
STATUTES OF CALIFORNIA

FIFTH EXTRA SESSION OF THE FIFTY-THIRD LEGISLATURE

1940

BEGAN MONDAY, DECEMBER SECOND
AND ADJOURNED THURSDAY, DECEMBER FIFTH
NINETEEN HUNDRED FORTY

PROCLAMATION BY THE GOVERNOR CONVENING THE LEGISLATURE IN EXTRAORDINARY SESSION

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA,
December 2, 1940.

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

I, Culbert L. Olson, 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 and assemble in extraordinary session, at Sacramento, California, on Monday, the second day of December, one thousand nine hundred forty, at three o'clock p.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation providing the bases, terms and conditions upon which, and in accordance with unemployment experience, the rates of contributions by employers under the Unemployment Insurance Act may be reduced in conformity with the requirements for an additional credit under the Federal Unemployment Tax Act.

2. To consider and act upon legislation making an additional appropriation to The Adjutant General and the California National Guard for construction, improvements and equipment of armories, arsenals, stables, rifle ranges and camp sites, and to make an additional appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939 to reimburse the fund to the extent that moneys have heretofore been made available therefrom to The Adjutant General and the California National Guard for the purposes specified herein.

3. To consider and act upon legislation to enable the State of California to establish and maintain military forces and organizations in addition to the California National Guard, as authorized by Federal law.

4. To consider and act upon legislation relating to the use of the tidelands and submerged lands which were granted by the State to the City and County of San Francisco by Chapter 912 of the Statutes of 1933.

5. To consider and act upon legislation authorizing life insurers to make investments in housing projects and providing for the taxation of the projects and of insurers investing in such projects.

6. To consider and act upon legislation to authorize the erection and maintenance and to provide for the use of a wind tunnel and necessary appurtenances on the campus of the San Diego State College.

7. To consider and act upon legislation authorizing counties and sixth class cities to acquire, establish, operate, repair and maintain ferries, landings and appurtenances, and to contract with one another for such purposes.

8. To consider and act upon legislation authorizing county boards of supervisors to exchange real property with the United States Government, or any agency thereof, for use for public purposes.

PROCLAMATION OF GOVERNOR

9 To consider and act upon legislation to authorize the City of Santa Barbara to convey to the United States Government, or any agency thereof, a portion of the lands heretofore granted to the city by the State of California.

10. To consider and act upon legislation to authorize the State of California acting through The Adjutant General to exchange certain real property situated in the County of San Luis Obispo.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this second day of December, A. D., one thousand nine hundred forty.

CULBERT L. OLSON,
Governor of California.

ATTEST:

PAUL PEEK,
Secretary of State.

[SEAL]

STATUTES OF CALIFORNIA

PASSED AT THE
FIFTH EXTRA SESSION OF THE
FIFTY-THIRD LEGISLATURE

CHAPTER 1

An act making an appropriation for the expenses of the Senate for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

[Approved by Governor December 4, 1940. Filed with Secretary of State December 5, 1940.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and in addition to any other appropriation made by law, the sum of one thousand two hundred dollars (\$1,200) to pay the expenses of the Senate, including the mileage of the Lieutenant Governor, Senators and statutory officers of the Senate, for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature of the State of California. Appropriation - Senate expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it shall, pursuant to the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

CHAPTER 2

An act to add Sections 862c and 862d to an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the acquisition and operation of ferries by cities of the sixth class, either alone or jointly with other cities of the same class or counties, to take effect immediately. Stats. 1883, p. 93, amended

[Approved by Governor December 5, 1940. Filed with Secretary of State December 5, 1940.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 862c is hereby added to the act cited in the title hereof, to read as follows: New section

Sec. 862c. Any city of the sixth class, through its city council, may by gift, purchase or eminent domain acquire any Ferries

existing ferry, together with any franchise, wharf or landing place necessary for its operation, and may operate such ferry upon navigable waters within or adjacent to the territorial limits of the city. The cost and expense of such acquisition and operation may be paid for out of the city's general fund. Any such ferry may, in the council's discretion, be operated either as a toll or free ferry.

