly has demonstrated dynamic, progressive and wise leadership in overcoming the many and complex duties presented by that position; and

WHEREAS, James Willys Silliman both as an active member on the floor and as Speaker of this body has earned the respect of every Member of this Assembly for his learned counsel and just decisions and his unwavering sense of fair play; and

WHEREAS, In vacating his office in this Assembly, he leaves behind a host of friends with whom he has served and labored; and

WHEREAS, He has served his community not only as a legislator, but also as an active participant in other civic affairs, being a member of the Masons, the Moose and the California Farm Bureau and also being a Past District Governor of the Rotary International; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of this Assembly with a deep sense of loss, bid farewell to their esteemed colleague and presiding officer, James Willys Silliman, and extend to him their best wishes for every happiness in future years and as he leaves this body in which he has served so well, may he be assured that he takes with him the warm friendship and admiration of the Members of this Assembly; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to deliver a suitably prepared copy of this resolution to the Honorable James Willys Silliman.

Resolution read, and adopted unanimously.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 53

Mrs Davis asked for, and was granted, unanimous consent that she be permitted to take up House Resolution No. 53, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 53

By Mr. Cloyed:

House Resolution No. 53—Relating to the Honorable Kathryn Theresa Niehouse.

Resolution read.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 53 as Co-authors

Mrs. Davis asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 53 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No. 53:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—76

NOES—None.

Consideration of House Resolution No. 53 as Amended

By Messrs Cloyed, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Mrs. Davis, Messrs. Dickey, Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon,

Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 53

Relating to the Honorable Kathryn Theresa Niehouse

WHEREAS, The Members of this Assembly have learned with sincere regret that the Honorable Kathryn Theresa Niehouse does not intend to run for re-election to this body; and

WHEREAS, Mrs. Niehouse was first elected to this Assembly to represent the Seventy-ninth Assembly District in the year 1942, and has been re-elected to this body every two years since that time; and

WHEREAS, During a portion of the time in which Mrs. Niehouse has served as an Assemblywoman, she was the only woman serving in the California Legislature; and

WHEREAS, Kathryn Theresa Niehouse has earned the respect and admiration of every Member of this Assembly by her outstanding ability to cope with, and her keen understanding of, the many varied and complex problems which beset this Assembly; and

WHEREAS, Mrs. Niehouse has served this Assembly in many important positions including the positions of Chairman of the Committee on Social Welfare and Chairman of the Interim Committee on Social Welfare and she has been appointed to membership on the Committees on Education; Manufacturing, Oil, and Mining Industry; and Military Affairs; and

WHEREAS, The Members of this Assembly have taken to their hearts this woman who has demonstrated the great qualities of American womanhood by her courage and her awareness of the responsibilities of public service; and

WHEREAS, As Kathryn Theresa Niehouse leaves her position in this Assembly, she takes with her the warm friendship of her colleagues with whom she has served and the friendship of the many other persons who have had the opportunity of working with her; and

WHEREAS, Mrs. Niehouse's devotion to public service was not limited to service in the Legislature but included membership in the American Legion Auxiliary, the Veterans of Foreign Wars Auxiliary, the California Federation of Women's Clubs, and many other civic and patriotic organizations, now, therefore be it

Resolved by the Assembly of the State of California, That the members thereof take this opportunity to commend Kathryn Theresa Niehouse for her long and outstanding service to this Assembly and to the people of the State of California; and be it further

Resolved, That the Members of this Assembly extend to Mrs. Niehouse their sincere and best wishes for a long life of good health and happiness; 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 the Honorable Kathryn Theresa Niehouse.

Resolution read, and adopted unanimously.

APPRECIATION EXPRESSED

Speaker pro Tempore Maloney expressed appreciation, on behalf of Mrs. Niehouse, for courtesies and friendship, and extended her best wishes to all Members of the Assembly, stating that recently when he visited her she especially requested that he do so.

Speaker Presiding

At 4:56 p.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 1

Mr. Fleury asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 1, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 1.—An act to amend Section 979, 1280, and 1281 of the Unemployment Insurance Code, relating to unemployment insurance.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 1?

Amendment No. 1

On page 2, line 43, of the printed bill as amended in the Assembly on March 11, 1954, after "amount", insert ", or not less than seven hundred fifty dollars ($750), whichever is lower."

Amendment No. 2

In line 1 of the title of the printed bill, as amended in the Senate on March 17, 1954, after "Sections", insert "979,".

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 inclosed within brackets

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Amendment No. 3

On page 1, strike out line 1, and insert

"SECTION 1. Section 979 of the Unemployment Insurance Code is amended to read:

979. After December 31, 1947, whenever the balance in the Unemployment Fund on December 31st of any calendar year equals [7] *7.1* percent of the wages in employment subject to this part paid during the 12-month period ending upon the computation date immediately preceding such December 31st, employers shall pay into the Unemployment Fund contributions for the succeeding calendar year upon all wages with respect to employment at the following rates

If, as of the computation date, the employer's net balance of reserve equals or exceeds that percentage of his average base pay roll which appears on any line in Column 1 of the following table, but is less than that percentage of his average base pay roll which appears on the same line in Column 2 of that table, his contribution rate shall be the figure appearing on that same line in Column 3 of that table.

Line	Reserve balance Column 1	Reserve balance Column 2	Contribution rate Column 3
1	0%	6%	2.7%
2	6%	6½%	2.5%
3	6½%	7%	2.3%
4	7%	7½%	2.1%
5	7½%	8%	1.9%
6	8%	8½%	1.7%
7	8½%	9%	1.5%
8	9%	9½%	1.3%
9	9½%	10%	1.1%
10	10%	10½%	0.9%
11	10½%	11%	0.7%
12	11%	11½%	0.5%
13	11½%	12%	0.3%
14	12%	12½%	0.1%
15	12½%	100% or more	0%

SEC. 2. Section 1280 of the Unemployment Insurance".

Amendment No. 4

On page 2, line 36, strike out "SEC. 2.", and insert "SEC. 3."

Senate amendments read.

Demand for Previous Question

Messrs. Conrad, Luckel, Porter, Evans, and Willis W. Bradley demanded the previous question.

Demand for previous question sustained.

The question being on the concurrence in Senate amendments to Assembly Bill No. 1.

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 1 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Collier, Conrad, Cooke, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—66.

NOES—Cloyed, Hansen, Lanterman, Levering, Charles W. Lyon, and Shell—6.

Assembly Bill No. 1 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT

Mr. McCollister asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 7, at this time, without reference to file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 7

Senate Concurrent Resolution No. 7—Relative to the maintenance of the Jenner Jetty at the mouth of the Russian River.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Collier, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—69.

NOES—None.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 31
Assembly Bill No. 83

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, March 31, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 2
Assembly Bill No. 3
Assembly Bill No. 5

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, March 31, 1954

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

Assembly Bill No. 29

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

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Bill No. 39
Assembly Bill No. 87

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

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Joint Resolution No. 6
Assembly Concurrent Resolution No. 9

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

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Concurrent Resolution No. 8
Assembly Joint Resolution No. 3

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

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Bill No. 67

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. 67—An act to add Section 7717.1 to the Education Code, relating to state school building aid.

Referred to Committee on Education.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Bill No 61

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. 61—An act to add Section 40 to Chapter 47 of the Statutes of 1944, Fourth Extraordinary Session, relating to postwar public works programs, making an appropriation to be allocated to newly incorporated cities, and declaring the urgency thereof, to take effect immediately.

Ordered held at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Bill No. 62
Senate Bill No. 66

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. 62—An act to add Sections 49 and 50 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary Session), Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Referred to Committee on Municipal and County Government.

Senate Bill No. 66—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1954 First Extraordinary Session of the Legislature, to take effect immediately.

Ordered held at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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
Senate Bill No 26
Senate Constitutional Amendment No. 3

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

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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 study of dormitory problems.

Referred to Committee on Rules.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Bill No. 19—An act to add Section 37395 to the Government Code, relating to the leasing of city-owned property,

Assembly Bill No. 53—An act to amend Section 18600 of the Health and Safety Code, relating to auto and trailer parks;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirty-first day of March, 1954, at 4 p m.

BURKE, Chairman

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Stewart:

Resolved, That Senate Bill No 57 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr Speaker—67.

NOES—Lowrey—1.

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

CONSIDERATION OF SENATE BILL NO. 57

Senate Bill No. 57—An act to amend Section 11550 of the Government Code, relating to the salary of the Director of Finance.

Bill read second time.

Hon. Harold K. Levering Presiding

At 5.30 p.m, Hon. Harold K. Levering, Member of the Assembly from the Sixtieth District, presiding.

Speaker Presiding

At 5.33 p.m., Hon. James W. Silliman, Speaker of the Assembly, presiding.

Senate Bill No. 57—An act to amend Section 11550 of the Government Code, relating to the salary of the Director of Finance.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloved, Collier, Conrad, Cooke, Coolidge, Dahl, Dickey, Dolwig, Donald D. Doyle, Thomas J. Doyle, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—60.

NOES—Clark L. Bradley, Bulen, Dunn, Elliott, Lowrey, and Munnell—6

Bill ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENT TO ASSEMBLY BILL NO. 71

At 5.37 p.m., on motion of Mr. Levering, 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. 71 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloved, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donohoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—71.

NOES—None.

Assembly Bill No. 71 ordered enrolled.

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

Mr. Fleury asked for, and was granted, unanimous consent that a letter of transmittal be ordered printed in the Journal, in 10-point type, as follows:

LETTER OF TRANSMITTAL

(Chairman of Subcommittee)

ASSEMBLY CHAMBER, STATE CAPITOL
SACRAMENTO, CALIFORNIA, March 31, 1954

Hon. James W. Silliman
Speaker of the Assembly; and
Members of the Assembly
Assembly Chamber, Sacramento, California

GENTLEMEN: A report of this subcommittee entitled "Fraudulent and Improper Unemployment Insurance Payments" was submitted to the 1953 General Session of the Legislature on May 1, 1953, pursuant to House Resolution No. 77.

Recommendation nine on page six of the report requested "That the Department of Employment immediately ascertain, study and analyze all facts relating to fraudulent and improper payments, particularly in the local offices, so as to determine proper administrative changes which will result in the elimination of such payments. Further, that on or before May 15, 1953, the Department of Employment submit to the

Members of the Assembly a written report of a comprehensive plan of operation designed to combat fraudulent and improper payments".

On May 14, 1953, there was submitted a report from the Department of Employment to the Assembly on *Plan of Operation to Combat Fraud and Improper Benefit Payments* (Appendix A)

Further hearings were held by this subcommittee under authority contained in House Resolution No. 183, 1953, on September 16, 17, December 17, 1953 and March 9, 1954, for the purpose of reviewing the Department of Employment's plan of operation to combat fraudulent and improper benefit payments.

From testimony presented during these hearings and statistical data developed from reports of the Department of Employment, it is the unanimous opinion of the subcommittee that an excessive amount of fraudulent and improper claims continue to be paid out to persons not entitled to receive benefits under the provisions of the California Unemployment Insurance Act.

This report contains findings and recommendations of the subcommittee and statistical material relating to the extent of fraudulent and improper claims payments

A report by the management consultant firm of McKinsey & Company relative to the Department of Employment has now been submitted to the subcommittee. Findings contained in the McKinsey & Company report substantially parallel those of this subcommittee and aggressive action should continue upon all recommendations directed toward an improved administration of California's Unemployment Insurance Program.

Judge Julian Beck and Congressman Glenard P. Lipscomb participated in the earlier hearings of this subcommittee until their resignations from the Assembly on September 25, 1953 and November 30, 1953, respectively.

Respectfully submitted

GORDON A. FLEURY, Chairman
L. M. BACKSTRAND
HAROLD K. LEVERING
JOHN J. McFALL
WILLIAM A. MUNNELL

REQUEST FOR UNANIMOUS CONSENT THAT LETTER OF TRANSMITTAL AND REPORT BE PRINTED AS SEPARATE DOCUMENT

Mr Fleury asked for, and was granted, unanimous consent that the above letter of transmittal, and a Report of the Subcommittee of the Assembly Interim Committee on Finance and Insurance relative to Fraudulent and Improper Unemployment Insurance Payments be ordered printed, as a separate document, in 10-point type, and that 1,000 copies be printed.

RECESS

At 5.39 p.m., on motion of Mr. Levering, the Assembly recessed until 8 p.m.

REASSEMBLED

At 8 p.m., the Assembly reconvened.

Hon. James W. Silliman, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

Speaker pro Tempore Presiding

At 8.03 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 83 —An act to amend Sections 4845.20 and 4845.34 of, and to add Section 4845.35 to, the Health and Safety Code, relating to the withdrawal of territory annexed to a city from a sanitation district.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 83?

Amendment No. 1

On page 2, lines 22 and 23, of the printed bill, as amended in the Assembly on March 25, 1954, strike out "If the district has any outstanding indebtedness evidenced by bonds,".

Amendment No. 2

On page 2, line 28, strike out "the principal and interest".

Amendment No. 3

On page 2, strike out line 29; and in line 30, strike out "of the district", and insert "maintenance, operating, or expenses other than the payment of principal and interest on bonds outstanding at the time of withdrawal".

Amendment No. 4

On page 2, line 36, strike out "nor by any system"; and strike out lines 37 and 38, and insert a period

Senate amendments read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Silliman moved a call of the Assembly.

Motion carried Time, 8.05 p.m.

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

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 85

Mr. Thomas J. Doyle 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 OPINION BE PRINTED IN JOURNAL

Mr. Weinberger asked for, and was granted, unanimous consent that an opinion of the Legislative Counsel, relative to Assembly Bill No. 4—1954 First Extraordinary Session—No. 1526, be ordered printed in the Journal, in 10-point type, as follows:

(COPY)

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, March 21, 1953

Honorable Edwin J. Regan
Senate Chamber

Assembly Bill No. 4—1954 First Extraordinary Session—No. 1526

DEAR SENATOR REGAN:

Question

With respect to Assembly Bill No. 4 of the 1954 First Extraordinary Session, you have asked us the following questions:

1. Does the bill impose a penalty or a license fee?
2. If it is a penalty, can it constitutionally be applied retroactively?

Opinion

1. In our opinion the bill imposes a license fee
2. If the fee imposed by the bill is construed to be a penalty in the nature of a punishment for the commission of an act, it could not be applied retroactively.

Analysis

Assembly Bill No. 4 of the 1954 First Extraordinary Session would add Section 24077 to the Business and Professions Code, relating to the transfer of licenses under the Alcoholic Beverage Control Act.

The bill provides that where an alcoholic beverage license is transferred by a licensee without such licensee having actively engaged in the business authorized by the license, the original licensee must pay, in addition to the fees otherwise prescribed in the division, a fee equal to the amount received by the licensee from the transferee in excess of the fees paid by the licensee for the original issuance of the license, in other words, the profit the licensee receives. This additional fee becomes delinquent if not paid within 30 days after demand. The Attorney General is required to institute a civil action for the recovery of such additional fee when it becomes delinquent.

The section is made applicable to all licenses issued since January 1, 1952.

Thus, in effect, the bill would impose an additional license fee on those licensees who obtain a license but who do not use it, but transfer it to another. The amount of the fee imposed is the profit realized by the licensee on the transfer of the license. The only method of collection authorized is a civil suit by the Attorney General.

As a preliminary matter, it could be argued that the phrase "The provisions of this section shall be applicable to all licenses issued since January 1, 1952," does not necessarily mean that the additional fee would be required of those licensees who obtained their license prior to

January 1, 1952, and who do not use them, even though the license was transferred subsequent to January 1, 1952, and prior to the effective date of the act. The basis for this argument would be that a statute will not be interpreted to operate retrospectively unless the intention that it so operate is clearly expressed in the statute. It could be argued that, since the provision of the bill refers only to the date the licenses are issued, rather than to the date of transfer, the act should not be interpreted as applying to transfers prior to the effective date of the bill. If this construction is correct, the answer to the question as to whether the bill imposes a penalty or a license fee would be of little importance.

However, the intent of this provision seems to be clearly to apply the additional fee to all licenses issued after January 1, 1952, regardless of whether the transfer took place prior or subsequent to the effective date of the bill. The bill states that "the provisions of this section shall be applicable to all licenses issued since January 1, 1952. All that the section does is to impose an additional fee for a transfer where the licensee does not use the license The additional license fee is imposed as an incident to the transfer not as an incident to the original issuance of the license The provision would have little, if any, effect if the additional fee is not applicable to transfers taking place prior to the effective date of the bill. If the express direction of the provision is followed, then the additional fee is applicable to all licenses issued after January 1, 1952, irrespective of when the transfer took place This would seem to be the clear meaning of this provision.

Assuming this to be the correct construction, it becomes important to determine whether the fee imposed is in reality a license fee or a penalty. The answer to this question is important because of the provisions of Section 16 of Article I of the California Constitution and clause 1 of Section 10 of Article I of the United States Constitution, prohibiting the enactment of ex post facto laws

The determination as to whether or not a particular statute is construed to impose a penalty or constitutes a penal statute is important in different fields of the law.

In *County of San Luis Obispo* vs. *Hendricks* (1886), 71 Cal. 242, the California Supreme Court was concerned with whether a license fee imposed by a board of supervisors upon the business of selling liquor was in reality a penalty within the meaning of subdivisions 1 and 2 of Section 340 of the Code of Civil Procedure which impose a limitation of one year for actions upon a statute for a penalty or forfeiture. In this case the court held that the license tax was not a penalty but in the nature of a debt due from the person conducting the business to the county, and an action to recover the tax was not barred within one year.

The court stated:

> "A penalty is in the nature of punishment for the non-performance of an act or for the performance of an unlawful act, and in the former case stands in lieu of the act to be performed. Here the action is to enforce the precise duty." (71 Cal. at p. 245.)

With respect to the fee imposed by Assembly Bill No. 4, the type of transfer specified therein is not made unlawful. Therefore, the fee is not a penalty for commission of an unlawful act, nor is it a penalty

for the nonperformance of an act, rather it is a license fee or tax, and the action to be brought is for the collection of this fee or tax itself.

In *State* vs. *Liggett & Meyers Tobacco Co.* (S.C.) (1933), 172 S.E. 857, the Supreme Court of South Carolina discussed the meaning of penalty and fine as used in a statute of limitation of two years on "an action upon a statute for a forfeiture or penalty to the State." The court stated:

> "The two words, 'fine and penalty' are frequently used in an interchangeable manner when the real purpose is for similar designation. They were so used in the statute now under consideration, although the true meaning of the words is very different. Ruling Case Law says that a fine is usually a sum of money exacted from a person guilty of a crime as pecuniary punishment, while a penalty is that which is demanded for the violation of a statute which may or may not be a crime. 21 R.C.L. p. 207." (172 S.E. at p. 865)

In Assembly Bill No. 4, the fee imposed is not, at least according to the language of the bill, a penalty for violation of a statute since the transfers are not prohibited, but is a license fee or tax levied with respect to such a transfer. The suit to collect it is not a suit to collect a penalty imposed for a violation of a statute, but is the means of collecting the license fee itself.

The question of whether an act imposes a penalty is also important in the field of conflict of laws. It is well settled that the courts of one state do not enforce claims arising under the penal laws of another state.

The United States Supreme Court, with respect to the question of recognition of a judgment obtained in a state other than the forum, has stated that the test as to "whether a statute of one sate, which in some aspects may be called penal, is a penal law in the international sense, so that it cannot be enforced in the courts of another state, depends upon the question whether its purpose is to punish an offense against the public justice of the state, or to afford a private remedy to a person injured by the wrongful act" (*Huntington* vs. *Attrill* (1892), 146 U.S 657, at p. 683; 36 L. Ed. 1123, at p. 1133). "The test is not by what name the statute is called by the Legislature or the courts of the state in which it was passed, but whether it appears to the tribunal which is called upon to enforce it, to be, in its essential character and effect, a punishment of an offense against the public, or a grant of a civil right to a private person."

In *Miller* vs. *Municipal Court* (1943), 22 Cal. 2d 818, the California Supreme Court considered the meaning of a "penalty" with respect to the question of whether a state court must entertain a consumer action authorized by the federal Emergency Price Control Act of 1942. The court stated as follows:

> "The test generally underlying most of the cases, however, is that a 'penalty' includes any law compelling a defendant to pay a plaintiff other than that which is necessary to compensate him for a legal damage done him by the former." (22 Cal. 2d at p. 837)

In this case, the court was dealing with a statute authorizing civil actions by a private citizen to aid in the enforcement of a law where

the amount authorized to be recovered was not based on the amount necessary to compensate the plaintiff for a legal damage. This is not the situation in Assembly Bill No. 4.

The cases in this field of the law do not seem particularly relevant to the question discussed in the opinion since there is also a rule in many jurisdictions that the courts of one state will not entertain a suit on a tax claim of another state (*Goodrich on Conflict of Laws*, 3rd. Ed., p. 165). Thus, the distinction between a license fee or a tax and a penalty is not so important with respect to this field of the law.

The question of whether the fee imposed is a penalty or a license fee or tax is important if the bill is interpreted to operate retroactively, as we have so interpreted it.

Section 16 of Article I of the California Constitution and clause 1 of Section 10 of Article I of the United States Constitution prohibit the enactment of ex post facto laws. The expression "ex post facto laws" is a technical one which was in use long before the Revolution and had acquired definite meaning.

In the early case of *Calder* vs. *Bull* (1798), 3 Dall. 386, at p. 390, 1 L Ed. 648, at p. 650) the United States Supreme Court classified ex post facto laws, as follows:

> "(1) Every law that makes an action done before the passing of the law, which was innocent when done, criminal, and punishes such action; (2) every law that aggravates a crime, or makes it greater than it was when committed; (3) every law that changes the punishment, and inflicts a greater punishment than the law annexed to the crime when committed; (4) every law that alters the legal rules of evidence, and receives less or different testimony than the law required at time of the commission of the offense, in order to convict the offender."

The phrase is one which relates exclusively to criminal or penal statutes (*Carpenter* vs. *Pennsylvania* (1855), 17 How. 456, 15 L. Ed. 127; *Orr* vs. *Gilman* (1901), 183 U.S. 278, 285, 46 L. Ed. 196, 200; *Kentucky Union* vs. *Kentucky* (1911), 219 U.S. 140, 152; 55 L. Ed. 137, 154).

In determining whether an act imposes criminal or penal sanctions, the courts have sometimes held that even though a statute does not, by its terms, purport to impose criminal or penal sanctions, it may be construed as doing so where that is the evident purpose of the statute.

Thus, in *Cummings* vs. *Missouri* (1867) 4 Wall. (U.S.) 277, 18 L. Ed. 356, the United States Supreme Court considered the validity of an act requiring a test oath which required numerous affirmations respecting past conduct, extending even to words, desires, and sympathies, in reference to matters involved in the Civil War. The taking of the oath was required for state and local office and as a qualification for various professions such as a minister or an attorney. The court held that the oaths should be considered not as legitimate tests or qualifications, but in the nature of penalties for past offenses, and, therefore, the act was held to be an ex post facto law.

The court stated:

"The deprivation of any rights, civil or political, previously enjoyed, may be punishment. * * * Disqualification from the pursuit of a lawful avocation * * * often has been imposed as a punishment." (18 L. Ed. at p. 362)

The fee imposed by Assembly Bill No. 4 would not have this effect. It is clear that the ex post facto provisions do not apply to retroactive tax levies.

The case of *Burgess* vs. *Salmon* (1878), 97 U.S. 381, 24 L. Ed. 1104, concerned a Congressional act which increased the duty on tobacco, but which provided that the increase did not apply to tobacco on which the tax had been paid under existing law when the act took effect. In the particular case the tax under existing law had been paid in the forenoon of the day on which the act took effect. The court held that the duty exacted by law had been paid and the goods transferred before the President had approved the act, and that, therefore, no additional tax was due. The additional tax had been paid under protest. The act also provided for a fine or imprisonment but none had been imposed in this case.

The court went on to say that:

"To impose upon the owner of the goods a criminal punishment, or a penalty of $377, for not paying an additional tax of four cents a pound, would subject him to the operation of an ex post facto law * * *. Had the proceeding against Salmon & Hancock been taken by indictment instead of suit for the excess of the tax, and the one was equally authorized with the other, the proceeding would certainly have fallen within the description of an ex post facto law * * *. The cases cited hold that the ex post facto effect of a law cannot be evaded by giving a civil form to that which is essentially criminal." (24 L. Ed. at p. 1106)

This statement appears to have been a dictum, however; at least it has not been followed in later decisions of the Supreme Court.

In *Bankers Trust Co.* vs. *Blodgett* (1923), 260 U.S. 647, 67 L. Ed. 439, it was contended that a statute that imposed a penalty, computed at a certain percent per annum for a five-year period, upon estates of decedents for nonpayment of taxes during the lifetime of the owner, was invalid as an ex post facto law.

The court held this was not an ex post facto law.

"* * * and the tax does not take on a different quality or incident because it is, or has the effect of a penalty." (67 L. Ed. at p. 442)

"The penalty of the statute was not in punishment of a crime, and it is only to such that the constitutional prohibition applies." (67 L. Ed. at p. 443)

In *Kentucky Union Co.* vs. *Kentucky* (1911), 219 U.S. 140, 55 L. Ed. 137, the Supreme Court considered the validity of a 1906 Statute which provided for the forfeiture of land titles for failure to list and pay taxes for a five-year period beginning in 1901. The court held that

it was not invalid as an ex post facto law because it imposed no penalty or punishment of a criminal nature.

"Laws of a retroactive nature, imposing taxes or providing remedies for their assessment and collection, and not impairing vested rights, are not forbidden by the Federal Constitution * * . This court had occasion in a very early case to consider the meaning of an *ex post facto* law as the term is used in the Federal Constitution, prohibiting the states from passing any law of that character * * *Calder* vs. *Bull*, 3 Dall. 386-390, 1 L. Ed. 648-650. In that case it held that such laws, within the meaning of the Federal Constitution, had reference to criminal punishments, and did not include retrospective laws of a different character." (55 L. Ed. at p. 154)

(To the same effect see *Garrett Freight Lines* vs. *State Tax Commission* (Utah), (1943), 135 Pac. 2d 523, at pages 526 and 527)

Thus, if the fee imposed by Assembly Bill No. 4 is, as it purports to be, a license fee or tax, and not a penalty or punishment, then the ex post facto provisions of the United States and California Constitutions are not applicable even if the fee is imposed retroactively.

The next question that arises is whether a court would hold that despite the language used by the bill, the real effect or purpose of the bill is to impose a penalty for an act which was not punishable at the time it occurred. It might be contended that the background of the bill supports this view.

In *A. Magnano Co.* vs *Hamilton* (1934), 292 U.S. 40, 78 L. Ed. 1109, the court considered the validity of a state tax on the sale of oleomargarine. It had been contended that the purpose of the tax was to destroy a legitimate business and that a state canot do this under the guise of a prohibitive tax. The court replied:

"Collateral purposes or motives of a legislature in levying a tax of a kind within the reach of its lawful power are matters beyond the scope of judicial authority * * Nor may a tax within the lawful power of a state be judicially stricken down under the due process clause simply because its enforcement may or will result in restricting or even destroying particular occupations or businesses * * * unless, indeed as already indicated, its necessary interpretation be such as plainly to demonstrate that the form of taxation was adopted as a mere disguise, under which there has been exercised in reality, another and different power denied by the Federal Constitution to the state." (78 L. Ed. at p. 1114)

"The statute hereunder review is in form plainly a taxing act, with nothing in its terms to suggest that it was intended to be anything else. It must be construed, and the intent and meaning of the legislature ascertained, from the language of the act, and the words used therein are to be given their ordinary meaning unless the context shows that they are differently used." (78 L. Ed. at p. 1115)

The recent case of *United States* vs. *Kahriger* (1953), . . . U.S. _____, 97 L. Ed. (Advance p. 504) contains similar language. This case involved the validity of the federal excise tax on the business of accepting wagers.

Assembly Bill No. 4, on its face, imposes an additional fee for a liquor license if the licensee does not use the license himself but transfers it. The amount of the fee is the profit realized on the transfer. Such transfers are not prohibited but an additional license fee is imposed. Thus on its face the fee is not a penalty. The fact that the amount of the fee imposed will have the effect of making such transfers unprofitable seems immaterial

In *Welch* vs *Henry* (1938), 305 U S. 134, 83 L Ed 87, 118 A.L.R. 1142, the court considered the validity of a retrospective tax on the receipt of dividends, and stated.

> "Taxation is neither a penalty imposed on the taxpayer nor a liability which he assumes by contract."

In our opinion, a court would not go beyond the intent and meaning of the language of the bill, which is to impose an additional license fee and not a penalty. The plain import of the bill is to realize revenue by means of an additional license fee The fact that it is applied retroactively does not, in itself, necessitate a conclusion that actually a penalty has been imposed when the act, by its terms, imposes a license fee

If Assembly Bill No 4 is construed to impose an additional license fee, as we have concluded it does, rather than a penalty, the mere fact that it has a retroactive effect is not sufficient, of itself, to establish its unconstitutionality. Generally such a statute is constitutional if it is not arbitrary nor unreasonably or oppressively discriminatory, so long as it does not otherwise violate due process of law, disturb vested rights, or impair the obligations of contract (see annotation in 146 A L.R 1011 and cases cited therein). We have not discussed in this opinion the question as to whether or not Assembly Bill No. 4 meets this test. However, in our opinion it does A liquor license is not a contract nor does it confer a vested right, nor is there a vested right to obtain such a license for speculative purposes and to transfer it at a profit. A statute which imposes an additional license fee with respect to such a transfer and makes such a fee retroactive for two years, is not, in our opinion, arbitrary nor unreasonably or oppressively discriminatory nor does it violate due process, disturb vested rights, or impair the obligations of a contract.

If, notwithstanding the language of the bill and what seems to us its clear meaning, the fee imposed by the bill is deemed to be a penalty in the nature of punishment for the commission of an act, it seems clear that it could not be applied retroactively If the fee is regarded as a penal sanction then to apply it retroactively would be to construe the bill as a law which punishes that which was innocent when done Such a law would constitute an ex post facto law within the meaning of the federal and state constitutional provisions, on the basis of the cases discussed above.

Very truly yours,

RALPH N KLEPS, Legislative Counsel
By OWEN K. KUNS, Deputy

Two copies to Honorable Caspar W. Weinberger, pursuant to Joint Rule 34.

Hon. Vincent Thomas Presiding

At 8.23 p m, Hon. Vincent Thomas, Member of the Assembly from the Sixty-eighth District, presiding.

RESOLUTIONS

The following resolution was offered:

By Messrs Thomas J. Doyle and Maloney:

House Resolution No. 59

In honor of Charles W. Lyon

WHEREAS, Charles W. Lyon, the Dean of the Legislature, has rendered outstanding service to the people of this State during the 34 years that he has served as a legislator, 22 years in the Assembly and 12 years in the Senate; and

WHEREAS, Mr Lyon occupies a position of eminence in the Legislature having served as Floor Leader and Chairman of the Rules Committee of the Assembly in 1941 and as Speaker of the Assembly in the Regular and Special Sessions of 1943 and 1945; and

WHEREAS, The Members of the Assembly have come to know and rely upon Charles W Lyon as a colleague ever ready and willing to lend his legal training and many years of experience in the Legislature to counsel and assist them in reaching a solution of their many problems, and

WHEREAS, Mr Charles W Lyon has unselfishly devoted himself not only to the duties imposed upon him as a representative of the people of his district but has accepted the responsibilities of serving the people of the entire State as Chairman of the Assembly Committees on Financial Institutions, Judiciary, Municipal Corporations, and Fish and Game and the Senate Committees on Municipal Corporations and Oil Industries; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly welcome this opportunity to commend the Honorable Charles W Lyon for the great service that he has rendered and continues to render to his district and to the people of California and to express their appreciation for the invaluable assistance that he has given to his fellow legislators, and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Honorable Charles W. Lyon

Request for Unanimous Consent

Mr. Thomas J Doyle 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.

Request for Unanimous Consent That Names of All Members Present Be Placed Upon House Resolution No. 59 as Co-authors

Mr Thomas J Doyle asked for, and was granted, unanimous consent that the names of all members present be placed upon House Resolution No. 59 as co-authors.

Roll Call

The roll was called, and the following members indicated a desire to become co-authors of House Resolution No 59:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr Speaker—65.

NOES—None.

Consideration of House Resolution No. 59 as Amended

By Messrs. Thomas J Doyle, Maloney, Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Mrs. Davis, Messrs. Dills, Dolwig, Miss Donahoe, Messrs. Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Luckel, LeRoy E Lyon, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Silliman, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger:

House Resolution No. 59

In honor of Charles W. Lyon

WHEREAS, Charles W. Lyon, the Dean of the Legislature, has rendered outstanding service to the people of this State during the 34 years that he has served as a legislator, 22 years in the Assembly and 12 years in the Senate; and

WHEREAS, Mr Lyon occupies a position of eminence in the Legislature having served as Floor Leader and Chairman of the Rules Committee of the Assembly in 1941 and as Speaker of the Assembly in the Regular and Special Sessions of 1943 and 1945; and

WHEREAS, The Members of the Assembly have come to know and rely upon Charles W. Lyon as a colleague ever ready and willing to lend his legal training and many years of experience in the Legislature to counsel and assist them in reaching a solution of their many problems; and

WHEREAS, Mr Charles W. Lyon has unselfishly devoted himself not only to the duties imposed upon him as a representative of the people of his district but has accepted the responsibilities of serving the people of the entire State as Chairman of the Assembly Committees on Financial Institutions, Judiciary, Municipal Corporations, and Fish and Game and the Senate Committees on Municipal Corporations and Oil Industries; now, therefore, be it

Resolved by the Assembly of the State of California, That the Members of the Assembly welcome this opportunity to commend the Honorable Charles W Lyon for the great service that he has rendered and continues to render to his district and to the people of California and to express their appreciation for the invaluable assistance that he has given to his fellow legislators; and be it further

Resolved, That the Chief Clerk of the Assembly transmit a copy of this resolution to the Honorable Charles W. Lyon

Resolution read, and adopted unanimously.

Speaker Presiding

At 8.35 p.m., Hon James W. Silliman, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 52

Mr. Hobbie asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 52, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 52

By Mr. Hobbie:

House Resolution No. 52

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

(1). The Chief Clerk of the Assembly is hereby authorized and directed to cause to be printed 5,000 copies of a report entitled "Planning Booklet" prepared for the Assembly Committee on Conservation, Planning, and Public Works.

(2) The Chief Clerk of the Assembly is further directed to cause 1,500 copies of said report to be distributed without cost pursuant to instructions by the Assembly Committee on Rules.

(3). The Chief Clerk of the Assembly is further instructed to deliver the remaining 3,500 copies of said report to the bill filing room maintained by the Department of Finance, to be sold by the Department of Finance at a price sufficient to repay to the Legislative Printing Fund the entire cost of printing the 5,000 copies provided for in this resolution.

Resolution read.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Brown, Burke, Casey, Clarke, Cloyed, Collier, Conrad, Dahl, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—45.

NOES—Willis W. Bradley, Fleury, and Luckel—3.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 2

Mr. Stanley asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 2, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 2—An act to add Section 39 to Chapter 47 of the Statutes of 1944, Fourth Extraordinary Session, relating to Postwar Public Works Programs, making an appropriation to be allocated to cities incorporated on or after November 30, 1953, and before March 1, 1954, and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 2?

Amendment No. 1

In line 13 of the title of the printed bill, as amended in the Assembly on March 25, 1954, strike out "March 1", and insert "April 21".

Amendment No. 2

On page 1, line 3, strike out "twenty-six thousand dollars ($26,000)", and insert "one hundred eleven thousand dollars ($111,000)".

Amendment No. 3

On page 1, line 8, strike out "March 1", and insert "April 21".

Amendment No. 4

On page 1, line 10, after "allocation", insert "in an aggregate amount not to exceed twenty-six thousand dollars ($26,000)".

Amendment No. 5

On page 2, between lines 13 and 14, insert

"Cities incorporated on or after March 1, 1954, and before April 21, 1954, may apply for an allocation in an aggregate amount not to exceed eighty-five thousand dollars ($85,000) from the appropriation made by this section for expenditure within such cities for the purpose of defraying the State's share of the cost of plans, sites, and rights of way. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its population bears to the total population of all cities in the State incorporated on or after March 1, 1954 and before April 21, 1954. In the case of a city incorporated subsequent to the date of official publication of the 1950 Federal Decennial Census the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination, as set forth in the petition for incorporation filed with the board of supervisors."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 2 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—62

NOES—None.

Assembly Bill No. 2 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 3

Mr. Stanley asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 3, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 3—An act to add Sections 47 and 48 to the Construction and Employment Act (Statutes of 1946 (First Extraordinary) Session, Chapter 20), relating to the allocation of funds to cities, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 3?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly on March 11, 1954, strike out "and 48", and insert ", 48, and 49".

Amendment No. 2

On page 1, line 5, after "allocation", insert "in an aggregate amount not to exceed one hundred sixty-six thousand dollars ($166,000)".

Amendment No. 3

On page 1, line 5, strike out "48", and insert "49".

Amendment No. 4

On page 1, line 20, after "48.", insert "Cities incorporated on or after March 1, 1954, and before April 21, 1954, may apply for an allocation from the appropriation made in Section 49 for expenditure within such cities for the purpose of defraying the State's share of the cost of construction of projects. The amount to be allocated to each such city applying shall be apportioned to such city in the proportion that its total population bears to the total population of all cities in the State incorporated on or after March 1, 1954, and before April 21, 1954. In the case of a city incorporated subsequent to the date of official publication of the 1950 Federal Decennial Census the population shall be as ascertained and determined by the county board of supervisors in the proceedings for incorporation, or in the absence of such determination as set forth in the petition for incorporation filed with the board of supervisors. The aggregate amount of the allocation made pursuant to this section shall not exceed four hundred ten thousand dollars ($410,000), or so much thereof as may be available after deducting the allocation authorized by Section 47 from the funds now or hereafter available for the appropriation made by Section 49, whichever is the lesser amount. Within the meaning of this section funds shall be deemed to be available for the appropriation made by Section 49 only to the extent that the amount in the fund from which the appropriation is made exceeds the aggregate unexpended balances of all other appropriations made from such fund by any act or acts passed at the 1954 First Extraordinary Session of the Legislature, the 1953 Regular Session thereof, and prior thereto.