New section SEC. 2. Section 862d is hereby added to said act, to read as follows:

Joint acquisition of ferry Sec. 862d. Any city of the sixth class, through its city council, may, pursuant to contract, join with another city of the same class or with any county in acquiring any existing ferry, together with any franchise, wharf or landing place necessary for its operation, and in operating such ferry upon navigable waters lying within or adjacent to the territorial limits of both cities or of the city and the county. Each of the contracting parties may pay its proportionate share of the cost and expense of acquiring and operating the ferry out of its general fund. Any such ferry may, in the discretion of the legislative bodies of the contracting parties, be operated either as a toll or free ferry.

Urgency SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the State Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Under the terms of the agreement leading to the purchase by the State of the Carquinez Bridge, the seller is obligated to transfer its rights in a ferry operated by it between Benicia and Martinez to any city or county between or within which the ferry operates. This act is designed to implement and facilitate such designation by authorizing the cities and counties affected to acquire and operate ferries for operation over waters within or adjacent to their territorial limits. Until the authority is granted it is possible that the present owner of the ferry may abandon its operation thereof and relinquish existing franchises therefor. Should this happen, it would be impossible for many years to operate a new ferry in the same vicinity, in view of Section 12 of the California Toll Bridge Authority Act, to the detriment of the public interest and welfare. It is therefore a matter of extreme urgency that this act take effect immediately.

CHAPTER 3

An act making an appropriation for the expenses of the Assembly for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature, this act to take effect immediately.

[Approved by Governor December 5, 1940 Filed with Secretary of State In effect
December 5, 1940] immediately

The people of the State of California do enact as follows:

SECTION 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, and in addition to any other appropriation made by law, the sum of two thousand five hundred dollars (\$2,500) to pay the expenses of the Assembly, including the mileage of Assemblymen and statutory officers of the Assembly, for the Fifth Extraordinary Session of the Fifty-third Session of the Legislature of the State of California.

Appropriation
Assembly
expenses

SEC. 2. Inasmuch as this act provides an appropriation for the usual current expenses of the State it shall, pursuant to the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

Current
expenses

CHAPTER 4

An act to amend the title of "An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco for development and use as a public airport, regulating the management, use, lease and control thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island," approved June 13, 1933, and to add a new section to be numbered Section 5 thereto authorizing the City and County of San Francisco to permit the use of said lands, or any part thereof, by the United States of America for military or naval purposes, and providing that this act shall take effect immediately.

Stats 1933,
p 2366,
amended

[Approved by Governor December 5, 1940 Filed with Secretary of State In effect
December 6, 1940.] immediately

The people of the State of California do enact as follows:

SECTION 1. The title of the act cited in the title hereof is hereby amended to read as follows:

Stats 1933,
p 2366

An act granting certain tidelands and submerged lands of the State of California to the City and County of San Francisco, regulating the management, use, lease and control

Title

thereof, authorizing the reclamation and certain improvements of said lands and the construction and maintenance of a bridge or causeway connecting said lands with Yerba Buena Island.

New section SEC. 2. Section 5 is hereby added to said act, to read as follows:

Use by U. S. Sec. 5. The City and County of San Francisco is hereby granted the right to permit the use of the land, or any part thereof, conveyed by this act, as well as buildings and improvements thereon, by the United States of America for military or naval purposes by the Army or the Navy of the United States. The period of time for which the said land and improvements may be used by said United States shall be determined by the Public Utilities Commission of the City and County of San Francisco, and said permission may be granted by way of lease, permit or agreement entered into between the United States of America, or any department of the government thereof, and the Public Utilities Commission of the City and County of San Francisco, and shall be upon such terms and conditions as said Public Utilities Commission may determine and may be with or without monetary consideration to the City and County of San Francisco.