SEC. 3. Section 49 is added to said act, to read:

Sec. 49."

Amendment No. 5

On page 1, lines 20 and 21, strike out "one hundred sixty-six thousand dollars ($166,000)", and insert "five hundred seventy-six thousand dollars ($576,000)".

Amendment No. 6

On page 2, line 3, strike out "Section 47", and insert "Sections 47 and 48".

Amendment No. 7

On page 2, line 5, strike out "March 1", and insert "April 21".

Amendment No. 8

On page 2, line 6, strike out "SEC 3.", and insert "SEC. 4."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 3 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloved, Conrad, Creedon, Dahl, Davis, Dills, Donahoe, Donald D Doyle, Thomas J. Doyle, Erwin, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr Speaker—57.

NOES—None.

Assembly Bill No. 3 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 31

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 31, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT) CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 31—An act to amend Section 4965.1 of the Education Code, relating to school district taxes, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 31?

Amendment No. 1

On page 2, between lines 9 and 10, of the printed bill, insert

"Under the existing law when an elementary school district has increased its maximum tax rate for a specified number of years, pursuant to a vote of the electors of the district, in order to meet the cost of increased current district expenditures for such period and such district subsequently is merged into a unified school district as a result of the boundaries of the elementary district becoming coterminous with those of a high school district, the increased maximum tax rate for elementary purposes can no longer be levied in the newly formed unified school district although the boundaries of the old elementary district are identical to the boundaries of the newly formed unified school district In like manner, when a city high school district has increased its maximum tax rate for a specified number of years and is subsequently merged into a unified school district under a reorganization plan, the previously authorized increase in the maximum tax rate of the district terminates on the effective date of the formation of the new unified school district for all purposes. Thus the existing law adversely affects the unification of school districts by terminating previously authorized increases in maximum tax rates which are usually approved by the electors for a particular purpose, or to carry out a specified program over a period of years This termination of the previously authorized increase in the maximum tax rate upon unification and before completion of such program creates a serious problem in that the new district is unable to finance the program within its maximum tax rate and its only alternative is to abandon the program financed by the increased tax rate at an incomplete stage when abandonment will render worthless or seriously impair the completed part of the program In order to remove

the obstacle to the formation of unified school districts at the earliest moment and to continue the policy of the Legislature in encouraging the formation of such districts, and in order to prevent the hardships resulting from the termination of an authorized increased tax rate of an elementary district when the boundaries thereof become coterminous with those of a high school district, it is necessary that this act take effect immediately."

Amendment No. 2

On page 2, strike out lines 10 to 26, inclusive

Amendment No. 3

In line 1 of the title of the printed bill, after "49651 of", insert ", and to add Section 4643 to,"

Amendment No. 4

On page 1, between lines 13 and 14, insert

"SEC. 2. Section 4643 is added to said code, to read

4643. If prior to the date when the boundaries of an elementary district and a high school district become coterminous, and the districts are governed by governing boards of identical personnel, the voters of the elementary district at an election had voted a district tax rate in excess of the maximum tax rate prescribed by Section 6357, the tax shall be continued at the option of the governing board of the newly formed unified school district for a period not to exceed the remaining number of years for which the tax was previously authorized. This section shall apply to unified districts in existence for all purposes on and after July 1, 1954."

Amendment No. 5

On page 1, line 14, strike out "2", and insert "3".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 31 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Cloyed, Conrad, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Huckley, Hobbie, Kelly, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—58

NOES—None.

Assembly Bill No. 31 ordered enrolled.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 31

Mr. Brady asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 31, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 31

By Mr. Brady:

House Resolution No. 31

Relative to new air services at the San Francisco International Airport, complimenting and thanking the Quantas Empire Airways and the Japan Air Lines, and expressing satisfaction to the Secretary of State of the United States, and to the members of the Civil Aeronautics Board

WHEREAS, The citizens of the great State of California wish to express their satisfaction and gratitude through their representatives in the State Legislature that another air service has come to our State through the City of San Francisco; and

WHEREAS, The Quantas Empire Airways has found San Francisco International Airport the proper United States terminus from Australia, South Africa, and Europe; and

WHEREAS, California and San Francisco now become an integral part of this 62,000-mile route which extends from Australia, through Asia to London, across the Pacific Ocean to San Francisco and Vancouver, B.C.; and

WHEREAS, Japan Air Lines has already recognized the stature of San Francisco International Airport by choosing it as the United States terminus; and

WHEREAS, This insistence that San Francisco International Airport be chosen as the terminus of these two new air services has been sanctioned by the United States State Department and the Civil Aeronautics Board pursuant to international air treaties heretofore established; and

WHEREAS, As the Civil Aeronautics Board has hearkened to the voice of the State Legislature ere now when pursuant to our House Resolution in 1945 it caused to be established a new route from Los Angeles, California to Sacramento, California; and

WHEREAS, Our satisfaction should be noted that the federal officials' determinations have helped Los Angeles heretofore, and San Francisco currently; and

WHEREAS, Our gratitude should be expressed to the officers of the Japan Air Lines and the Quantas Empire Airways for bringing these new horizons to the front door of California at her glorious Golden Gate; now, therefore, be it

Resolved by the Assembly of the State Legislature of the State of California, That the Chief Clerk of the Assembly prepare suitable copies of this resolution and transmit one each to the President, and the General Manager of the Quantas Air Lines; to the President, and the General Manager of the Japan Air Lines; to the Secretary of State of the United States; and to the members of the Civil Aeronautics Board.

Resolution read.

Notice of Motion to Reconsider House Resolution No. 31

Mr. Brady gave notice that on the next legislative day he would move to reconsider the vote whereby House Resolution No. 31 was this day refused adoption.

Motion to Expunge Record and Rescind Action on House Resolution No. 31

Mr Evans moved to expunge the record, and rescind the action whereby the Assembly on this day refused adoption to House Resolution No. 31.

Mr. McGee seconded the motion.

Ruling by Speaker

Speaker Silliman ruled the motion not in order.

Motion to Temporarily Suspend the Rules

Mr. Evans moved that the Rules be temporarily suspended for the purpose of considering the notice of motion by Mr. Brady to reconsider the vote whereby the Assembly, on this day, refused adoption to House Resolution No. 31.

Mr. Porter seconded the motion.

Notice of Motion to Reconsider House Resolution No. 31 Waived

Mr. Brady waived his notice of motion to reconsider the vote whereby House Resolution No. 31 was refused adoption

Motion to Expunge Record and Rescind Action on House Resolution No. 31

Mr. Evans moved to expunge the record, and rescind the action whereby the Assembly on this day refused adoption to House Resolution No. 31.

Mr. Porter seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Elliott, Evans, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Luckel, Charles W Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Morris, Nielsen, Patterson, Porter, Ross, Shaw, Stanley, Stewart, Tomlinson, and Weinberger—55

NOES—None

The question being the adoption of House Resolution No. 31.

House Resolution No. 31 ordered on file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 33

Mr. Rumford asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No 33, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 33

By Mr. Rumford:

House Resolution No. 33

Relative to 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 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 Public Health (created by House Resolution No. 167, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Thomas J Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W Lyon, LeRoy E Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr Speaker—63.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 34

Mr. Stanley asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 34, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 34

By Mr. Stanley:

House Resolution No. 34

Relative to the Assembly Interim Committee on Municipal and County Government

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Municipal and County Government (created by House Resolution No 155, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Conrad, Creedon, Dahl, Davis, Dills, Donahoe, Donald D Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr Speaker—61.

NOES—None

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 35

Mr. Hansen asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 35, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 35

By Mr. Hansen:

House Resolution No. 35

Relative to the Assembly Interim Committee on Livestock and Dairies

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of two thousand, four hundred and seven dollars and eighteen cents ($2,407.18) 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 Livestock and Dairies (created by House Resolution No. 194, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—61.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 36

Mr. Fleury asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 36, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 36

By Mr. Fleury:

House Resolution No. 36

Relative to the Assembly Interim Committee on Judiciary

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of five thousand, one hundred fifty-six dollars and fifty-five cents ($5,156.55) 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 Judiciary (created by House Resolution No. 197, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—61.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 37

Mr. Stewart asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 37, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 37

By Mr. Stewart:

House Resolution No. 37

Relative to the Assembly Interim Committee on Governmental Efficiency and Economy

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 Governmental Efficiency and Economy (created by House Resolution No. 160, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—64.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 38

Mr. Smith asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No 38, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 38

By Mr. Smith:

House Resolution No. 38

Relative to 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 four thousand, two hundred, ninety-nine dollars and eighty cents ($4,299.80) 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. 187, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—65.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 39

Mr. Erwin asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 39, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 39

By Mr. Erwin:

House Resolution No. 39

Relative to the Assembly Interim Committee on Revenue and Taxation

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of six thousand dollars ($6,000) 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 Revenue and Taxation (created by House Resolution No. 141, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—62.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 40

Mr. Lanterman asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 40, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 40

By Mr. Lanterman:

House Resolution No. 40

Relative to the Assembly Interim Committee on Social Welfare

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 Social Welfare (created by House Resolution No. 195, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—61.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 41

Mr. Henderson asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 41, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 41

By Mr. Henderson:

House Resolution No. 41

Relative to augmenting funds of the Assembly Interim Committee on Civil Service and State Personnel

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 Civil Service and State Personnel (created by Assembly Resolution No 200, 1953 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—64.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 43

Mr. Conrad asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 43, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 43

By Mr. Conrad:

House Resolution No. 43

Relative to the Assembly Interim Committee on Elections and Reapportionment

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of one thousand, five hundred sixty-eight dollars and eighty-five cents ($1,568.85) 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 Elections and Reapportionment (created by House Resolution No. 159, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—62.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 44

Mr. Backstrand asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 44, out of order.

CONSIDERATION OF HOUSE RESOLUTION NO. 44

By Mr. Fleury:

House Resolution No. 44

Relative to the Assembly Interim Committee on Finance and Insurance

Resolved by the Assembly of the State of California, That in addition to any money heretofore made available the sum of fifteen thousand dollars ($15,000) or so much thereof as may be necessary is hereby made available from the Contingent Fund of the Assembly for the expenses of the Assembly Interim Committee on Finance and Insurance (created by House Resolution No. 183, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McFall, McGee, Meyers, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—55.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP HOUSE RESOLUTION NO. 42

Mr. Lindsay asked for, and was granted, unanimous consent that he be permitted to take up House Resolution No. 42, out of order

CONSIDERATION OF HOUSE RESOLUTION NO. 42

By Mr. Lindsay:

House Resolution No. 42

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 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 Conservation, Planning, and Public Works (created by House Resolution No 177, 1953 Regular Session) and its members and for any charges, expenses or claims it may incur under said resolution, to be paid from the said Contingent Fund and disbursed after certification by the chairman of the committee upon warrants drawn by the State Controller upon the State Treasury.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Elliott, Evans, Fleury, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, LeRoy E. Lyon, Maloney, Masterson, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Ross, Rumford, Shaw, Shell, Stanley, Thomas, Weinberger, and Mr. Speaker—51.

NOES—None.

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Levering:

Resolved, That Senate Bill No 66 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provisions 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—66.

NOES—None

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

CONSIDERATION OF SENATE BILL NO. 66

Senate Bill No. 66—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1954 First Extraordinary Session of the Legislature, to take effect immediately.

Bill read second time

Senate Bill No. 66—An act making an appropriation for payment of the expenses of Members of the Senate necessarily incurred by them while attending the 1954 First Extraordinary Session of the Legislature, to take effect immediately.

Bill read third time

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr. Speaker—66

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 5

Mr. Weinberger asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 5, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 5—An act to amend Sections 23987, 23988, and 24203 of the Business and Professions Code, relating to alcoholic beverage licenses.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 5?

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Assembly March 11, 1954, strike out "Sections 23987, 23988, and 24203" and insert "Section 23987".

Amendment No. 2

On page 1, strike out lines 7 to 10, inclusive, and insert "the sheriff, chief of police, and district attorney of".

Amendment No. 3

On page 1, line 17, strike out "45", and insert "30".

Amendment No. 4

On page 2, strike out lines 1 to 29, inclusive.

Amendment No. 5

In lines 1 and 2 of the title of the printed bill, as amended in the Senate on March 26, 1954, strike out "Section 23987", and insert "Sections 23987 and 23988".

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, after line 32, insert

"SEC. 2. Section 23988 of said act is amended to read:

23988. Upon receipt by the board within such [15] *30* days of a protest by the governing body of the city or county to whom notice of a license application has been mailed against the issuance of a license, the board shall not issue the license until after a public hearing is held by the board within the county or city affected. The proceedings shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted therein."

Amendment No. 7

On page 2, line 4, of the printed bill, as amended in the Senate on March 29, 1954, after "license", insert "issuance or transfer".

Amendment No. 8

On page 2, line 5, after "issuance", insert "or transfer".

Amendment No. 9

On page 2, line 5, after "issue", insert "or transfer".

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 5 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, and Weinberger—66.

NOES—None.

Assembly Bill No. 5 ordered enrolled.

RE-REFERENCE OF BILLS

By order of the Speaker, the following bills were withdrawn from the file, and re-referred as follows

Senate Bill No. 61 and **Senate Bill No. 62** re-referred to the Committee on Municipal and County Government

RESOLUTION TO SUSPEND CONSTITUTIONAL PROVISION

The following resolution was offered:

By Mr. Donald D Doyle

Resolved, That Senate Bill No 59 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D Doyle, Thomas J Doyle, Elliott Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh Masterson, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Weinberger, and Mr Speaker—61

NOES—None

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

CONSIDERATION OF SENATE BILL NO. 59

Senate Bill No. 59—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to loans and grants to school districts, to take effect immediately.

Bill read third time.

Motion to Continue Action on Senate Bill No. 59

Mr. Shaw moved that Senate Bill No 59 be continued on file until the next legislative day.

Mr. Weinberger seconded the motion.

Motion Withdrawn

Mr Weinberger withdrew his second.

Mr. Shaw withdrew his motion.

Senate Bill No 59 ordered temporarily passed on file.

REQUESTS FOR UNANIMOUS CONSENT TO HOLD SPECIAL MEETINGS OF COMMITTEES

At 9.41 p.m., Mr. Weinberger asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Government Organization in the Cloakroom, at this time, for the purpose of considering Senate Bill No. 63.

At 9.42 p.m., Mr. Collier asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Education in the Assembly Lounge, at this time, for the purpose of considering Senate Bill No. 67.

At 10 p.m., Mr. Levering asked for, and was granted, unanimous consent to hold a special meeting of the Committee on Rules in Room 3164, at this time.

REPORTS OF STANDING COMMITTEES

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Bill No. 67

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

COLLIER, Chairman

Above reported bill ordered to second reading.

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Senate 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.

WEINBERGER, Chairman

Above reported bill ordered to second reading

SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)

Senate Bill No. 63—An act to add Section 23045 to, and to amend Sections 23320, 23321, 23397, 23664, 23665, 23786, 24040, 24043, 24046, 24407, 24468, 24469, and 25171 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read second time.

Consideration of Committee Amendments

The following amendments were proposed by the Committee on Government Organization:

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 29, 1954, strike out "Section 23045", and insert "Sections 23045 and 24070.1"

Amendment No. 2

In line 1 of the title, strike out "23320,".

Amendment No. 3

In line 2 of the title, after "24046,' insert "24070,".

Amendment No. 4

On page 1, line 5, strike out "a certificate of public convenience and necessity", and insert "an air carrier operating certificate".

Amendment No. 5

On page 1, strike out lines 9 to 23, inclusive; and on page 2, strike out lines 1 to 50, inclusive.

Amendment No. 6

On page 3, line 1, strike out "SEC. 3.", and insert "SEC. 2."

Amendment No. 7

On page 3, line 11, strike out "SEC. 4.", and insert "SEC. 3."

Amendment No. 8

On page 3, line 15, strike out "SEC. 5.", and insert "SEC. 4."

Amendment No. 9

On page 3, line 26, strike out "SEC. 6.", and insert "SEC. 5."

Amendment No. 10

On page 3, line 34, strike out "SEC. 7.", and insert "SEC. 6."

Amendment No. 11

On page 3, line 41, strike out "SEC. 8.", and insert "SEC. 7."

Amendment No. 12

On page 3, line 47, strike out "SEC. 9.", and insert "SEC. 8."

Amendment No. 13

On page 4, line 4, strike out "SEC. 10.", and insert "SEC. 9."

Amendment No. 14

On page 4, between lines 10 and 11, insert

"SEC. 10. Section 24070 of said code is amended to read:

24070. Each license *issued prior to January 1, 1954*, is separate and distinct and is transferable from the licensee to another person, *and remains transferable from person to person*, upon the approval of the board as provided in this division and upon the payment of a transfer fee equal to the fee payable upon an original application for the license, except as provided in Section 24071.

SEC. 11. Section 24070.1 is added to said code, to read:

24070.1. Any license issued on or after January 1, 1954, shall not be transferable from the licensee to another person, except as provided in Section 24071."

Amendment No. 15

On page 4, line 11, strike out "SEC. 11.", and insert "SEC. 12."

Amendment No. 16

On page 4, line 20, strike out "SEC. 12.", and insert "SEC. 13."

Amendment No. 17

On page 4, line 29, strike out "SEC. 13.", and insert "SEC. 14."

Amendment No. 18

On page 4, line 41, strike out "SEC. 14.", and insert "SEC. 15."

Amendments read.

Division of the Question

Mr. McGee asked for a division of the question.

Motion to Strike Section of Senate Bill No. 63

Mr. McGee moved that Section 2 of Senate Bill No. 63, as amended in the Senate on March 23rd, be stricken from the bill.

Ruling by Speaker

Speaker Silliman ruled the motion not in order.

Consideration of Amendments Nos. 1, 2, 3, and 5

Amendment No. 1

In line 1 of the title of the printed bill, as amended in the Senate on March 29, 1954, strike out "Section 23045", and insert "Sections 23045 and 24070.1".

Amendment No. 2

In line 1 of the title, strike out "23320,".

Amendment No. 3

In line 2 of the title, after "24046," insert "24070,".

Amendment No. 5

On page 1, strike out lines 9 to 23, inclusive; and on page 2, strike out lines 1 to 50, inclusive.

Amendments read. (Record expunged. *See* p. 388.)

Consideration of Amendment No. 4

Amendment No. 4

On page 1, line 5, strike out "a certificate of public convenience and necessity", and insert "an air carrier operating certificate".

Amendment read.

Point of Order

Mr. McGee arose to the following point of order: That Mr. Thomas J. Doyle is not speaking to the question.

Ruling by Speaker

Speaker Silliman ruled the point of order well taken.

Roll Call Demanded

Messrs. Klocksiem, Levering, and Morris demanded a roll call.

The roll was called. (Record expunged. *See* p. 388.)

Consideration of Amendments Nos. 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18

Amendment No. 6

On page 3, line 1, strike out "SEC. 3.", and insert "SEC. 2."

Amendment No. 7

On page 3, line 11, strike out "SEC. 4.", and insert "SEC. 3."

Amendment No. 8

On page 3, line 15, strike out "SEC. 5.", and insert "SEC. 4."

Amendment No. 9

On page 3, line 26, strike out "SEC. 6.", and insert "SEC. 5."

Amendment No. 10

On page 3, line 34, strike out "SEC. 7.", and insert "SEC. 6."

Amendment No. 11

On page 3, line 41, strike out "SEC. 8.", and insert "SEC. 7."

Amendment No. 12

On page 3, line 47, strike out "SEC. 9.", and insert "SEC. 8."

Amendment No. 13

On page 4, line 4, strike out "SEC. 10.", and insert "SEC. 9."

Amendment No. 14

On page 4, between lines 10 and 11, insert

"SEC. 10. Section 24070 of said code is amended to read:

24070. Each license *issued prior to January 1, 1954*, is separate and distinct and is transferable from the licensee to another person, *and remains transferable from person to person*, upon the approval of the board as provided in this division and upon the payment of a transfer fee equal to the fee payable upon an original application for the license, except as provided in Section 24071.

SEC. 11. Section 24070.1 is added to said code, to read:

24070.1 Any license issued on or after January 1, 1954, shall not be transferable from the licensee to another person, except as provided in Section 24071."

Amendment No. 15

On page 4, line 11, strike out "SEC. 11.", and insert "SEC. 12."

Amendment No. 16

On page 4, line 20, strike out "SEC. 12.", and insert "SEC. 13."

Amendment No. 17

On page 4, line 29, strike out "SEC. 13.", and insert "SEC. 14."

Amendment No. 18

On page 4, line 41, strike out "SEC. 14.", and insert "SEC. 15."

Amendments read. (Record expunged. *See* p. 388.)

Point of Order

Mr. Charles W. Lyon arose to the following point of order: That the proposed amendments are not germane to the bill, and action upon the amendments, at this time, is not in order.

Ruling by Speaker

Speaker Silliman ruled the point of order not well taken, and that the amendments are germane.

Decision by Chair Sustained

Pursuant to Mason's Manual of Procedure, Speaker Silliman charged the Assembly with the responsibility of acting upon his ruling, by voting to sustain or reject the decision of the Chair.

The roll was called, and the decision of the Chair sustained by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Bulen, Burke, Caldecott, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Elliott, Erwin, Fleury, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E Lyon, Maloney, Masterson, McFall, McGee, Meyers, Munnell, Nielsen, Patterson, Porter, Shaw, Stanley, Thomas, and Weinberger—48.

NOES—Clarke, Ernest R. Geddes, Charles W Lyon, Miller, and Stewart—5.

The question being on the adoption of the proposed amendments.

Question of Parliamentary Inquiry

Mr Charles W. Lyon arose to the following question of parliamentary inquiry: When the proposed amendments are disposed of, will the bill go to reprint?

Ruling by Speaker

Speaker Silliman ruled that the bill will have to be sent to reprint prior to its consideration for passage.

Question of Parliamentary Inquiry

Mr Thomas arose to the following question of parliamentary inquiry If the new amendment to be submitted by Mr. Weinberger is adopted, what will happen to the amendments which have just been adopted?

Ruling by Speaker

The amendments just adopted will be stricken from the bill if the amendment to be proposed by Mr Weinberger is adopted

Motion to Expunge Record and Rescind Action on Adoption of Amendments

Mr Thomas J Doyle moved to expunge the record, and rescind the action whereby the Assembly, on this day, adopted the amendments offered by the Committee on Government Organization to Senate Bill No. 63.

Mr Thomas seconded the motion.

The roll was called, and the motion carried by the following vote:

AYES—Allen, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney,

Marsh, Masterson, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—60.

NOES—Porter—1.

The question being on the adoption of all proposed amendments.

Request for Unanimous Consent to Withdraw All Proposed Amendments

Mr. Weinberger asked for, and was granted, unanimous consent to withdraw all proposed amendments now pending.

The question being on the passage of the bill.

Motion to Amend

Mr. Weinberger moved the adoption of the following amendment:

Amendment No. 1

On page 1, after the enacting clause, strike out the balance of the page; and strike out all of pages 2, 3, and 4, and insert:

"24070. Each license *issued prior to January 1, 1954*, is separate and distinct and is transferable from the licensee to another person, *and remains transferable from person to person*, upon the approval of the board as provided in this division and upon the payment of a transfer fee equal to the fee payable upon an original application for the license, except as provided in Section 24071.

SEC. 11. Section 24070.1 is added to said code, to read:

24070.1. Any license issued on or after January 1, 1954, shall not be transferable from the licensee to another person, except as provided in Section 24071."

Amendment read.

Motion to Table

Mr. Smith moved that Senate Bill No. 63 be laid on the table.

Mr. Luckel seconded the motion.

Ruling by Speaker

Speaker Silliman ruled the motion not in order.

Question of Parliamentary Inquiry

Mr. Dolwig arose to the following question of parliamentary inquiry: If the proposed amendment offered by Mr. Weinberger is adopted, will the bill be sent to reprint prior to final consideration?

Ruling by Speaker

Speaker Silliman ruled yes, such will be the case.

Roll Call Demanded

Messrs. Collier, Conrad, and Luckel demanded a roll call.

The roll was called, and the amendment offered by Mr. Weinberger adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Davis, Dolwig, Donald D. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Huckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Shaw, Shell, Smith, Thomas, Tomlinson, and Weinberger—56.

NOES—None.

Senate Bill No. 63 ordered reprinted, and to third reading.

COMMUNICATIONS

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

By the Chief Clerk:

MR. SPEAKER: As permitted by Assembly motion, submitted for your approval are changes to be made in Amendment No. 1 to Senate Bill No. 63, by identifying the code amended and placing the inserted material between lines 2 and 3 on page 1 of the printed bill.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly
By ROBERT S. THURN, Assistant Clerk

APPROVED:

JAMES W. SILLIMAN, Speaker of Assembly

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

House Resolution No. 29

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Concurrent Resolution No. 22
Assembly Concurrent Resolution No. 23

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

SILLIMAN, Chairman

Above reported resolutions ordered engrossed.

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Senate Joint Resolution No. 5

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

SILLIMAN, Chairman

Above reported resolution ordered on file.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON CONCURRENCE IN SENATE AMENDMENTS TO ASSEMBLY BILL NO. 83

At 11.03 p.m., on motion of Mr. Silliman, further proceedings under 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. 83 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Clarke, Cloyed, Collier, Conrad, Coolidge, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Erwin, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—62.

NOES—None.

Assembly Bill No. 83 ordered enrolled.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Hinckley, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Bess Titus of Indio and Mr. and Mrs. J. Clarke Smith of San Bernardino.

On request of Mr. Caldecott, the usual courtesies of the Assembly for this day were unanimously extended to the following Austrian Government officials visiting the United States on the invitation of the United States Department of State: Alfred Baeck, City Councillor of Salzburg, director of City Savings Bank, leading member of Chamber of Commerce; Josef Lentsch, President of the Diet of Burgenland; Franz Wegart, member of the Diet of Styria; Harold S. Courant, U. S. Department of State, interpreter; and John A. Davis, Jr., graduate student, University of Califorina, escort.

On request of Mr. Meyers, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Siegmund Guttentag of San Francisco.

On request of Mr. McCollister, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. E. B. Gearhart, teacher; Mrs. Geo. Rogers, Mrs. Pat Munkres, and Mrs. Emil Papina, adults; and the following pupils of the Nicasio School: Karma Clapp, Nancy Rogers, Larry Smith, Jackie Benson, Lila Hadley, Jeanne Rogers, Walter Tognolda, Richard Clapp, Kathryn Dentoni, James Rogers, Phillip Munkres, Mary Ann Papina, and Joseph Tognolda.

On request of Mr. Maloney, the usual courtesies of the Assembly for this day were unanimously extended to Sheriff Dan Gallagher and former Assemblyman Ray Williamson of San Francisco.

On request of Messrs. Maloney, Hobbie, Brady, and Lindsay, the usual courtesies of the Assembly for this day were unanimously extended to Father Patrick G. Kurkell of Sonora and Father Andrew V. Coffey of Chico.

On request of Mr. Caldecott, the usual courtesies of the Assembly for this day were unanimously extended to Mel Frumkas, Past State Legislation Chairman, Florida State Junior Chamber of Commerce, of Miami, Florida.

On request of Mr. Ernest R. Geddes, the usual courtesies of the Assembly for this day were unanimously extended to former Assemblyman Edward Gaffney of San Francisco.

On request of Messrs. Hansen and Henderson, the usual courtesies of the Assembly for this day were unanimously extended to Patrick Heffernan and Carson Rapp of Fresno.

On request of Mr. Creedon, the usual courtesies of the Assembly for this day were unanimously extended to Maurice Mullins and Ted Pretzer of South San Francisco.

On request of Mr. Hobbie, the usual courtesies of the Assembly for this day were unanimously extended to Robert W. Wilkes, teacher; and the following pupils of the Robbins-Sutter School: Clairlee Leiser, Alice Guidry, Joeanna Gage, Shirley Thames, Bud Frazier, David Hight, Gary Van Zandt, Fred Leiser, and Kenneth Willmsy.

ADJOURNMENT

At 11.09 p m., on motion of Mr Levering, the Speaker declared the Assembly adjourned until 10 a m, Thursday, April 1, 1954, out of respect to the memory of the late Tom Lyons, Assistant Sergeant-at-Arms of the Assembly.

JAMES W. SILLIMAN, Speaker

GERALDINE B HADSELL, Minute Clerk

CALIFORNIA LEGISLATURE

1954 FIRST EXTRAORDINARY SESSION

ASSEMBLY DAILY JOURNAL

TWENTY-SECOND LEGISLATIVE DAY

THIRTY-SECOND CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, April 1, 1954

The Assembly met at 10 a m

Hon. Thomas A. Maloney, Speaker pro Tempore 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:

Allen, Backstrand, Belotti Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—75

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. James D. Poole:

O God, Through whose help and protection we have been brought thus far in the grave duty of drafting laws for the government of Thy people, watch over us now, that the work which Thou hast allowed to begin may be continued and brought to perfection through Thy assistance We realize that all authority is from Thee, and that the work of this Legislature will be successful only if it is guided by Thy wisdom and helped by Thy grace Be with us always that Thy will be done on earth as it is in heaven Through Christ our Lord —AMEN

READING OF THE JOURNAL DISPENSED WITH

On motion of Mr. Dahl, 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:

Mrs. Niehouse, on motion of Mr. Burke.

Mr. Kilpatrick, on motion of Mr. Ernest R. Geddes.

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

Mr. Silliman, on motion of Mr. Levering.

APPRECIATION EXTENDED TO DR. POOLE

Speaker pro Tempore Maloney expressed appreciation to Rev. James D. Poole, the Assembly Chaplain, for the beautiful prayers he has offered this session, and expressed to him, on behalf of the Members of the Assembly, best Easter wishes.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Concurrent Resolution No. 22
Assembly Concurrent Resolution No. 23

And reports the same correctly engrossed.

BURKE, Chairman

Above reported resolutions ordered on file.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 11

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.

CONSIDERATION OF DAILY FILE

SECOND READING OF SENATE BILLS

Senate Bill No. 67—An act to add Section 7717.1 to the Education Code, relating to state school building aid.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Backstrand:

Resolved, That Senate Bill No. 67 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—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas

J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Munnell, Patterson, Ross, Rumford, Shell, Smith, Stanley, Stewart, Tomlinson, and Weinberger—63.
NOES—None.

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

CONSIDERATION OF SENATE BILL NO. 67

Senate Bill No. 67—An act to add Section 7717.1 to the Education Code, relating to state school building aid.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—66.
NOES—None.

Bill ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Concurrent Resolution No. 21

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

MALONEY, Chairman pro Tempore

Request for Unanimous Consent

Mr. Creedon asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 21, at this time, without reference to file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 21

Assembly Concurrent Resolution No. 21—Relative to requesting the Assembly Interim Committee on Public Health, the State Department of Public Health, and the Department of Finance to study the problem of state assistance to private nonprofit hospitals.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Stanley, Stewart, and Thomas—62.
NOES—Bulen—1.

Resolution ordered transmitted to the Senate.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Kelly asked for, and was granted, unanimous consent that his name be placed upon the roll call, on Assembly Concurrent Resolution No 21, and that he be recorded as voting "Aye".

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, March 31, 1954

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. 13

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 Joint Resolution No. 6—Relative to memorializing the President of the United States for the dedication of the Nation's Christmas Tree as a national shrine and for the issuance of a Nation's Christmas Tree stamp

Ordered held at desk.

Senate Concurrent Resolution No. 13—Relative to the retirement of Edwin M. Daugherty, Commissioner of Corporations.

Ordered held at desk.

ANNOUNCEMENT

Speaker pro Tempore Maloney announced that receipt of copies of the Progress Report of the Assembly Interim Committee on Agriculture relative to Public Lands, Grazing, and Forest Practices has been acknowledged by the Library of the Royal Veterinary and Agricultural College of Copenhagen, Denmark, and commended Mr. Clarke, the committee chairman, and the committee members for their hard work which resulted in a fine report, and one which is in public demand.

REQUEST FOR UNANIMOUS CONSENT THAT ADDITIONAL COPIES OF REPORT BE PRINTED

Mr. Clarke asked for, and was granted, unanimous consent that 500 additional copies of the Progress Report of the Assembly Interim Committee on Agriculture, relative to Public Lands, Grazing, and Forest Practices, be ordered printed.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 22—Relative to an independent study of water resources development.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney,

Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Tomlinson, and Weinberger—66.

NOES—None.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 23—Relative to the pricing of fluid cream and skim milk.

Resolution read.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Chapel, Clarke, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Stanley, Stewart, Tomlinson, and Weinberger—61

NOES—None.

Resolution ordered transmitted to the Senate.

CONSIDERATION OF HOUSE RESOLUTION NO. 29

By Messrs. Weinberger, Coolidge, and Rumford:

House Resolution No. 29

Relative to transfers of certain alcoholic beverage licenses

WHEREAS, On March 25, 1954, the Attorney General recommended to the State Board of Equalization that 34 alcoholic beverage licenses which in his opinion were obtained by fraud or misrepresentation should be revoked by the board, and

WHEREAS, There will be a period of time during which the board and the Attorney General will be required to investigate the circumstances under which these 34 licenses were issued and to reach a determination as to whether the licenses should be revoked as having been obtained by the use of fraud or misrepresentation, and

WHEREAS, It is felt that until final action has been taken by the State Board of Equalization upon the recommendation of the Attorney General the board should preserve the status quo with respect to said licenses; now, therefore, be it

Resolved by the Assembly of the State of California, That the State Board of Equalization be requested to withhold approval of any transfers of the 34 alcoholic beverage licenses under investigation until it has taken final action on the recommendation of the Attorney General that said licenses be revoked; and be it further

Resolved, That the Chief Clerk of the Assembly be directed to transmit a copy of this resolution to the State Board of Equalization

Resolution read, and adopted

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 10

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 TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 10

Mr. Coolidge asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 10, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 10—An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 10?

Amendment No. 1

On page 1, line 3, of the printed bill, as amended in the Assembly on March 17, 1954, strike out "Notwithstanding provisions of", and insert "In addition to the grounds specified in".

Amendment No. 2

On page 1, strike out lines 4 to 6, inclusive, and insert "board may revoke a license where the licensee has knowingly permitted any form of unlawful gambling upon his licensed premises.

Notwithstanding the provisions of Section 24200, the board shall revoke a license upon any of the following grounds:".

Amendment No. 3

On page 1, line 7, strike out "(b)", and insert "(a) If".

Amendment No. 4

On page 1, line 11, strike out "(c)", and insert "(b) If".

Amendment No. 5

On page 1, line 11, strike out "the", and insert "an on-sale".

Amendment No. 6

On page 1, line 15, after "community", insert a comma.

Amendment No. 7

On page 1, line 16, strike out "or", and insert "and".

Amendment No. 8

On page 1, line 17, strike out "by the reports of the State Depart-", and all of lines 18 to 20, inclusive, and insert "by reports of the State Department of Public Health, showing a series of contracts or encounters resulting in venereal disease have occurred in the premises over a substantial period of time"

Amendment No. 9

On page 2, line 1, strike out "(d)", and insert "(c) If".

Amendment No. 10

On page 1 of the printed bill, as amended in the Senate on March 26, 1954, strike out lines 3 to 11, inclusive, and insert

"24200.5 Notwithstanding the provisions of Section 24200, the board".

Amendment No. 11

On page 1, strike out lines 17 to 20, inclusive; and on page 2, strike out lines 1 to 9, inclusive

Amendment No. 12

On page 2, line 10, strike out "(c)", and insert "(b)".

Amendment No. 13

On page 2, strike out lines 15 to 17, inclusive.

The roll was called, and the Assembly refused to concur in Senate amendments to Assembly Bill No. 10 by the following vote:

AYES—Hinckley and Smith—2.

NOES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hobbie, Klocksiem, Lanterman, Levering, Lincoln, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Stanley, Stewart, and Weinberger—56

Appointment of Committee on Conference Concerning Assembly Bill No. 10

The Speaker announced the appointment of Messrs. Hinckley, Smith, and Coolidge as a Committee on Conference concerning Assembly Bill No. 10.

REQUEST FOR UNANIMOUS CONSENT THAT COMMUNICATIONS AND OPINION BE PRINTED IN JOURNAL

Mr. Lowrey asked for, and was granted, unanimous consent that communications and an opinion of the Legislative Counsel be ordered printed in the Journal, in 10-point type, as follows:

COMMUNICATION FROM LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, April 1, 1954

Honorable Lloyd W. Lowrey
Assembly Chamber

Claim Bill Item—No. 2068

DEAR MR. LOWREY: Pursuant to your request, we asked the Director of Finance to supply us with information concerning the purpose for which the appropriation made by Item 277(e) of the Budget Bill (Assembly Bill No. 1, 1954 Regular Session) is to be expended.

We enclose herewith the communication received by us from the director concerning this item.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By A. C. MORRISON, Deputy

Inter-Departmental Communication

STATE OF CALIFORNIA
SACRAMENTO 14, April 1, 1954

TO: *Mr. Ralph N. Kleps*
Legislative Counsel
FROM: *Department of Finance—Administration*

Subject: Omnibus Claim Item in Budget Bill—No. 2068

The $50,000 amount under subdivision (c) of Item 277 of the 1954 Budget Bill was added at the recommendation of the Senate Finance Committee. It had not previously been considered by the Board of Control.

We are informed that this amount was to pay the claim of the 36th District Agricultural Association to compensate it for expenses in connection with a special celebration.

JOHN M. PEIRCE
Director of Finance

OPINION OF LEGISLATIVE COUNSEL

STATE OF CALIFORNIA
OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, CALIFORNIA, April 1, 1954

Honorable Lloyd W. Lowrey
Assembly Chamber

Omnibus Claim Bill—No. 2068

DEAR MR. LOWREY: You have asked us to assume that the following facts exist in connection with Item 277(e) of the Budget Bill (Assembly Bill No. 1, 1954 Regular Session): (1) that the amount of $50,000 provided thereby, which is payable from the Fair and Exposition Funds, is intended to be paid by the Secretary of the State Board of Control to the 36th District Agricultural Association; and (2) that the money is to be used by that association for the purpose of participating in the celebration of the One Hundredth Anniversary of the establishment of the Mare Island Navy Yard at Vallejo.