Approval of board of supervisors The permission to use said lands and improvements herein mentioned, or any part thereof, by the United States of America, the Army or Navy of the United States, when agreed upon by the Public Utilities Commission of the City and County of San Francisco, shall not be effective until approved by a two-thirds vote of the board of supervisors of the City and County of San Francisco, and any such permission shall be subject to all leases, agreements and rights granted by the said City and County of San Francisco to any person, firm or corporation to occupy or use any portion of said lands or improvements thereon under any lease, permit or agreement; provided, however, that any permission granted to the United States of America to use or occupy any portion of said lands shall not in any way prejudice the development and use of said lands as a municipal airport to be owned and operated by the City and County of San Francisco.

Urgency SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately. The following is a statement of the facts constituting such necessity:

The unsettled condition of world affairs has resulted in a situation in this country that can only be met by a prompt and widespread military and naval armament program and by taking all possible measures to secure the peace and safety of this Nation. San Francisco Bay is a key harbor on the Pacific Coast and will be the center of much of the activity

in connection with this program. A portion of the land heretofore granted by the State to the City and County of San Francisco is needed by the United States Government for purposes in connection with this program. In order that the program of armament and protection will not be delayed and that adequate provision for the preservation of the peace of this country can be made as promptly as possible it is essential that this act take effect immediately.

CHAPTER 5

An act to authorize the exchange of certain lands of the State in the County of San Luis Obispo for certain other lands required for armory purposes as defined in the Military and Veterans Code, and declaring the urgency thereof.

[Approved by Governor December 6, 1940 Filed with Secretary of State In effect
December 6, 1940] immediately

The people of the State of California do enact as follows:

SECTION 1. The Adjutant General is hereby authorized to convey to Nancy Cheda, her heirs, executors, administrators or assigns the following described real property belonging to the State and being a part of the National Guard Training Camp at San Luis Obispo, in the County of San Luis Obispo:

A portion of Lot 7 of the Rancho Potrero de San Luis Obispo, as said Lot is shown on a map filed in Case No. 892 had in the Superior Court of the State of California, in and for the County of San Luis Obispo, entitled "Manuel Serrano et al, Plaintiffs, versus Hipolito Serrano et al, Defendants"; Final Decree in said case entered in Book B at page 339 of Judgments, and a copy of said decree being recorded in Book 3 at page 568 of Deeds, all records of San Luis Obispo County; said portion being more particularly described as follows:

Beginning at the southeast corner of said Lot 7, designated as "S30" on aforesaid map and in aforesaid decree; thence, along the line between said Lot 7 and Lot 8, N. 7° 45' E., 585.84 feet; thence, S. 72° 45' W., 1405.11 feet to a point in the southerly line of said Lot 7; thence, along said southerly line, S. 82° 36' E., 1273.49 feet to the point of beginning.

Containing 8.56 acres of land, more or less.

in exchange for the following described real property, adjacent to said National Guard Training Camp, in said county:

All that certain piece or parcel of land situated, lying, and being a part of lot eight (8) of the subdivision of Rancho Potrero de San Luis Obispo as same was set off to Juana Serrano and particularly described in a partition suit entitled Manuel Serrano, Antonia Serrano de Munoz, Juana Serrano, and Morris Goldtree, plaintiffs versus Hipolito Serrano,

Charles Serrano, Refugio Serrano, Elvira Herrera, Miguel Serrano, and Isaac Goldtree, defendants, by a decree of the Superior Court of the County of San Luis Obispo, made and entered on December 20, 1887 in book B of Judgments at page 339, a copy of which decree is recorded in book 3 of Deeds, page 568, records of said County, and being more particularly described as follows:

Commencing at a point, designated as S. 30 in said decree, where the Southerly boundary of the said Rancho Potrero de San Luis Obispo intersects the Westerly line of lot 8 of said subdivision; thence N. 7° 45' E. along the Westerly line of said lot 8 of said subdivision a distance of 651.28 feet to the point of beginning of parcel of land to be described; thence continuing N. 7° 45' E. along said Westerly line of lot 8 a distance of 476.00 feet to a point, designated as S. 31 in said decree; thence N. 6° 45' W. along said Westerly line of lot 8 a distance of 470.642 feet to a point in the southerly line of right of way of the Southern Pacific Railroad, as said right of way was conveyed by Deed, Commercial Bank to the Southern Pacific Railroad Company, dated October 16, 1890 and recorded November 26, 1890 in book 11 of Deeds, page 5, records of said County, said point being at right angles to and 50.00 feet distant from the located center line of said railroad at Engineer's station 8722 plus 60.656; thence following the said Southerly right of way line, parallel to and 50.00 feet at right angle distant from said located center line S. 75° 53' E. a distance of 53.444 feet to a point; thence continuing along the said southerly right of way line, parallel to and 50.00 feet radially distant from said located center line, on a series of curves concave to the right (the tangent to the curve at the last mentioned point bears N. 75° 53' W.) having the following radii and arc distances.