Questions

Based upon such assumption, you have asked:

(1) Is the inclusion of such an item in the "Omnibus Claim Bill" budget appropriation valid under law?

(2) Does the 36th District Agricultural Association have authority to expend the funds for the indicated purpose?

(3) Would the right of the association to participate in the apportionment of funds under Section 19624 of the Business and Professions Code be affected by the claim bill item?

Opinion

(1) The appropriation item is valid.

(2) In our opinion, under the assumptions you ask us to make, the 36th District Agricultural Association would not have authority to expend the funds for the indicated purpose, if it were not connected with fair purposes.

(3) We believe the item would prevent the association from participating in the apportionment of funds under Section 19624 of the Business and Professions Code and Section 92 of the Agricultural Code.

Analysis

The item in question reads as follows:

"277—For claim of the Secretary of the State Board of Control, to be paid from the several funds, in accordance with the following schedule ----------

" * * *

"(e) Fair and Exposition Fund any moneys available for capital outlay for fair purposes under paragraph (c) of Section 19626 of the Business and Professions Code ---------- 50,000".

There seems little room for question that participation by the State in the celebration of events of historic importance is a state purpose for which state money properly may be appropriated. For example,

Chapter 70 of the 1946 (1st Extraordinary) Session created the Monterey Flag Raising Centennial Commission to participate in the celebration commemorating the raising of the United States flag at Monterey in 1846. Chapter 113 of the same session created the California Bear Flag Commemoration Commission to participate in the celebration of the raising of the Bear Flag of the California Republic at Sonoma in 1846. Each of the acts appropriated $7,500 for the purpose of the act.

Since, as stated above, a separate bill appropriating money for state participation in historic events would not violate any provision of the Constitution, and since the Budget Bill is intended by the Constitution to be a general appropriation bill, it is our opinion that the budget item in question is valid.

It does not follow, however, that the 36th District Agricultural Association has authority to expend the funds for the indicated purposes, where the expenditure is not connected with fair purposes.

The district agricultural associations are state institutions (Sec. 86, Ag. C.). There is no reason why an appropriation for the support of a particular association may not be made as a budget item. For example, the 1953 Budget Act contains an appropriation for the support of the Sixth District Agricultural Association (Item 139) and support appropriations have been made for that and other such associations in previous budget acts. Such an appropriation could be limited by its terms to expenditure in connection with the Mare Island Naval Yard Centennial. However, the budget act could not confer any functions upon such an association other than those already conferred by other provisions of law.

The district agricultural associations are organized "for the purpose of holding fairs, expositions and exhibitions of all of the industries and industrial enterprises, resources and products of every kind or nature of the State with a view of improving, exploiting, encouraging, and stimulating the same" (Sec. 81, Ag. C.). The associations, therefore, appear to have ample powers as to any activity for "fair" purposes, and, as an incident to such purposes, could engage to some extent in activities relating to the commemoration of days of historic consequence. For example, if an association conducted its fair on a day of particular historic significance we have no doubt that expenditures for special events commemorating that day would be proper

However, the celebration of historic events is clearly not one of the primary functions of a district agricultural association. A budget appropriation to such an association to be expended *solely for such a celebration* would, therefore, be ineffective because the association would not have authority to expend the money for such purpose and such authority could not be conferred by a budget act. The latter follows from the constitutional requirement that each bill shall relate to only one subject (Sec. 24, Art. IV). The subject of a budget bill is the making of appropriations and giving new powers or functions is another subject.

The conclusion just expressed is, of course, based upon the assumption that the money is to be expended purely for centennial celebration purposes entirely unconnected with the holding of a fair by the association. If the centennial celebration were merely the holding of a special "day" at the fair to commemorate the centennial celebration or the

holding of special events to commemorate that occasion in connection with the holding of a fair itself, our conclusion would be different.

With respect to your third question, Section 19624 of the Business and Professions Code appropriates a portion of the first balance of the Fair and Exposition Fund "for the encouragement of county, district, or combined county and district agricultural fairs * * * to be apportioned and expended under the supervision of the Department of Finance in the manner and for the purpose prescribed by Section 92 of the Agricultural Code and other applicable provisions of law * * *."

Section 92 of the Agricultural Code requires the Director of Finance to "apportion any money appropriated by the State for the encouragement of county, district or combined county and district fairs to the various agricultural fairs * * * ." Section 92 contains the following provision:

> "No fair for which a separate appropriation is made by the State shall participate in the apportionment of any money appropriated for the encouragement of county and district agricultural fairs."

Therefore, if the appropriation made by item 277(e) is for the 36th District Agricultural Association the last quoted language of Section 92 of the Agricultural Code would make it unlawful for the Director of Finance to apportion any other money appropriated for the encouragement of county and district agricultural fairs to that association.

We recognize that the Budget Item in question does not show on its face the purpose for which the appropriation was made, and that the courts will not go behind the face of a Claim Bill to determine the real purpose for which the appropriation is made (*Stevenson* vs. *Colgan* (1891), 91 Cal. 649; *Rankin* vs. *Colgan* (1891), 92 Cal. 605). This does not affect our conclusion, however, since the Director of Finance, in his capacity of ex officio member and Chairman of the State Board of Control (Government Code Sections 13901, 13903) would have knowledge of the purpose for which the appropriation was made, and would be charged with that knowledge when, in his capacity as Director of the Department of Finance, he carries out the provisions of Section 92 of the Agricultural Code.

We express no opinion as to whether the courts would interfere with the action of the Director of Finance, if he made an apportionment notwithstanding his knowledge of the purpose of the budget item and notwithstanding the provision of Section 92 of the Agricultural Code quoted above.

Very truly yours,

RALPH N. KLEPS, Legislative Counsel
By A. C. MORRISON, Deputy

Two copies to Honorable Thomas W. Caldecott pursuant to Joint Rule 34.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS

Senate Concurrent Resolution No. 11—Relative to designating the Old San Diego Area as the "Birthplace of California."

Resolution read.

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

AYES—Allen, Berry, Bonelli, Willis W Bradley, Brady, Brown, Burke, Casey, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, Meyers, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, and Weinberger—55.
NOES—None.

Resolution ordered transmitted to the Senate.

Senate Concurrent Resolution No. 12—Relative to the untimely departure from this life of Roy L. Cheseboro.

Resolution read.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Casey, Clarke, Cloyed, Collier, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, and Weinberger—58.
NOES—None.

Resolution ordered transmitted to the Senate.

ANNOUNCEMENT

Speaker pro Tempore Maloney announced on behalf of the Sergeant-at-Arms that each Member is to leave shipping instructions in his desk so that his books and documents may be shipped to him at the close of the session.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Concurrent Resolution No. 10

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

MALONEY, Chairman pro Tempore

Request for Unanimous Consent

Mr. Henderson asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 10, at this time, without reference to file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 10

Senate Concurrent Resolution No. 10—Relative to study of dormitory problems.

Resolution read.

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

AYES—Allen, Belotti, Berry Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Burke, Casey, Clarke, Cloyed, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Thomas J Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney,

Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Rumford, Shaw, Stanley, Stewart, and Thomas—57
NOES—None

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Grunsky, Regan, and Burns as a Committee on Conference concerning:

Assembly Bill No. 10—An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Bill No. 49
Senate Bill No. 51
Senate Bill No. 64
Senate Joint Resolution No. 4

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

REPORTS OF STANDING COMMITTEES

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, March 31, 1954

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

Assembly Bill No. 82

Has had the same under consideration, and reports the same back with the recommendation: Subject matter be referred to an appropriate interim committee.

WEINBERGER, Chairman

Above reported bill ordered re-referred to the Committee on Rules.

Hon. Donald D. Doyle Presiding

At 11:20 a.m., Hon. Donald D. Doyle, Member of the Assembly from the Tenth District, presiding.

REQUEST FOR UNANIMOUS CONSENT

Mr. Maloney asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 13, at this time, without reference to file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 13

Senate Concurrent Resolution No. 13—Relative to the retirement of Edwin M. Daugherty, Commissioner of Corporations.

Resolution read.

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

AYES—Allen, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Thomas, and Tomlinson—57.
NOES—None.

Resolution ordered transmitted to the Senate.

Speaker pro Tempore Presiding

At 11.27 a.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

CONSIDERATION OF DAILY FILE (RESUMED)
THIRD READING OF SENATE BILLS (RESUMED)

Senate Joint Resolution No. 5—Relative to additional local air service routes in California.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Clarke, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Shell, Stanley, Stewart, Thomas, and Tomlinson—55.

NOES—None.

Resolution ordered transmitted to the Senate.

REPORTS OF STANDING COMMITTEES

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Bill No. 54

Has had the same under consideration, and reports the same back with the recommendation: Refer to Assembly Interim Committee on Judiciary for further study.

FLEURY, Chairman

Above reported bill ordered re-referred to the Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT

Mr. Henderson asked for, and was granted, unanimous consent to take up Senate Joint Resolution No. 6, at this time, without reference to file.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 6

Senate Joint Resolution No. 6—Relative to memorializing the President of the United States for the dedication of the Nation's Christmas Tree as a national shrine and for the issuance of a Nation's Christmas Tree stamp.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Clarke, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J. Doyle, Erwin, Fleury, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Stanley, Stewart, and Weinberger—52

NOES—None.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

The following resolutions were offered:

Assembly Joint Resolution No. 10: By Mr. Brady—Relative to new air services at the San Francisco International Airport, complimenting and thanking the Quantas Empire Airways and the Japan Air Lines, and expressing satisfaction to the Secretary of State of the United States, and to the members of the Civil Aeronautics Board.

Referred to Committee on Rules.

Assembly Joint Resolution No. 11: By Mr. Luckel—Relative to the abolishment of the practice of cumulative voting in national banks.

Referred to Committee on Rules.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE CONCURRENT RESOLUTION NO. 8

Mr. Fleury asked for, and was granted, unanimous consent that he be permitted to take up Senate Concurrent Resolution No. 8, temporarily passed on file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 8

Senate Concurrent Resolution No. 8—Relative to the passing of Warren Kemp Brown.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Chapel, Clarke, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Fleury, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Shaw, Stanley, Stewart, and Tomlinson—59.

NOES—None.

Resolution ordered transmitted to the Senate.

PRESENTATION OF PLAQUES

Speaker pro Tempore Maloney invited Mr. Donald D. Doyle to the rostrum for the purpose of presenting plaques signifying membership in the Martinez-Benicia Navy to Messrs. Dolwig and Lincoln, said plaques conferring upon them the title of "Admiral."

MEMBERS EXCUSED FOR COMMITTEE MEETING

At 11.40 a.m., Mr. Levering asked for, and was granted, unanimous consent that he and the members of the Committee on Rules, be excused, for the purpose of holding a meeting of the Committee on Rules, in the Speaker's Office, at this time.

REQUEST FOR UNANIMOUS CONSENT THAT COMMUNICATION BE PRINTED IN JOURNAL

Mr. Elliott asked for, and was granted, unanimous consent that a communication be ordered printed in the Journal.

Request for Unanimous Consent That Communication Be Withdrawn

Mr. Elliott asked for, and was granted, unanimous consent that the above mentioned communication be withdrawn.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 63

Mr. McGee asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 63, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 63

Senate Bill No. 63—An act to add Section 23045 to, and to amend Sections 23320, 23321, 23397, 23664, 23665, 23786, 24040, 24043, 24046, 24407, 24468, 24469, and 25171 of, the Business and Professions Code, relating to alcoholic beverages.

Bill read third time.

Motion to Pass Senate Bill No. 63 Temporarily on File

Mr. Shaw moved that Senate Bill No. 63 be temporarily passed on file.

Mr. Morris seconded the motion.

Roll Call Demanded

Messrs. Luckel, Ross, and Cooke demanded a roll call.

The roll was called, and the motion by Mr. Shaw lost by the following vote:

AYES—Brown, Clarke, Davis, Samuel R. Geddes, Lanterman, Lowrey, LeRoy E. Lyon, Miller, and Shaw—9.

NOES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Bulen, Burke, Casey, Chapel, Collier, Conrad, Cooke, Dahl, Dolwig, Donald D. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Hansen, Hawkins, Hinckley, Hobbie, Kelly, Lindsay, Luckel, Maloney, McCollister, McGee, Meyers, Nielsen, Patterson, Ross, Rumford, Shell, Stanley, Stewart, Tomlinson, and Weinberger—41.

The question being on the passage of Senate Bill No. 63.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Collier, Conrad, Cooke, Creedon, Dahl, Davis, Dills, Dolwig, Donald D. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Klocksiem, Lanterman, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Tomlinson, and Weinberger—59.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 60

Mr Donald D. Doyle asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 60, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 60

Senate Bill No. 60—An act to add Chapter 23 to Division 3 of the Education Code, to provide for the preparation, issuance and sale of state bonds to create a fund to provide aid to school districts of the State; defining the powers and duties of state officers in respect to the administration of the provisions hereof; providing ways and means for

the payment of the interest of such bonds as such interest falls due, and also for the payment and discharge of the principal of such bonds as such principal matures, and appropriating money for the expense of preparing and of advertising the sale of bonds herein authorized to be issued, and for the administration of this chapter.

Bill read third time.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Clarke, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D Doyle, Thomas J Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Stanley, Stewart, Tomlinson, and Weinberger—60.

NOES—None.

Bill ordered transmitted to the Senate.

RECESS

At 12.03 p.m., on motion of Mr. Ernest R. Geddes, the Assembly recessed until 2 p.m.

REASSEMBLED

At 2 p.m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Constitutional Amendment No. 13
Assembly Joint Resolution No. 8
Assembly Concurrent Resolution No. 16

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

Above resolutions ordered enrolled.

Hon. William A. Munnell Presiding

At 2.02 p.m., Hon. William A. Munnell, Member of the Assembly from the Fifty-first District, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Bill No. 36

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

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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. 10—*An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act.*

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate refused adoption to:

Assembly Concurrent Resolution No. 10

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended:

Assembly Bill No. 9
Assembly Bill No. 69
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

Above bills ordered to unfinished business file.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 74

Mr. Shaw asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 74, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 74—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to the compensation of Members of the Senate and the Assembly of the State of California, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 74?

Amendment No. 1

In the title of the printed bill, strike out lines 4 to 6, inclusive, and insert "constitutional amendments proposed by the Legislature at the 1954 First Extraordinary Session, to take effect"

Amendment No. 2

On page 1, strike out lines 7 to 13, inclusive, and insert "At such consolidated election there shall be submitted to the electors, in addition to such other measures as may be submitted in accordance with law, all constitutional amendments proposed by the Legislature at the 1954 First Extraordinary Session Except as otherwise provided in this act all of".

Amendment No. 3

On page 1, line 17, strike out "measure", and insert "measures".

Amendment No. 4

On page 1, line 20, strike out "measure", and insert "measures".

Amendment No. 5

On page 2, line 1, strike out "measure", and insert "measures".

Amendment No. 6

On page 2, line 2, strike out "ure. If the measure was", and insert "ures. If the measures were"

Amendment No. 7

On page 2, strike out all of line 4; and in line 5, strike out "ure", and insert "against any measure to draft an argument against such measure"

Amendment No. 8

On page 2, line 12, strike out "measure", and insert "measures".

Amendment No. 9

On page 2, line 14, strike out "measure", and insert "measures".

Amendment No. 10

On page 2, line 17, strike out "measure", and insert "measures".

Amendment No. 11

On page 2, line 19, strike out "its", and insert "their"

Amendment No. 12

On page 2 of the printed bill, as amended in the Senate on March 26, 1954, strike out lines 6 to 19, inclusive, and insert

"SEC. 2. Upon the effective date of this act, Members of the Legislature shall be appointed in the manner prescribed by Sections 1500 and 1501 of the Elections Code, to prepare arguments in favor of and against measures submitted pursuant to this act. All such arguments shall be filed with the Secretary of State on or before June 3, 1954."

The roll was called and the Assembly refused to concur in Senate amendments to Assembly Bill No. 74 by the following vote:

AYES—Allen, Masterson, Patterson, Rumford, and Weinberger—5.

NOES—Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Coolidge, Creedon, Davis, Donahoe, Donald D. Doyle, Elliott, Erwin, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Levering, Lincoln, Lindsay, LeRoy E. Lyon, Maloney, Marsh, McFall, Miller, Morris, Munnell, Nielsen, Ross, Shaw, Shell, and Smith—39.

Request for Unanimous Consent That Name Be Placed Upon Roll Call

Mr. Marsh asked for, and was granted, unanimous consent that his vote be changed upon the roll call, on Assembly Bill No. 74, and that he be recorded as voting "No."

Appointment of Committee on Conference Concerning Assembly Bill No. 74

The Speaker announced the appointment of Messrs. Shaw, Weinberger, and Rumford as a Committee on Conference concerning Assembly Bill No. 74.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: The Committee on Conference concerning:

Assembly Bill No. 10—An act to add Section 24200.5 to the Business and Professions Code, relating to disciplinary action against licensees under the Alcoholic Beverage Control Act;

Consisting of the undersigned members, has met, and reports that it has agreed to recommend the following:

That the amendments of the Senate be concurred in, and that the bill as amended in the Senate on March 31, 1954, be further amended as follows:

Amendment No. 1

On page 1, line 11, of the printed bill, as amended in the Senate on March 31, 1954, strike out "the", and insert "a retail".

REGAN	COOLIDGE
FLEURY	SMITH
BURNS	HINCKLEY
Senate Committee on Conference	Assembly Committee on Conference

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Cooke, Coolidge, Creedon, Davis, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest

R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Lanterman, Lincoln, Lindsay, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, Tomlinson, and Weinberger—51.

NOES—None.

Assembly Bill No. 10 ordered enrolled.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Concurrent Resolution No. 14

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. 14—Relative to the passing of Thomas J. Lyons.

Request for Unanimous Consent

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

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 14

Senate Concurrent Resolution No. 14—Relative to the passing of Thomas J. Lyons.

Resolution read, and adopted unanimously by a rising vote.

Resolution ordered transmitted to the Senate.

Speaker pro Tempore Presiding

At 2.22 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 9

Mr. Coolidge asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No 9, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 9—An act to amend Sections 23320 and 25761 of, and to add Chapter 18 to Division 9 of, the Business and Professions Code, relating to alcoholic beverages

The question being: Shall the Assembly concur in the following Senate amendments to Assembly Bill No. 9?

Amendment No. 1

On page 1, line 8, of the printed bill, as amended in the Assembly on March 22, 1954, strike out "the Presi-"; and in line 9, strike out "dent of the board of Medical Examiners", and insert "a physician and surgeon".

Amendment No. 2

On page 2, strike out lines 21 to 29, inclusive.

Amendment No. 3

On page 2, line 34, strike out "Any amounts expended", and strike out lines 35 to 38, inclusive.

Amendment No. 4

In line 3 of the title, after "beverages", insert ", and making an appropriation".

Amendment No. 5

On page 1, line 7, of the printed bill, as amended in the Senate on March 29, 1954, strike out "the Director"; and strike out all of lines 8, 9, and 10, and insert "nine members at least three of whom shall be physicians and surgeons holding physician's and surgeon's certificates issued by the Board of Medical Examiners of the State of California and at least one of".

Amendment No. 6

On page 2, line 15, strike out "June 30,"; and strike out all of lines 16 and 17, and insert "October 15, 1956. The commission shall cease to exist on September 30, 1957."