<i>Radius</i>	<i>Arc Distance</i>
5679.608	29.738
2814.837	29.477
1859.913	537.238
2241.876	29.346
2814.837	29.477
3769.742	29.607
5679.608	29.738
11409.166	29.869 feet to a point

(the tangent to the curve at the last mentioned point bears S. 56° 11' E.); thence continuing along the said Southerly right of way line S. 56° 11' E. a distance of 248.10 feet to a point; thence continuing along the said Southerly right of way line parallel to and 50.00 feet radially distant from said located center line on a series of curves concave to the right

(the tangent to the curve at the last mentioned point bears N. 56° 11' W.) having the following radii and arc distances.

<i>Radius</i>	<i>Arc Distance</i>
5679.608	29.738
2814.837	29.477
1859.913	29.215
1382.468	28.954
1096.006	337.307
1382.468	28.954
1859.913	29.215
2814.837	29.477
5679.608	29.738 feet to a point

(the tangent to the curve at the last mentioned point bears S. 32° 33' E.); thence continuing along the said Southerly right of way line S. 32° 33' E. a distance of 133.800 feet to a point, said point being at right angles to and 50.00 feet distant from said center line at engineer's station 8740 plus 50.40; thence at right angles S. 57° 27' W. a distance of 35.000 feet to a point; thence at right angles and parallel to said right of way N. 32° 33' W. a distance of 133.800 feet to a point; thence on a series of curves concave to the left (the tangent to the curve at the last mentioned point bears S. 32° 33' E.), having the following radii and arc distances.

<i>Radius</i>	<i>Arc Distance</i>
5644.608	29.555
2779.837	29.110
1824.913	28.666
1347.468	28.221
1061.006	326.535
1347.468	28.221
1824.913	28.666
2779.837	29.110
5644.608	29.555 feet to a point

(the tangent to the curve at the last mentioned point bears N. 56° 11' W.); thence N. 56° 11' W. a distance of 131.926 feet to a point; thence S. 81° 11' 21.71" W. a distance of 260.889 feet to a point; thence on a curve concave to the left (the tangent to the curve at the last mentioned point bears N. 81° 11' 21.71" E.) having a radius of 380.00 feet, an arc distance of 259.177 feet to a point (the tangent to the curve at the last mentioned point bears S. 42° 06' 39.85" W.); thence S. 42° 06' 39.85" W. a distance of 491.315 feet to the point of beginning, containing an area of 7.99 acres more or less.

SEC. 2. The deeds covering the properties hereby authorized to be exchanged shall be placed in escrow with a reputable title insurer in said County of San Luis Obispo and preliminary reports on the title thereto shall be obtained and furnished to the Attorney General for his opinion and report

Escrow
of deeds

thereon, the cost of such title reports to be paid from the support appropriation of The Adjutant General. If it shall appear that the titles are clear and free of liens and incumbrances, the Attorney General shall authorize and direct the recording of said deeds.

Urgency SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity:

In aid of National defense and in compliance with the request of the United States Government, the parcel of land herein secondly described as belonging to said Nancy Cheda is immediately required for the construction of a railroad spur track from the right of way of the Southern Pacific railroad for transporting building and military and other supplies and equipment to the National Guard Training Camp at San Luis Obispo, California, in order to complete said training camp for training mobilization purposes by January 1, 1941.

CHAPTER 6

An act to add Section 4041.21a to the Political Code, relating to the powers of boards of supervisors, to take effect immediately.