Amendment No. 7

On page 1, lines 7 through 9, strike out "the Director of Mental Hygiene, the Director of Public Health, a physician and sur-"; and in line 10, strike out "geon,", and insert "nine members, at least three of whom shall be physicians and surgeons licensed under the provisions of Division 2, Chapter 5 of the Business and Professions Code."

The roll was called, and the Assembly concurred in Senate amendments to Assembly Bill No. 9 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shell, Smith, Stanley, and Weinberger—57.

NOES—None.

Assembly Bill No. 9 ordered enrolled.

Hon. Kenneth A. Ross Presiding

At 2.27 p.m., Hon. Kenneth A. Ross, Member of the Assembly from the Sixty-sixth District, presiding.

MEMBER EXCUSED

At 2.28 p.m., Mr. Berry asked for, and was granted, unanimous consent that Mr. Collins be excused for the balance of the legislative day, because of legislative business elsewhere.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE AMENDMENTS TO ASSEMBLY BILL NO. 69

Mr. Lowrey asked for, and was granted, unanimous consent that he be permitted to take up Senate amendments to Assembly Bill No. 69, out of order.

UNFINISHED BUSINESS (BY UNANIMOUS CONSENT)
CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 69—An act to repeal Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, and to add Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40, to the Lake County Flood Control and Water Conservation District Act (Chapter 1544 of

the Statutes of 1951), relating to flood control and water conservation, declaring the urgency thereof, to take effect immediately.

The question being: Shall the Assembly concur in the following Senate amendment to Assembly Bill No. 69?

Amendment No. 1

On page 22, line 4, of the printed bill, as amended in the Assembly on March 25, 1954, strike out "bill", and insert "act".

The roll was called, and the Assembly concurred in Senate amendment to Assembly Bill No. 69 by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Levering, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Rumford, Shell, Smith, Stanley, and Weinberger—55.
NOES—None.

Assembly Bill No. 69 ordered enrolled

Speaker pro Tempore Presiding

At 2.32 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Hon. Walter I. Dahl Presiding

At 2.40 p m., Hon Walter I. Dahl, Member of the Assembly from the Sixteenth District, presiding.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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.

MALONEY, Chairman pro Tempore

Request for Unanimous Consent

Mr Erwin asked for, and was granted, unanimous consent to take up Senate Joint Resolution No 3, at this time, without reference to file.

CONSIDERATION OF SENATE JOINT RESOLUTION NO. 3

Senate Joint Resolution No. 3—Relative to congressional appropriations for crops and livestock regulatory programs of the United States Department of Agriculture.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Davis, Donahoe, Donald D Doyle, Thomas J. Doyle, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lincoln, Lowrey, Luckel, LeRoy E Lyon, Maloney, Marsh, Masterson, McFall, Meyers, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shell, Smith, Stanley, and Weinberger—51.
NOES—None.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR SPEAKER: I am directed to inform your honorable body that the Senate appointed Senators Regan, Desmond, and Burns, as a Committee on Conference concerning:

Assembly Bill No. 74—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of constitutional amendments proposed by the Legislature at the 1954 First Extraordinary Session, to take effect immediately.

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Bill No. 60

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

Speaker pro Tempore Presiding

At 2.45 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Hon. Walter I. Dahl Presiding

At 2.50 p.m., Hon. Walter I. Dahl, Member of the Assembly from the Sixteenth District, presiding.

Speaker pro Tempore Presiding

A 2.51 p m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Bill No. 78

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

Above bill ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Concurrent Resolution No. 20
Assembly Concurrent Resolution No. 17
Assembly Joint Resolution No. 5

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

Above resolutions ordered enrolled.

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR SPEAKER: I am directed to inform your honorable body that the Senate on this day adopted:

Assembly Concurrent Resolution No. 21
Assembly Concurrent Resolution No. 22

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

Above resolutions ordered enrolled.

APPRECIATION EXPRESSED

Speaker pro Tempore Maloney expressed appreciation, on behalf of Speaker Silliman and himself, to the Members of the Assembly for their fine cooperation during this session.

Speaker pro Tempore Maloney expressed appreciation to Mr. Kleps, the Legislative Counsel for his able assistance, and that of his staff, during this session.

RESOLUTIONS

The following resolutions were offered:

By Mr. Levering:

House Resolution No. 60

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. Levering asked for, and was granted, unanimous consent to take up House Resolution No. 60, at this time, without reference to committee or file.

Resolution read, and adopted.

By Mr. Levering:

House Resolution No. 61

Resolved by the Assembly of the State of California, That each and every person, officer, attache, or employee heretofore employed by the Assembly during this First Extraordinary Session, is stricken from the list of Assembly attaches, officers, and employees, and the names stricken from the payroll of the Assembly, to take effect upon the completion of work on Thursday, April 1st, except those persons who are certified to the Controller by the Chief Clerk of the Assembly.

Request for Unanimous Consent

Mr. Levering 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.

By Mr. Levering:

House Resolution No. 62

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. Levering 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.

Appointment of Select Committee

Pursuant to the provisions of House Resolution No. 62, Speaker pro Tempore Maloney announced the appointment of Messrs. Burke, Donald D. Doyle, Thomas J. Doyle, Bonelli, and Miss Donahoe as such Select Committee to wait upon the Governor.

RECESS

At 4 p.m., on motion of Mr. Levering, the Assembly recessed until 4.03 p.m.

REASSEMBLED

At 4.03 p.m., the Assembly reconvened.

Hon. Harold K. Levering, Member of the Assembly from the Sixtieth District, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day reported from committee without further action.

Assembly Concurrent Resolution No. 19

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Joint Resolution No. 7
Assembly Joint Resolution No. 9
Assembly Concurrent Resolution No. 23

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

Above resolutions ordered enrolled.

APPRECIATION EXPRESSED

Mr. Levering expressed, at the request of Speaker Silliman, appreciation to the Members of the Assembly, for their splendid cooperation during this session and expressed the praise of the Speaker to Speaker pro Tempore Maloney for his loyal leadership assistance and his devotion to his legislative duties; and he extended the very best wishes of the Speaker, for the future, to all and members and attaches.

Speaker pro Tempore Presiding

At 4.18 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

MESSAGES FROM THE SENATE

SENATE, CALIFORNIA LEGISLATURE, April 1, 1954

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

GENTLEMEN: I have been instructed by the Senate to request your honorable body to return Assembly Concurrent Resolution No. 10 for further consideration by the Senate.

Very truly yours,

J. A. BEEK, Secretary of the Senate

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY CONCURRENT RESOLUTION NO. 10 BE RETURNED TO THE SENATE

Mr. Fleury asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 10 be returned to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Concurrent Resolution No. 10

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

Above resolution ordered enrolled.

REPORTS OF STANDING COMMITTEES

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, March 30, 1954

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

Assembly Constitutional Amendment No. 12

Has had the same under consideration, and reports the same with the recommendation: Refer to the proper interim committee for further study until the next legislative session.

BELOTTI, Chairman

Above reported resolution ordered re-referred to the Committee on Rules.

Hon. Donald D. Doyle Presiding

At 4.50 p.m., Hon. Donald D. Doyle, Member of the Assembly from the Sixteenth District, presiding.

Speaker pro Tempore Presiding

At 5.10 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Hon. Harold K. Levering Presiding

At 5.20 p.m., Hon. Harold K. Levering, Member of the Assembly from the Sixtieth District, presiding.

Speaker pro Tempore Presiding

At 5.45 p.m., Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

REPORT OF COMMITTEE ON CONFERENCE

The following report of Committee on Conference was received, and read:

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: The Committee on Conference concerning:

Assembly Bill No. 74 (As amended in Senate March 31, 1954)—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of constitutional amendments proposed by the Legislature at the 1954 First Extraordinary Session, 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

On page 2 of the printed bill, as amended in the Senate on March 31, 1954, strike out lines 11 to 16, and insert.

"SEC. 2. Within five days after final adjournment of the 1954 First Extraordinary Session, the author of any constitutional amendment submitted at that session and one member of the opposite house who voted with the majority on the amendment, shall be appointed by the presiding officers of the respective houses to

draft the argument for the adoption of the measure. If such a constitutional amendment was not adopted unanimously by the house in which it was introduced, one member of that house, who voted against it, shall be appointed by the presiding officer of that house to write an argument against the measure. If there was no negative vote on the measure in the house in which it was introduced, the presiding officer of that house shall appoint some qualified person to draft an argument against the measure. No argument shall exceed 500 words. All such arguments shall be filed with the Secretary of State on or before June 3, 1954."

REGAN	
BURNS	SHAW
DESMOND	RUMFORD
Senate Committee on Conference	Assembly Committee on Conference

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Lanterman, Levering, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Marsh, Masterson, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, and Weinberger—60.

NOES—None.

REQUEST FOR UNANIMOUS CONSENT TO TAKE UP SENATE BILL NO. 59

Mr. Donald D. Doyle asked for, and was granted, unanimous consent that he be permitted to take up Senate Bill No. 59, temporarily passed on file.

CONSIDERATION OF SENATE BILL NO. 59

Senate Bill No. 59—An act calling a special election to be consolidated with the general election of 1954 and to provide for the submissions to the electors of the State at such consolidated election of a constitutional amendment proposed by the Legislature, relating to loans and grants to school districts, to take effect immediately.

Bill read third time.

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

AYES—Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kelly, Lanterman, Levering, Lindsey, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shaw, Shell, Smith, and Weinberger—56.

NOES—None.

Bill ordered transmitted to the Senate.

RESOLUTIONS

The following resolution was offered:

By Mr. Levering:

House Resolution No. 63

Resolved, That the Speaker appoint a Committee of Five 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. Levering 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, and adopted.

APPOINTMENT OF SELECT COMMITTEE

Pursuant to the provisions of House Resolution No. 63, Speaker pro Tempore Maloney announced the appointment of Messrs. Dolwig, Ernest R. Geddes, Willis W. Bradley, Hinckley, and Meyers as such Select Committee to wait upon the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Concurrent Resolution No. 15

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 offered:

Senate Concurrent Resolution No. 15—Relative to adjournment sine die of the 1954 First Extraordinary Session of the Legislature of the State of California.

Request for Unanimous Consent

Mr. Levering asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 15, at this time, without reference to committee, print, or file.

CONSIDERATION OF SENATE CONCURRENT RESOLUTION NO. 15

Senate Concurrent Resolution No. 15—Relative to adjournment sine die of the 1954 First Extraordinary Session of the Legislature of the State of California.

Resolution read.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Lanterman, Levering, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Ross, Rumford, Shell, Smith, Stewart, and Weinberger—61.

NOES—None.

Resolution ordered transmitted to the Senate.

ANNOUNCEMENT

As an historical fact of interest, Mr. Brown announced that today is the birthday of Stanislaus County, which was legally established 100 years ago today.

APPRECIATION EXPRESSED

Speaker pro Tempore Maloney expressed appreciation to the officers and attaches for their fine cooperation during this session.

Mr. Levering expressed appreciation to the Sergeant-at-Arms and his staff, the Chief Stenographer and her staff, and the Secretary of the Rules Committee and her staff for their fine cooperation during this session. He also expressed personal appreciation for fine assistance to the Speaker, the Speaker pro Tempore, the members, officers and attaches.

REQUEST FOR UNANIMOUS CONSENT THAT CHIEF CLERK BE INSTRUCTED TO WRITE LETTER TO REV. JAMES D. POOLE

Mr. Ernest R. Geddes asked for, and was granted, unanimous consent that the Chief Clerk be instructed to write a letter to the Chaplain, Rev. James D. Poole, and express the appreciation of the members for the inspiring prayers he has offered during this session.

REPORTS OF SELECT COMMITTEE

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 1, 1954

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 calling a special election to be consolidated with the general election of 1954 and to provide for the submission to the electors of the State at such consolidated election of constitutional amendments proposed by the Legislature at the 1954 First Extraordinary Session, to take effect immediately.

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

Assembly Bill No. 74 ordered enrolled.

PRESENTATION OF PLAQUES

Speaker pro Tempore Maloney invited Mr. Samuel R. Geddes to the rostrum for the purpose of presenting plaques signifying membership in the Martinez-Benicia Navy to Messrs. Shell and Lowrey, said plaques conferring upon them the title of "Admiral."

COMMITTEE FROM THE SENATE

Senators O'Gara, McBride, and Berry, acting as a Select Committee from the Senate, appeared before the bar of the Assembly, and reported that the Senate had concluded its labors and was ready to adjourn sine die.

REPORTS OF STANDING COMMITTEES

Committee on Constitutional Amendments

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Constitutional Amendments, to which were referred:

Assembly Constitutional Amendment No. 3
Assembly Constitutional Amendment No. 4
Assembly Constitutional Amendment No. 5
Assembly Constitutional Amendment No. 6
Assembly Constitutional Amendment No. 7
Assembly Constitutional Amendment No. 8
Assembly Constitutional Amendment No. 9
Assembly Constitutional Amendment No. 11

Respectfully reports the same back without further action.

BELOTTI, Chairman

Committee on Education

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Bill No. 17

Respectfully reports the same back without further action.

COLLIER, Chairman

Above reported bill ordered transmitted to the Senate.

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Bill No. 93

Respectfully reports the same back without further action.

COLLIER, Chairman

Committee on Finance and Insurance

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Finance and Insurance, to which were referred:

Assembly Bill No. 25
Assembly Bill No. 26
Assembly Bill No. 27
Assembly Bill No. 28
Assembly Bill No. 40
Assembly Bill No. 42
Assembly Bill No. 43
Assembly Bill No. 45
Assembly Bill No. 61
Assembly Bill No. 63
Assembly Bill No. 80

Respectfully reports the same back without further action.

BACKSTRAND, Chairman

Committee on Government Organization

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Government Organization, to which were referred:

Assembly Bill No. 8
Assembly Bill No. 23
Assembly Bill No. 32
Assembly Bill No. 34
Assembly Bill No. 35
Assembly Bill No. 37
Assembly Bill No. 38
Assembly Bill No. 46
Assembly Bill No. 49
Assembly Bill No. 50
Assembly Bill No. 65
Assembly Bill No. 66
Assembly Bill No. 67
Assembly Bill No. 77

Respectfully reports the same back without further action

WEINBERGER, Chairman

Committee on Judiciary

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Judiciary, to which were referred:

Assembly Bill No. 55
Assembly Bill No. 56
Assembly Bill No. 57
Assembly Bill No. 58
Assembly Bill No. 68
Assembly Bill No. 76
Assembly Bill No. 86

Respectfully reports the same back without further action.

FLEURY, Chairman

Committee on Military Affairs

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Bill No. 20

Respectfully reports the same back without further action.

COOKE, Chairman

Committee on Municipal and County Government

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Municipal and County Government, to which were referred:

Senate Bill No. 61
Senate Bill No. 62

Respectfully reports the same back without further action.

STANLEY, Chairman

Above reported bills ordered transmitted to the Senate.

Committee on Revenue and Taxation

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Revenue and Taxation, to which was referred:

Assembly Bill No. 24

Respectfully reports the same back without further action.

ERWIN, Chairman

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Assembly Bill No. 41
Assembly Bill No. 44
Assembly Bill No. 54
Assembly Bill No. 64
Assembly Bill No. 73
Assembly Bill No. 79
Assembly Bill No. 82
Assembly Bill No. 84
Assembly Bill No. 89
Assembly Bill No. 90
Assembly Bill No. 91
Assembly Bill No. 92
Assembly Constitutional Amendment No. 12

Has had the same under consideration, and reports the same back with the recommendation: Subject matter be referred to proper interim committee.

SILLIMAN, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

House Resolution No 11
House Resolution No. 12
House Resolution No. 13
House Resolution No. 15
House Resolution No. 17
House Resolution No. 18
House Resolution No. 19
House Resolution No. 21
House Resolution No. 22
House Resolution No. 24
House Resolution No. 25
House Resolution No. 30
Assembly Joint Resolution No. 1
Assembly Joint Resolution No. 10
Assembly Joint Resolution No. 11
Assembly Concurrent Resolution No. 11
Assembly Concurrent Resolution No. 13
Assembly Concurrent Resolution No. 18
Assembly Concurrent Resolution No. 24

Respectfully reports the same back without further action.

SILLIMAN, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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: Refer subject matter to State Capitol Committee.

SILLIMAN, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

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

Senate Joint Resolution No. 1

Respectfully reports the same back without further action.

SILLIMAN, Chairman

Above reported resolution ordered transmitted to the Senate.

Committee on Ways and Means

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Ways and Means, to which were referred:

Assembly Bill No. 75
Assembly Constitutional Amendment No. 10

Respectfully reports the same back without further action.

CALDECOTT, Chairman

ASSEMBLY CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: Your Committee on Ways and Means, to which was referred:

Assembly Constitutional Amendment No. 2

Respectfully reports the same back without further action.

CALDECOTT, Chairman

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns without further action:

Assembly Constitutional Amendment No. 1
Assembly Joint Resolution No. 4

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day returns without further action:

Assembly Bill No. 6
Assembly Bill No. 12
Assembly Bill No. 13
Assembly Bill No. 14
Assembly Bill No. 33
Assembly Bill No. 72

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

SENATE CHAMBER, SACRAMENTO, April 1, 1954

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day laid on the table:

Assembly Bill No. 4

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

MOTION TO APPROVE JOURNALS

Upon motion of Mr. Levering, the Journals for Monday, March 22, 1954; Tuesday, March 23, 1954; Wednesday, March 24, 1954; Thursday, March 25, 1954; Friday, March 26, 1954; Monday, March 29, 1954; Tuesday, March 30, 1954; Wednesday, March 31, 1954, and Thursday, April 1, 1954, were approved, as corrected by the Minute Clerk.

TEXT OF PROPOSED CONSTITUTIONAL AMENDMENTS WHICH HAVE BEEN APPROVED BY BOTH HOUSES OF THE LEGISLATURE, TOGETHER WITH THE YEAS AND NAYS TAKEN THEREON

Pursuant to the provisions of Article XVIII of the Constitution of the State of California, the following proposed constitutional amendments, two-thirds of all the members elected to each of the two houses of the Legislature having voted in favor thereof, are hereby entered on the Journal, together with the yeas and nays taken thereon:

ASSEMBLY CONSTITUTIONAL AMENDMENT NO. 13

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 2 of Article IV thereof, relating to the compensation of Members of the Legislature of California.

Resolved by the Assembly, the Senate concurring, That the Legislature of the State of California at its 1954 First Extraordinary Session commencing on the first day of March, 1954, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 2 of Article IV thereof, to read:

SEC. 2. (a) The sessions of the Legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session

All regular sessions in odd-numbered years shall be known as general sessions and no general session shall exceed 120 calendar days, exclusive of the recess required to be taken in pursuance of this section, in duration

All regular sessions in even-numbered years shall be known as budget sessions, at which the Legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, the approval or rejection of charters and charter amendments of cities, counties, and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period of not exceeding 30 calendar days thereafter; whereupon a recess of both houses must be taken for not less than 30 calendar days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling.

All budget sessions shall commence at 12 m. on the first Monday in March and no budget session shall exceed 30 calendar days in duration.

(b) Each Member of the Legislature shall receive for his services the sum of five hundred dollars ($500) for each month of the term for which he is elected.