In effect immediately [Approved by Governor December 7, 1940. Filed with Secretary of State December 7, 1940.]

The people of the State of California do enact as follows:

New section SECTION 1. Section 4041.21a is hereby added to the Political Code, to read as follows:

Exchange of real property with U. S. 4041.21a. Under such limitations and restrictions as are prescribed by law, and in addition to jurisdiction and powers otherwise conferred, the boards of supervisors, in their respective counties, shall have the jurisdiction and power to grant and convey real property to the United States or any agency thereof, for use for public purposes, in consideration of the grant and conveyance of real property to the county by the United States or any agency thereof.

Urgency SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution, and as such it shall take effect immediately.

The following is a statement of the facts constituting such necessity:

In these critical times all facilities must be made available to permit the most effective handling of the United States

mails. At the present time the United States Post Office in the City of Bakersfield is housed in an old building which is definitely inadequate. The County of Kern owns idle property which will afford a suitable site for a new post office and for which the United States Government is willing to exchange property.

This legislation will enable the United States to obtain the site on which it is ready to erect a new post office which will adequately serve the needs of the community and provide for the more effective handling of the United States mail in that area, will permit construction work to go ahead while the United States still has it in mind, and will provide employment for a large number of individuals many of whom are now on relief rolls. It is therefore necessary in the interest of the public peace, health, safety and welfare that this act be immediately effective.

CHAPTER 7

An act to add Sections 5.11 and 5.113 to the School Code, relating to the State colleges; declaring the urgency thereof, and providing that this act shall take effect immediately.

[Approved by Governor December 7, 1940. Filed with Secretary of State December 7, 1940.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Section 5.11 is hereby added to the School Code, to read as follows: New section

5.11. Each State college may engage in such activities for which provision may hereinafter be made. State college activities

SEC. 2. Section 5.113 is hereby added to the School Code, to read as follows: New section

5.113. The erection and maintenance of a wind tunnel and necessary appurtenances on the campus of the San Diego State College for use in the study of problems relating to aircraft is hereby authorized, as herein provided. Wind tunnel at San Diego State College

Such wind tunnel and appurtenances may be erected and maintained by the Federal Government, or by any agency thereof, or may be erected and maintained through funds granted to the State, or any agency thereof, by the Federal Government, or any agency thereof. The construction, maintenance and use thereof shall, in any case, be subject to such terms and conditions as may be agreed upon by the Federal Government or any of its agencies and the Director of Education.

Such wind tunnel and appurtenances may be leased, in the manner provided by law, to industries engaged in furnishing

supplies and materials to the Federal Government, or any agency or agencies thereof, and to educational institutions.

Urgency SEC. 3. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect.

A statement of the facts constituting such necessity is as follows:

The construction and maintenance of a wind tunnel and necessary appurtenances in the immediate vicinity of the industries manufacturing aircraft and aircraft parts located in and near the City of San Diego is of immediate and paramount importance to the National Defense Program. Under existing conditions, the campus of the San Diego State College is the location best suited for such wind tunnel and appurtenances. Unless this act takes effect immediately, the National Defense Program will be adversely affected to a very appreciable degree.

CHAPTER 8

Stats 1935, *An act to add Article 2.5, comprising Sections 1160.1 to 1160.9,*
p 496, *inclusive, to Chapter 2, Part 2, Division 1 of the Insurance*
amended *Code, relating to investments in and taxation on comprehensive moderate cost housing projects (including apartments, tenements and dwelling houses, and accommodations for retail stores, shops, offices, and other community service and recreational facilities connected therewith) by insurers, to take effect immediately.*

In effect immediately [Approved by Governor December 7, 1940. Filed with Secretary of State December 7, 1940]

The people of the State of California do enact as follows:

New article SECTION 1. Article 2.5, comprising sections 1160.1 to 1160.9, inclusive, is hereby added to Chapter 2, Part 2, Division 1 of the Insurance Code, to read as follows:

Article 2.5. Investments in Comprehensive Moderate Cost Housing Projects

Real estate investments 1160.1. The investments in real estate authorized by this article are in addition to those authorized by Article 2 of this chapter and may not be made by an insurer other than an admitted life insurer. The provisions of this article which require application to and issuance of a permit by the commissioner authorizing investment in comprehensive moderate cost housing projects are not applicable to such investments by foreign insurers in such projects as are located in other States.

1160.2. Subject to the provisions of this article, any admitted life insurer may construct comprehensive moderate cost housing projects, erect apartments, tenements, or other dwelling houses, not including hotels, but including accommodations for retail stores, shops, offices, and other community service and recreational facilities reasonably connected with such projects, and may purchase land therefor.

Moderate
cost housing
projects

Such insurer may thereafter own, maintain, manage, collect and receive income from and sell and convey the land so purchased and the improvements thereon.

1160.3. To be eligible to invest in such comprehensive moderate cost housing projects, an insurer shall comply with all the following:

Eligibility
for invest-
ment

(a) The insurer shall have admitted assets as shown by its annual statement of condition and affairs as of the December 31st last preceding the date of such investment filed with the commissioner pursuant to law, aggregating in value not less than fifty million dollars (\$50,000,000).

Assets

(b) The total investment by any such insurer, including the cost of all land so purchased and the estimated cost of all improvements to be made thereon, together with all other real estate holdings of the insurer of all kinds wherever situate shall not exceed $12\frac{1}{2}$ per cent of the admitted assets of such insurer as shown by its annual statement of condition and affairs as of the December 31st last preceding the date of such investment, filed with the commissioner pursuant to law.

Total
investment

(c) The aggregate investment by any insurer in all such projects wherever situate including the cost of all land so purchased and the estimated cost of all improvements to be made thereon shall not exceed the value of its assets in excess of the sum of its liabilities for losses reported, expenses, taxes and all other indebtedness, reserves and reinsurance as provided by law.

Aggregate
investment

1160.4. If after permission to invest in any comprehensive moderate cost housing project is granted by the commissioner, the investing insurer acquires other real estate which will bring the aggregate value of all its real estate holdings to a sum which exceeds $12\frac{1}{2}$ per cent of its admitted assets as determined by the commissioner, in determining the extent to which such comprehensive moderate cost housing project shall be permitted to be valued as an asset of such insurer, the commissioner shall deduct an amount equal to the amount by which the real estate holdings of the insurer, wherever situate, exceed $12\frac{1}{2}$ per cent of its admitted assets as determined by the commissioner.

Excess
investment
Deduction

Conditions 1160.5. A comprehensive moderate cost housing project shall not be undertaken by an insurer pursuant to this article unless:

(a) The investment in land and the estimated cost of all improvements constituting the project exceeds one million dollars (\$1,000,000).

(b) Prior to making such investment the insurer files with the commissioner a waiver in the form prescribed by him of its right to deduct the real estate taxes paid by it on such project and upon the real property and improvements comprising it, from the gross premiums tax imposed on such insurer by or pursuant to Article XIII of the State Constitution. Such waiver shall include all such real estate taxes which may be paid by it upon the project in the future.

Application to commissioner 1160.6. Proceedings to procure the permission of the commissioner for investment in comprehensive moderate cost housing projects may be instituted by filing with the commissioner an application therefor, which shall be in the form required by the commissioner, and shall show such information as he requires. The commissioner may, in addition to any other report or statement prescribed by law, require such reports, statements or exhibits, in such form as he prescribes, at the time of or after the filing of the application as he requires to enable him to pass upon the application. In determining any application for permission to make any investment authorized by this article, the commissioner may at the expense of the insurer requesting permission make such investigation of the project as he deems proper and may require deposits to be made by the insurer for the purpose of defraying such expenses in such sums as he may from time to time require. Such expenses shall not in the aggregate exceed one-tenth of one per cent of the estimated cost of the project.