No member of the Legislature shall be reimbursed for his expenses, except for expenses incurred (1) while attending a regular, special or extraordinary session of the Legislature (the expense allowances for which may equal but not exceed the expense allowances at the time authorized for other elected state officers), not exceeding 120 calendar days of any general session or 30 calendar days of any budget session or the duration of a special or extraordinary session or (2) while serving after the Legislature has adjourned or during any recess of the two houses of the Legislature as a member of a joint committee of the two houses or of a committee of either house, when the committee is constituted and acting as an investigating committee to ascertain facts and make recommendations, not exceeding, during any calendar year, 40 days as a member of one or more committees of either house, or 60 days as a member of one or more joint committees, but not exceeding 60 days in the aggregate for all such committee work. The limitations in this subsection (b) are not applicable to mileage allowances.

Yeas and Nays on Assembly Constitutional Amendment No. 13

Excerpt from Assembly Journal for March 22, 1954, page 167

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

AYES—Belotti, Berry, Bonelli, Clark L. Bradley, Brady, Burke, Caldecott, Chapel, Clarke, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Evans, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Morris, Munnell, Porter, Ross, Rumford, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—62.

NOES—Allen, Brown, Casey, Fleury, Luckel, and Nielsen—6.

Excerpt from Senate Journal for April 1, 1954, page 260

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

AYES—Senators Abshire, Breed, Brown, Burns, Bryne, Collier, Coombs, Cunningham, Desmond, Dilworth, Dorsey, Erhart, Grunsky, Hoffman, Ed C. Johnson, Kraft, McBride, McCarthy, Miller, Montgomery, O'Gara, Regan, Teale, Thompson, Ward, Way, and Dale C. Williams—27.

NOES—Senators Berry, Gibson, Hulse, Murdy, and Sutton—5.

SENATE CONSTITUTIONAL AMENDMENT NO. 3

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 17 to Article XVI thereof, relating to the issuance of bonds or the appropriation of money to provide loans and grants to school districts of the State, and prescribing the terms and conditions under which such grants and loans to school districts shall be made and repaid.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California, at its 1954 First Extraordinary Session, commencing on the first day of March, 1954, two-thirds of the members elected to each of the houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by adding Section 17 to Article XVI thereof, to read:

SEC. 17. Bonds of the State of California shall be prepared, issued, and sold in the amount of one hundred million dollars ($100,000,000), in such denominations, to be numbered, to bear such dates, and to bear such rate of interest as shall be determined by the Legislature.

The proceeds of such bonds shall be used:

(a) Subject to such legislation as the Legislature may, from time to time, enact, to provide loans and grants to school districts of the State for use in purchasing and improving school sites, the purchasing of furniture and equipment for schools, and the planning and constructing, reconstructing, repairing, altering, and making additions to, school buildings.

(b) To pay the expenses that may be incurred in preparing, advertising, issuing, and selling the bonds, and in administering and directing the expenditure of the moneys realized from the sale of such bonds.

The issuance, signing, countersigning, endorsing, and selling of the bonds herein provided for, and the interest coupons thereon, the place and method of payment of principal and interest thereon, the procedure for initiating, advertising and holding sales thereof, and the performance by the several state boards and state officers of their respective duties in connection therewith; and all other provisions, terms, and conditions relating to the bonds, shall be as provided by the Legislature.

The Legislature may appropriate money to be expended in addition to or in lieu of the money received from the sale of the bonds sold under the authority of this section. The money so appropriated shall be expended pursuant to subdivision (a) of this section. If the Legislature appropriates money in lieu of the money received from the sale of the bonds, the total amount of bonds required to be sold pursuant to this section shall be reduced by the amount so appropriated.

The Legislature shall pass all laws, general or special, necessary or convenient to carry into effect the provisions of this section. Such laws may provide for the allocation of funds to school districts pursuant to this section by the State Allocations Board or a similar agency and in that event, notwithstanding any other provision of this Constitution, Members of the Legislature who are required to meet with such board shall have equal rights and duties with the nonlegislative members to vote and act upon matters pending before such board.

The Legislature shall require each district receiving an allocation of money from the sale of bonds pursuant to this section to repay such money to the State on such terms and in such amounts as may be within the ability of the district to repay.

The people of the State of California in adopting this section hereby declare that it is in the interests of the State and of the people thereof for the State to aid school districts of the State in providing necessary school sites and buildings for the pupils of the Public School System, such system being a matter of general concern inasmuch as the education of the children of the State is an obligation and function of the State.

Yeas and Nays on Senate Constitutional Amendment No. 3

Excerpt from Senate Journal for March 16, 1954, page 161

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

AYES—Senators Abshire, Berry, Breed, Busch, Byrne, Collier, Coombs, Cunningham, Desmond, Dilworth, Donnelly, Dorsey, Erhart, Hoffman, Ed. C. Johnson, Harold T. Johnson, Kraft, McBride, Miller, Montgomery, O'Gara, Parkman, Regan, Sutton, Teale, Tenney, Thompson, Ward, Way, Dale C. Williams, and J. Howard Williams—31.

NOES—None.

Excerpt from Assembly Journal for March 29, 1954, page 277

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collins, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lincoln, Lindsay, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—64.

NOES—Brady, Collier, Conrad, Coolidge, Levering, Charles W. Lyon, Marsh, Shell, and Smith—9.

Excerpt from Assembly Journal for March 29, 1954, page 278

The question being on the motion to reconsider.

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

AYES—Clark L. Bradley, Willis W. Bradley, Brady, Chapel, Collier, Collins, Conrad, Coolidge, Elliott, Evans, Hansen, Hawkins, Kilpatrick, Klocksiem, Levering, Charles W. Lyon, Marsh, McMillan, Morris, Ross, Shell, Smith, Stanley, Thomas, and Tomlinson—25.

NOES—Allen, Backstrand, Belotti, Berry, Brown, Bulen, Burke, Casey, Clarke, Cloyed, Cooke, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Erwin, Fleury, Ernest R. Geddes, Samuel R. Geddes, Henderson, Hinckley, Hobbie, Kelly, Lincoln, Lindsey, Lowrey, Luckel, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, Meyers, Miller, Munnell, Nielsen, Patterson, Porter, Rumford, Shaw, Stewart, and Weinberger—47.

Excerpt from Senate Journal for March 31, 1954, pages 228, 229

The question being: Shall the Senate concur in the following Assembly amendments to Senate Constitutional Amendment No. 3?

* * * * * * *

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

AYES—Senators Abshire, Berry, Breed, Burns, Byrne, Collier, Coombs, Desmond, Dilworth, Donnelly, Dorsey, Erhart, Gibson, Grunsky, Hulse, Ed. C. Johnson, Kraft, Miller, Murdy, O'Gara, Parkman, Regan, Sutton, Teale, Tenney, Thompson, Ward, Way, and Dale C. Williams—29.

NOES—None.

SENATE CONSTITUTIONAL AMENDMENT NO. 4

A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 22 of Article XX thereof, relating to alcoholic beverages.

Resolved by the Senate, the Assembly concurring, That the Legislature of the State of California at its 1954 First Extraordinary Session commencing on the first day of March, 1954, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that the Constitution of the State be amended by amending Section 22 of Article XX thereof, relating to alcoholic beverages, to read:

SEC. 22. The State of California, subject to the internal revenue laws of the United States, shall have the exclusive right and power to license and regulate the manufacture, sale, purchase, possession and transportation of intoxicating liquor within the State, and subject to the laws of the United States regulating commerce between foreign nations and among the states shall have the exclusive right and power to regulate the importation into and exportation from the State, of intoxicating liquor. In the exercise of these rights and powers, the Legislature shall not constitute the State or any agency thereof a manufacturer or seller of intoxicating liquors.

Intoxicating liquors, other than beers, shall not be consumed, bought, sold, or otherwise disposed of for consumption on the premises, in any public saloon, public bar or public barroom within the State; provided, however, that subject to the aforesaid restriction, all intoxicating liquors may be kept and may be bought, sold, served, consumed, and otherwise disposed of in any bona fide hotel, restaurant, cafe, cafeteria, railroad dining or club car, passenger ship, or other public eating place, or in any bona fide club after such club has been lawfully operated for not less than one year.

The Director of Alcoholic Beverage Control shall be the head of the Department of Alcoholic Beverage Control, shall be appointed by the Governor subject to confirmation by a majority vote of all of the members elected to the Senate, and shall serve at the pleasure of the Governor. The director may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove the director from office for dereliction of duty or corruption or incompetency. The director may appoint three persons who shall be exempt from civil service, in addition to the person he is authorized to appoint by Section 4 of Article XXIV.

The Department of Alcoholic Beverage Control shall have the exclusive power, except as herein provided and in accordance with laws enacted by the Legislature, to license the manufacture, importation and sale of intoxicating liquors in this State, and to collect license fees or occupation taxes on account thereof. The department shall have the power, in its discretion, to deny, suspend or revoke any specific liquor license if it shall determine for good cause that the granting or continuance of such license would be contrary to public welfare or morals, or that a person seeking or holding a license has violated any law prohibiting conduct involving moral turpitude. It shall be unlawful for any person other than a licensee of said department to manufacture, import or sell intoxicating liquors in this State.

The Alcoholic Beverage Control Appeals Board shall consist of three members appointed by the Governor, subject to confirmation by a majority vote of all of the members elected to the Senate. Each member, at the time of his initial appointment, shall be a resident of a different county from the one in which either of the other members resides. The members of the board may be removed from office by the Governor, and the Legislature shall have the power, by a majority vote of all members elected to each house, to remove any member from office for dereliction of duty or corruption or incompetency.

When any person aggrieved thereby appeals from a decision of the department ordering any penalty assessment, issuing, denying, transferring, suspending or revoking any license for the manufacture, importation, or sale of intoxicating liquor, the board shall review the decision subject to such limitations as may be imposed by the Legislature. In such cases, the board shall not receive evidence in addition to that considered by the department. Review by the board of a decision of the department shall be limited to the questions whether the department has proceeded without or in excess of its jurisdiction, whether the department has proceeded in the manner required by law, whether the decision is supported by the findings, and whether the findings are supported by substantial evidence in the light of the whole record. In appeals where the board finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing before the department it may enter an order remanding the matter to the department for reconsideration in the light of such evidence. In all other appeals the board shall enter an order either affirming or reversing the decision of the department. When the order reverses the decision of the department, the board may direct the reconsideration of the matter in the light of its order and may direct the department to take such further action as is specially enjoined upon it by law, but the order shall not limit or control in any way the discretion vested by law in the department. Orders of the board shall be subject to judicial review upon petition of the director or any party aggrieved by such order.

A concurrent resolution for the removal of either the director or any member of the board may be introduced in the Legislature only if five Members of the Senate, or ten Members of the Assembly, join as authors.

Until the Legislature shall otherwise provide, the privilege of keeping, buying, selling, serving, and otherwise disposing of intoxicating liquors in bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and in bona fide clubs after such clubs have been lawfully operated for not less than one year, and the privilege of keeping, buying, selling, serving, and otherwise disposing of beers on any premises open to the general public shall be licensed and regulated under the applicable provisions of the Alcoholic Beverage Control Act, insofar as the same are not inconsistent with the provisions hereof, and excepting that the license fee to be charged bona fide hotels, restaurants, cafes, cafeterias, railroad dining or club cars, passenger ships, and other public eating places, and any bona fide clubs after such clubs have been lawfully operated for not less than one year, for the privilege of keeping, buying, selling, or otherwise disposing of intoxicating liquors, shall be the amounts prescribed as of the operative date hereof, subject to the power of the Legislature to change such fees.

The State Board of Equalization shall assess and collect such excise taxes as are or may be imposed by the Legislature on account of the manufacture, importation and sale of alcoholic beverages in this State.

The Legislature may authorize, subject to reasonable restrictions, the sale in retail stores of liquor contained in the original packages, where such liquor is not to be consumed on the premises where sold.

The Legislature shall provide for apportioning the amounts collected for license fees or occupation taxes under the provisions hereof between the State and the cities, counties and cities and counties of the State, in such manner as the Legislature may deem proper.

All constitutional provisions and laws inconsistent with the provisions hereof are hereby repealed.

The provisions of this section shall be self-executing, but nothing herein shall prohibit the Legislature from enacting laws implementing and not inconsistent with such provisions.

This amendment shall become operative on January 1, 1955.

Yeas and Nays on Senate Constitutional Amendment No. 4

Excerpt from Senate Journal for March 18, 1954, page 178

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

AYES—Senators Abshire, Breed, Brown, Burns, Busch, Byrne, Collier, Coombs, Cunningham, Desmond, Dilworth, Dorsey, Erhart, Gibson, Hoffman, Hulse, Harold T. Johnson, Kraft, McBride, McCarthy, O'Gara, Parkman, Regan, Teale, Tenny, Thompson, Ward, Way, and J. Howard Williams—29.

NOES—Senators Donnelly, Ed. C. Johnson, Miller, Montgomery, and Dale C. Williams—5.

Excerpt from Assembly Journal for March 29, 1954, page 272

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Bulen, Burke, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Cooke, Coolidge, Dahl, Davis, Dickey, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas

J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, McCollister, McFall, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—63.

NOES—Caldecott, Collins, Hansen, Klocksiem, Masterson, McGee, Rumford, and Shaw—8.

Excerpt from Senate Journal for March 29, 1954, page 177

The names of the absentees were called, and the Senate refused to concur in Assembly amendments to Senate Constitutional Amendment No. 4 by the following vote:

AYES—Senators Ed C. Johnson, Regan, and Sutton—3.

NOES—Senators Abshire, Berry, Breed, Brown, Burns, Busch, Collier, Cunningham, Desmond, Erhart, Gibson, Hoffman, Hulse, Harold T. Johnson, Kraft, McBride, McCarthy, Montgomery, Murdy, O'Gara, Parkman, Teale, Tenny, Thompson, Ward, Dale C. Williams, and J. Howard Williams—27.

Excerpt from Assembly Journal for March 30, 1954, page 303

The question being on the adoption of the report of the Committee on Conference concerning Senate Constitutional Amendment No. 4.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Willis W. Bradley, Brady, Brown, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—73.

NOES—Collins—1.

Excerpt from Senate Journal for March 31, 1954, page 219

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

AYES—Senators Abshire, Breed, Brown, Burns, Byrne, Collier, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Erhart, Gibson, Grunsky, Hoffman, Hulse, Ed. C. Johnson, Kraft, McBride, McCarthy, Miller, Montgomery, Murdy, O'Gara, Parkman, Regan, Sutton, Teale, Thompson, Way, Dale C. Williams, and J. Howard Williams—32.

NOES—Senators Desmond and Tenney—2.

TEXT OF ASSEMBLY AND SENATE BILLS WHICH WILL BE SUBMITTED TO A VOTE OF THE ELECTORS, TOGETHER WITH THE YEAS AND NAYS THEREON

The text of the following Assembly bill and Senate bill, which have passed both houses of the Legislature, have been approved by the Governor, and will be submitted to a vote of the electors, are entered on the Journal, together with the yeas and nays thereon:

ASSEMBLY BILL NO. 39

An act to add Section 116 to an initiative act entitled "An act to amend an act entitled 'An act for the certification of land titles and the simplification of the transfer of real estate,' approved March 17, 1897," approved by the electors November 3, 1914, relating to the powers of the Legislature with respect to said act, to provide for the submission of said amendment to the electors, in accordance with Section 1b of Article IV of the Constitution of California, at the general election on November 2, 1954, declaring the urgency of this act, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 116 is added to the act cited in the title hereof, to read:

SEC. 116. The Legislature may amend or repeal all or any part of this act at any time.

SEC. 2. Section 1 of this act shall take effect when submitted to and approved by the electors.

SEC. 3. The amendment made by this act shall be submitted to the electors at the general election on November 2, 1954. Except as otherwise provided in this act, the provisions of law applicable to the submission of constitutional amendments proposed by the Legislature shall apply to the submission of said amendment.

SEC. 4. Immediately after the effective date of this act, the Secretary of State shall transmit a copy of this act to the Attorney General, together with a request that a ballot title for the measure be prepared. At the same time, the Secretary of State shall also transmit a copy of the act to the Legislative Counsel, together with a request that the analysis provided for in Section 1509.7 of the Elections Code be prepared. Within 10 days thereafter the ballot title and the analysis shall be transmitted to the Secretary of State.

SEC. 5. Immediately after the effective date of this act, the Speaker of the Assembly shall appoint the author of this act and one other Member of the Assembly who voted for said act on final passage in the Assembly to write an argument in favor of the proposition submitted pursuant to this act. The Speaker of the Assembly shall also appoint one of the Members of the Assembly who voted against this act on its final passage in the Assembly to write an argument against said proposition. If there was no negative vote in the Assembly on the final passage of this act, the Speaker may appoint some other person to write an argument against the proposition. Each such argument shall consist of not more than 500 words and shall be filed with the Secretary of State within 30 days after the effective date of this act.

SEC. 6. There shall be printed in the ballot pamphlet for the 1954 General Election the ballot title, analysis, and arguments for and against the proposition submitted pursuant to this act, but this act shall not be printed in full in the ballot pamphlet but in lieu thereof Section 1 of this act shall be so printed. On the ballot at said election the proposition submitted pursuant to this act shall be designated by its ballot title.

SEC. 7. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The law commonly known as the Torrens Land Title Registration Law or the Torrens Act was originally enacted by the Legislature in 1897 and was extensively amended by the initiative in 1914. The initiative act contains no provision authorizing the Legislature to make any changes in it and the only way in which it may be amended is through the cumbersome process of submitting the amendment to the voters of the State. The Torrens Act provides for a system of registration of land titles which has proved to be unsatisfactory. The "Assurance Fund" established by it has been insolvent for years and the insurance features of the act serve only as a trap to the unwary. The matter of land titles is of extreme importance to the people of this State and, particularly, when the State is experiencing a great influx of population, the security of land titles is of paramount importance. The existence of a dual system of evidencing title to land is confusing and the Torrens titles system needs to be correlated into the recordation system. This correlation can best be effected by the Legislature and this act authorizes the Legislature to do so. In order that the present dual system may be eliminated as soon as possible it is necessary that this act take effect immediately in order that the process of submitting the amendment of the Torrens Act to the people at the 1954 general election may proceed in orderly fashion.

Yeas and Nays on Assembly Bill No. 39

Excerpt from Assembly Journal for March 26, 1954, page 235

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon, Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.

NOES—None.

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

AYES—Allen, Backstrand, Belotti, Berry, Bonelli, Clark L. Bradley, Willis W. Bradley, Brady, Bulen, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Davis, Dills, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Dunn, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Kelly, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, LeRoy E. Lyon,

Maloney, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Shaw, Shell, Smith, Stanley, Stewart, Thomas, Tomlinson, and Weinberger—70.
NOES—None.

Excerpt from Senate Journal for March 31, 1954, pages 234, 235

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Berry, Brown, Burns, Byrne, Coombs, Cunningham, Dilworth, Donnelly, Erhart, Gibson, Grunsky, Hoffman, Hulse, Ed. C. Johnson, Kraft, McBride, McCarthy, Murdy, O'Gara, Parkman, Regan, Sutton, Teale, Tenney, Thompson, Ward, Way, Dale C. Williams, and J. Howard Williams—30.
NOES—None.