Commissioner's permit 1160.7. Upon receipt of a waiver of the right to deduct real estate taxes on such project from the gross premium taxes levied by or pursuant to Article XIII of the Constitution and upon determination by him that the investment complies with all the requirements of this article and will not result in an impairment of the insurer's ability to meet its current and future cash requirements, and that the proposed investment and housing project conforms in all other respects to the provisions of this article and other applicable laws, the commissioner may in writing permit the purchase of such land as may be described in the application and authorize the construction of the proposed improvements thereon. On the basis of any information before him, the commissioner may deny permission to make investment in a comprehensive moderate cost housing project when in his opinion the investment may be hazardous to the insurer, its policyholders, creditors,

or the public, or is not sound and prudent. The commissioner may prescribe in the permit any conditions which he may consider necessary or desirable, and from time to time upon application of the insurer may amend such permit to the same extent and with the same authority which he possesses in the case of an original permit but nevertheless subject to the limitations and restrictions. The granting of a permit is not an indorsement of the project and the permit shall so state.

1160.8. During the course of construction the commissioner must allow as an admitted asset the amount which the insurer has invested in land and the construction of improvements under the terms of any permit issued hereunder, if in his opinion the insurer is proceeding to completion of the project in good faith and with due diligence. If after hearing the commissioner finds that the investing insurer has failed to conform to the conditions or requirements of any original, amended or modified permit or order made pursuant to such permit he may disallow in its entirety as an admitted asset the investment in such project or any portion thereof.

Progress
allowance

1160.85. If those portions of this article which provide for the waiver of the right to deduct real estate taxes from gross premium taxes are held unconstitutional, or if any waivers of the right to deduct real estate taxes from gross premium taxes which are filed with the commissioner pursuant to this article are held to be invalid or ineffective for any reason arising out of this article or Article XIII of the Constitution, or any portion of either, this article in its entirety thereafter shall be ineffective for any purpose whatsoever except in respect of comprehensive moderate cost housing projects theretofore begun under permit theretofore issued by the commissioner, and the Legislature hereby declares that the waiver of the right to deduct the real estate tax from the gross premium tax provided in this article is not severable from the other provisions of this article and that it would not have enacted this article or any portion thereof if it had not relied upon the constitutionality of its provisions regarding the waiver of the right to deduct real estate taxes and the validity and effectiveness of such waivers of the right to deduct real estate taxes from the gross premiums taxes as may be filed with the commissioner pursuant to this article.

Constitu-
tionality

1160.9. Unless the original application for permission to invest in a comprehensive moderate cost housing project pursuant to this article is filed with the commissioner prior to December 31, 1941, the commissioner shall not grant a permit therefor.

Time for
filing
application

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public

Urgency

peace, health and safety within the meaning of Section 1, Article IV, of the Constitution of the State of California, and shall take effect immediately.

The following is a statement of facts constituting such necessity:

Unemployment and the housing shortage arising out of the requirements of National defense have developed alarming economic and social conditions in this State which have created an immediate need for comprehensive moderate cost housing projects. The immediate adoption of this act will enable comprehensive moderate cost housing projects to be undertaken by life insurers which are not by law permitted to make investments in such projects in this State at this time.

CHAPTER 9

Stats 1925, *An act to add Section 4 to "An act granting certain tidelands and submerged lands of the State of California to the City of Santa Barbara, subject to certain trusts," approved April 16, 1925, authorizing the conveyance of certain lands to the United States Government, or to any agency thereof, to take effect immediately.*
 P. 181,
 amended

In effect immediately [Approved by Governor December 7, 1940. Filed with Secretary of State December 7, 1940.]

The people of the State of California do enact as follows:

SECTION 1. Section 4 is hereby added to the act cited in the title hereof, to read as follows:

Authoriza-
 tion to
 grant land
 to U S
 Sec. 4. The City of Santa Barbara is hereby authorized to grant and convey to the United States Government, or any agency thereof, for use as a site for a naval reserve armory, that certain parcel of land heretofore granted to it by the State pursuant to this act and described as follows:

Description Beginning at the most easterly corner of that certain tract of land leased to the State of California by the city of Santa Barbara for a stadium site by lease dated March 24, 1938, and recorded in Book 438 at page 498 official records of Santa Barbara County, said point of beginning being the easterly end of that certain course described in said lease above referred to, as bearing north 69° 20' 40" east - 735.00' to a point; thence south 55° 39' 10" east 156.78' to the true point of beginning of the tract hereinafter described; thence first north 41° 31' 30" east - 250.00' to a point, said point being on the most westerly edge of the parapet wall of the Santa Barbara breakwater; thence second, south 48° 28' 30" east along the westerly edge of said parapet wall 160.00' to a point; thence third, south 41° 31' 30" west - 250.00' to a point; thence fourth north 48° 28' 30" west - 160.00' to the true point of beginning and containing 0.918 acres.