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

AYES—Senators Abshire, Berry, Burns, Byrne, Coombs, Cunningham, Dilworth, Donnelly, Dorsey, Erhart, Gibson, Grunsky, Hulse, Ed. C. Johnson, McBride, McCarthy, Murdy, O'Gara, Parkman, Regan, Sutton, Teale, Tenney, Thompson, Ward, Way, Dale C. Williams, and J. Howard Williams—28.
NOES—None

SENATE BILL NO. 26

An act to add Article 5e to Chapter 6 of Division 4 of the Military and Veterans Code, authorizing the creation of a debt or debts, liability or liabilities, through the issuance and sale of state bonds, to create a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and acts amendatory and supplemental thereto; defining the powers and duties of said committee and of the Department of Veterans Affairs and other state officers in respect to the administration of the provisions hereof; providing ways and means, exclusive of loans, for the payment of the interest of such debt or debts, liability or liabilities, as such interest falls due, and also for the payment and discharge of the principal of such debt or debts, liability or liabilities, as such principal matures; and providing for the submission of this act to a vote of the people at the general election to be held in the month of November, 1954.

The people of the State of California do enact as follows:

SECTION 1. Article 5e is added to Chapter 6 of Division 4 of the Military and Veterans Code, to read:

Article 5e Veterans Bond Act of 1954

996.25. This article may be cited as the Veterans Bond Act of 1954.

996.26 For the purpose of creating a fund to provide farm and home aid for veterans in accordance with the provisions of the Veterans Farm and Home Purchase Act of 1943 and of all acts amendatory thereof and supplemental thereto, the Veterans' Finance Committee of 1943, created by Section 991, shall be and it hereby is authorized and empowered to 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.

996.27. After adoption of any resolution by the Veterans' Finance Committee of 1943, provided for in Section 996.34 the State Treasurer shall arrange for the preparation of the requisite number of suitable bonds in accordance with the specifications contained in such resolution. The aggregate par value of all bonds issued under this article shall not exceed the sum of one hundred seventy-five million dollars ($175,000,000) and shall bear interest at a rate not exceeding 5 percent per annum payable as provided in such resolution. Both principal and interest shall be payable in lawful money of the United States, at the Office of the State Treasurer, or at the office of any duly authorized agent of the State Treasurer

All bonds issued under this article shall bear the facsimile signature of the Governor and the 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 adoption of the resolution of the Veterans' Finance Committee of 1943, 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 adoption of the resolution of the Veterans' Finance Committee of 1943. The Veterans' Finance Committee of 1943 may require that said bonds be authenticated by the State Controller or by any Deputy State Controller, and in such event no bond authorized hereunder shall be valid unless so authenticated in the manner so required. The bonds or coupons so signed, countersigned, endorsed, and sealed, when sold, shall be and constitute a valid and binding general obligation upon the State of California, although the sale or delivery 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 date of adoption of the resolution of the Veterans' Finance Committee of 1943. Each bond issue under this article shall contain a clause or clauses referring to this article and to the resolution of the Veterans' Finance Committee of 1943 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.

996.28. 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 996.29 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 canceled solely by reason of the fact that such bonds have not been sold prior to their fixed maturity dates, whenever the Veterans' Finance Committee of 1943 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.

996.29. 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 article, 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.

On the several dates of maturity of said principal and interest in each fiscal year, there shall be returned into the General Fund in the State Treasury, all of the money in the Veterans' Farm and Home Building Fund of 1943, not in excess of the principal of and interest on the said bonds then due and payable, except as hereinafter provided for the prior redemption of said bonds, and, in the event such money so returned on said dates of maturity being less than the said principal and interest then due and payable, then the balance remaining unpaid shall be returned into the General Fund in the State Treasury out of said Veterans' Farm and Home Building Fund of 1943 as soon thereafter as it shall become available, together with interest thereon from such dates of maturity until so returned at the same rate as borne by said bonds, compounded semiannually.

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, and the money to be returned into the General Fund in the State Treasury pursuant to the provisions of this section shall likewise be paid as herein provided upon warrants duly drawn by the Controller. The Department of Veterans Affairs, by resolution approved by the Veterans' Finance Committee of 1943, 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

996.30. The bonds authorized to be issued under this article shall be sold by the State Treasurer to the highest bidder for cash, either at public auction or upon sealed bids as the Veterans' Finance Committee of 1943 may by resolution determine 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 non-acceptance 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 Veterans' Farm and Home Building Fund of 1943, 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

996.31. 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 into the Veterans' Farm and Home Building Fund of 1943 and must be used exclusively in aiding veterans in the acquisition of, or payments for, farms and homes, in accordance with the provisions of this chapter; provided, that the proceeds from the sale of said bonds may be used to pay the debt created by the issuance and sale thereof

996.32 The Department of Veterans Affairs is authorized, with approval of the Department of Finance, to invest any surplus money in the Veterans' Farm and Home Building Fund of 1943 in bonds or obligations of the United States, or of the State of California, or of the several counties or municipalities or other political subdivisions of the State of California, and to sell such bonds, or obligations, or any of them, at the governing market rates, upon approval of the Department of Finance; or the Department of Veterans Affairs may, with the approval of the Director of Finance, invest money in such fund in interest-bearing certificates of deposit of state banks having a 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 1, Title 2 of the Government Code of money of any of the funds subject to the control of the Department of Veterans Affairs or appropriated for its use.

Interest accruing upon the deposit of money of the Veterans' Farm and Home Building Fund of 1943 shall be paid into and credited to said fund.

996.33 Upon request of the Department of Veterans Affairs, supported by a statement of the plans and projects of said department with respect thereto and approved by the Governor, the Veterans' Finance Committee of 1943 shall determine whether or not it is necessary or desirable to issue any bonds authorized under this article in order to carry such plans and projects into execution, and, if so, the amount of bonds then to be issued and sold Successive issues of bonds may be authorized and sold to carry out said plans and projects progressively, and it shall not be necessary that all the bonds herein authorized to be issued shall be sold at any one time

996.34. Whenever the Veterans' Finance Committee of 1943 shall have determined that the sale of all or any part of the bonds authorized to be issued under this article is necessary or desirable to carry such plans into execution in whole or in part, it shall adopt a resolution to this effect The said resolution shall authorize and direct the State Treasurer to provide for the preparation of the requisite number of suitable bonds then authorized to be sold and shall specify as to such bonds then to be sold:

1. The maximum number of each denomination or denominations, 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 article, 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 said committee, may be determined by the bidder at the time of sale of said bonds, not to exceed 5 percent payable as herein provided.

5. The provisions, if any, for the interexchange of bonds of different denominations, the issuance of new bonds of different denominations in lieu of, or in exchange for, bonds of a like aggregate principal amount but of different denominations, and the authentication of any bonds by the State Controller or by any Deputy State Controller.

6. The technical form and language of said bonds and of the interest coupons to be attached thereto.

In determining the date or dates of maturity of the said bonds and the amount of bonds maturing at each date of maturity, the Veterans' Finance Committee of 1943 shall be guided by the amounts and dates of maturity of the revenues estimated to accrue to the Veterans' Farm and Home Building Fund of 1943 from the transactions to be financed by each issue, and shall fix and determine said dates and amounts in such manner that, together with the dates and amounts of interest payments on the said bond issue, they shall coincide, as nearly as practicable, with the dates and amounts of such estimated revenues, provided, 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 Veterans' Finance Committee of 1943 by resolution adopted at or after the sale of said bonds, but not exceeding in any case 5 percent per annum payable semi-annually. 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 the bonds or the last preceding interest payment date, whichever is latest, 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 on a 360-day year basis. The interest coupon first payable may, if the Veterans' Finance Committee of 1943 shall so determine and specify, be payable at any time within one year after the date of issuance of said bonds

996 35. All actual and necessary expenses of the Veterans' Finance Committee of 1943 and of the members thereof incurred in the performance of their duties arising out of the provisions of this article and expenses incurred by the State Treasurer in having said bonds prepared and in advertising their sale or their prior redemption shall be paid out of the Veterans' Farm and Home Building Fund of 1943, on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs.

Whenever the Veterans' Finance Committee of 1943 deems it advisable to obtain a legal opinion as to the validity of the bonds, prior to or after sale, from attorneys other than the Attorney General, the committee may authorize the State Treasurer or the Department of Veterans Affairs or both to obtain such a legal opinion Payment for such legal services shall be made from the Veterans' Farm and Home Building Fund of 1943, on Controller's warrant duly drawn for that purpose, and shall constitute expenses of the Department of Veterans Affairs

996 36. The Controller, the Treasurer and the Veterans' Finance Committee of 1943 shall keep full and particular account and record of all their proceedings under this article, and they shall transmit to the Governor an abstract of all such proceedings thereunder, with an annual report, to be by the Governor laid before the Legislature biennially; and all books and papers pertaining to the matter provided for in this article shall at all times be open to the inspection of any party interested, or the Governor, or the Attorney General, or a committee of either branch of the Legislature, or a joint committee of both, or any citizen of the State.

996 37. So long as any bonds authorized under this article may be outstanding, the Director of the Department of Veterans Affairs shall cause to be made at the close of each fiscal year, a survey of the financial condition of the Division of Farm and Home Purchases, together with a projection of the division's operations, such survey to be made by an independent public accountant of recognized standing The results of such surveys and projections shall be set forth in written reports and said independent public accountant shall forward copies of said reports to the Director of the Department of Veterans Affairs, the members of the California Veterans

Board, and to the members of the Veterans' Finance Committee of 1943. The Division of Farm and Home Purchases shall reimburse said independent public accountant for his services out of any funds which said division may have available on deposit with the Treasurer of the State of California.

SEC. 2. This act shall take effect upon its adoption by the people 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. 3. 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, 1954, and all ballots at said election shall have printed thereon and in a square thereof, the words: "For the Veterans Bond Act of 1954," and the same square under said words the following in eight-point type: "This act provides for a bond issue of one hundred seventy-five million dollars ($175,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans to acquire farms and homes." In the square immediately below the square containing such words, there shall be printed on said ballot the words, "Against the Veterans Bond Act of 1954," and in the same square immediately below said words, in eight-point type shall be printed "This act provides for a bond issue of one hundred seventy-five million dollars ($175,000,000) to be used by the Department of Veterans Affairs in assisting California war veterans." Opposite the words "For the Veterans Bond Act of 1954" and "Against the Veterans Bond Act of 1954," 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 Veterans Bond Act of 1954" and those voting against the said act shall do so by placing a cross opposite the words "Against the Veterans Bond Act of 1954." 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 voters' 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. 4. 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 foresaid, then the same shall have effect as hereinbefore provided, and shall be irrepealable 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. 5. 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, 1954. The costs of publication shall be paid out of the General Fund, on Controller's warrants duly drawn for that purpose and shall be refunded to the General Fund out of the Veterans' Farm and Home Building Fund of 1943. 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.

Yeas and Nays on Senate Bill No. 26

Excerpt from Senate Journal for March 19, 1954, page 102

Urgency clause read, and adopted by the following vote:

AYES—Senators Abshire, Berry, Breed, Brown, Burns, Byrne, Coombs, Cunningham, Desmond, Dilworth, Dorsey, Erhart, Gibson, Grunsky, Hulse, Ed. C. Johnson, Harold T. Johnson, Kraft, McCarthy, Miller, Montgomery, Murdy, Sutton, Tenney, Thompson, Ward, Dale C. Williams, and J. Howard Williams—28.

NOES—None.

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

AYES—Senators Abshire, Berry, Breed, Brown, Burns, Byrne, Coombs, Cunningham, Desmond, Dilworth, Dorsey, Erhart, Gibson, Grunsky, Hulse, Ed. C. Johnson, Harold T. Johnson, Kraft, McCarthy, Miller, Montgomery, Murdy, Sutton, Tenney, Thompson, Ward, Dale C. Williams, and J. Howard Williams—28.

NOES—None.

Excerpt from Assembly Journal for March 29, 1954, page 270

Urgency clause read, and adopted by the following vote:

AYES—Allen, Backstrand, Bonelli, Clark L. Bradley, Willis W. Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle. Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Hawkins, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Levering, Lincoln, Lindsay, Lowrey, Luckel, Maloney, Marsh, Masterson, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielson, Patterson, Porter, Ross, Shaw, Shell, Smith, Stewart, Thomas, Tomlinson, Weinberger, and Mr. Speaker—63.
NOES—None

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

AYES—Allen, Backstrand, Berry, Bonelli, Clark L. Bradley, Willis W Bradley, Brown, Burke, Caldecott, Casey, Chapel, Clarke, Cloyed, Collier, Collins, Conrad, Cooke, Coolidge, Creedon, Dahl, Dickey, Dolwig, Donahoe, Donald D. Doyle, Thomas J. Doyle, Elliott, Erwin, Evans, Fleury, Ernest R. Geddes, Samuel R. Geddes, Hansen, Henderson, Hinckley, Hobbie, Kilpatrick, Klocksiem, Lanterman, Levering, Lincoln, Lindsay, Lowrey, Luckel, Charles W. Lyon, Maloney, Marsh, Masterson, McCollister, McFall, McGee, McMillan, Meyers, Miller, Morris, Munnell, Nielsen, Patterson, Porter, Ross, Rumford, Shaw, Shell, Smith, Stewart, Thomas, Weinberger, and Mr. Speaker—67.
NOES—None.

Excerpt from Senate Journal for March 31, 1954, pages 227, 228

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 26?

* * * * * * *

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

AYES—Senators Abshire, Berry, Breed, Burns, Byrne, Collier, Coombs, Cunningham, Desmond, Dilworth, Dorsey, Grunsky, Hulse, Ed. C. Johnson, Kraft, McCarthy, Miller, Murdy, O'Gara, Parkman, Teale, Tenney, Thompson, Ward, Way, and Dale C. Williams—26.
NOES—None.

GUESTS EXTENDED COURTESIES OF ASSEMBLY

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Mr. Brown, Mrs. Hurd, Mr. Scott, and Mrs. Waters, teachers; and the following pupils of the Del Paso School: Don Alexander, Jack Bannan, Barbara Chal, Larry Cherry, Wayne Coffman, Robert Doty, Nelson Douthit, Emily Foster, David Frey, Barbara Hart, Melvin Haeger, Jerry Johnson, Janet Keller, Kenneth Kelley, Ronald Kelly, Patsy Medlock, Robert Miller, Raymond Moore, Barbara Nelson, Sharon Otto, Frank Roulst, Nathan Snyder, Lupe Valle, Donald Van Skike, Eddie Weathford, Cam Wickham, Alfa Arrington, Barbara Austin, John Borgarine, Eugene Borman, Glenda Chestnut, Beth Daley, Denny Desimone, Marilyn Devine, Joyce Ellsworth, Anita Franz, Bion Gregory, Dennis Hausmann, Theodore Hyer, Daniel Johnson, Fred Jones, Janet Katsules, LeRoy Kester, Nancy Kimmel, Donald Kolb, Russell Landino, Wayne Long, Beverly McMurray, Linda Powell, Tom Schell, Roger Scott, Jeanette Smith, Bruce Sooter, Betty Stillwell, Nancy Streeter, Douglas Woodworth, and Robert Young.

On request of Mr. Donald D. Doyle, the usual courtesies of the Assembly for this day were unanimously extended to Doris Loveridge, Lillie Welkinson, and Ethel Wiget of Concord, and Harmon Welsh of Port Chicago.

On request of Mr. Nielsen, the usual courtesies of the Assembly for this day were unanimously extended to Miss Dillon and Miss Gross, teachers; and the following pupils of the Lincoln Jr High School: Kieue Noguchi, Lillian Fong, Patricia Willett, Marjorie Roy, Judy Williams, Juanita Foster, Shirley Shimosaka, Bernice Brace, Mabel Imai, Clarence Carson, Robert Nisdihora, Curtis Lam, Calven Mock, Eddie Gibson, Eugene Paddy, Albert Ito, Roy Huston, and Gerald Kajitani.

On request of Mr. Thomas, the usual courtesies of the Assembly for this day were unanimously extended to Mr. and Mrs. James Hall of Torrance.

On request of Mr. LeRoy E. Lyon, the usual courtesies of the Assembly for this day were unanimously extended to Armand Hanson of Santa Ana, Morman Miller of Newport Beach, Mrs. K. A. Ross, Jr., Mary Jane and Kenneth A. Ross, III of San Fernando.

On request of Mr. McFall, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Prater and Mr. Terry, teachers; and the following pupils of the Dent Union School: Linda Ball, Barbara Beach, Brenda Benge, Douglas Cassel, Larry Clark, James Coburn, Ronald Cohagen, Grace Cooper, Sandra Crews, Dale Davis, Joan Denney, Norma Downer, Terry Ann Doyle, Wendell Eliason, Alberto Farinelli, Beth Foster, James Foutch, Betty Goeken, Marilyn Gore, Bonnie Ihrig, Barbara Jackson, Beverly James, Faye Klatt, Charles Knox, Glenn Lenker, Louise Marshall, Jack McDowell, Eleanor Nunes, Harold Osborn, Dianne Palmer, Bobby Parker, Joe Reichmuth, Betty Rogers, Jean Sadler, Charlotte Skiles, Francille Skiles, Barbara Sutton, Gary Strom, Jerry Thompson, Jeanetta Tredway, Dale Trullinger, and Charlotte Wolf.

On request of Mr. Stewart, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. James Gilliam Cage and Miss Anne Powell of San Francisco.

On the request of The Assembly, the usual courtesies of the Assembly for this day were unanimously extended to Mrs. Robert Kirkwood of Sacramento.

On request of Mr. McFall, the usual courtesies of the Assembly for this day were unanimously extended to J. P. Reed, teacher; and the following pupils of the Oak View School: Angelean Geiszler, Donna Mertz, Donna Teel, Rosa Kiser, Evelyn Berg, Edith Nahorna, Le Roy Sims, Carl Gribaudo, Le Roy Mastel, Donna Martin, Pat Joiner, Celia Owen, Lona Steele, Gayle Hensley, Gloria Gribaudo, Ruden Mize, Sandra Conner, and Lucille Bowser.

On request of Mr. Fleury, the usual courtesies of the Assembly for this day were unanimously extended to Betty Lou Anderson, Rita McGill, and Shirley Walker, leaders; and the following members of the Mather Air Force Base Troop of Brownies: Cheryl Anderson, Patricia Baird, Kathleen Bonham, Susan Butler, Joan Colborne, Sharon Cummings, Ruby Ann Cymbalac, Carol Ann Frische, Sandra Greenwood, Patty Lee Wagner, Kathleen Walker, Barbara Brown,

Barbara McPhail, Pamela Foster, Bett Ledford, Karen McGill, Mary Ann O'Donnel, Susan Payne, Sandra Schneiter, Cherilyn Sheets, Velma Sheets, and Sandra Strickland.

ADJOURNMENT SINE DIE

At 6.15 p.m., pursuant to the provisions of Senate Concurrent Resolution No. 15, the Honorable Thomas A. Maloney, Speaker pro Tempore of the Assembly, announced that the time for final adjournment of the 1954 First Extraordinary Session of the Legislature of the State of California had arrived, and therefore declared the Assembly adjourned sine die.

THOMAS A. MALONEY, Speaker pro Tempore

GERALDINE B. HADSELL, Minute Clerk