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California, and shall therefore go into effect immediately. The following is a statement of the facts constituting such necessity:

The unsettled condition of world affairs has resulted in a situation in this country that can only be met by a prompt and widespread military and naval armament program and by taking all possible measures to secure the peace and safety of this Nation. A portion of the land heretofore granted by the State to the City of Santa Barbara is needed by the United States Government for purposes in connection with this program. In order that the program of armament and protection will not be delayed and that adequate provision for the preservation of the peace of this country can be made as promptly as possible it is essential that this act take effect immediately.

CHAPTER 10

An act making an additional appropriation to The Adjutant General and the California National Guard in augmentation of the appropriation made by Item 133 of the Budget Act of 1939, for the purpose therein specified, declaring the urgency hereof, and providing that this act shall take effect immediately.

[Approved by Governor December 7, 1940. Filed with Secretary of State December 7, 1940.] In effect immediately

The people of the State of California do enact as follows:

SECTION 1. Out of any money in the State treasury not otherwise appropriated, the sum of eighty-five thousand dollars (\$85,000) is hereby appropriated to The Adjutant General and the California National Guard in augmentation of and for the purpose specified in Item 133 of the Budget Act of 1939, for construction, improvements and equipment of armories, arsenals, stables, rifle ranges and camp sites, during the Ninety-second Fiscal Year. Appropriation:
Adjutant General and National Guard
Stats 1939,
p 1817

SEC. 2. This act is hereby declared to be an urgency measure necessary for the immediate preservation of public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

The National emergency resulting in the mobilization of the California National Guard and the induction of numerous civilians into military service for training purposes has imposed severe and unanticipated burdens upon the National Guard facilities and has necessitated the immediate expansion

and development thereof. It is necessary to provide immediately for additional training facilities and for housing of large numbers of men on military duty. It is therefore necessary that this measure take immediate effect in order to fulfill the obligations of the State under the National training program and so that this program will not be unduly delayed or impeded.

CHAPTER 11

Stats 1935, *An act to amend Sections 553, 554, 555 and 556 of the Military and Veterans Code, relating to the State Guard, to take effect immediately.*
 p 1333,
 amended

In effect [Approved by Governor December 11, 1940 Filed with Secretary of State
 immediately December 12, 1940]

The people of the State of California do enact as follows:

Stats 1935, SECTION 1. Section 553 of the Military and Veterans Code
 p 1376 is hereby amended to read as follows:

Oath 553. Each member of the State Guard or a licensed military company shall take and subscribe to an oath that he will support the Constitution of the United States and the Constitution of this State and will obey and maintain all laws and all officers employed in administering the same.

Stats 1935, SEC. 2. Section 554 of the Military and Veterans Code is
 p. 1376 hereby amended to read as follows:

Active 554. Whenever the Governor deems it necessary for the
 service public safety, he may call the State Guard or any licensed military company into active service of the State for the causes and purposes for which he may call the National Guard into active service. Such State Guard or military company shall rendezvous and report for active service at such time and place and to such officer as the Governor designates, and shall enter the active service of the State and obey all lawful orders and commands issued by the Governor or any officer placed in command by his orders in the same manner as if such State Guard or military company were a part of the National Guard.

Stats 1935, SEC. 3. Section 555 of the Military and Veterans Code
 p. 1376 is hereby amended to read as follows:

Members 555. The members of the State Guard or of a licensed
 subject to military law and regulations of the Governor shall be subject to all military penalties and punishments for violation of the orders of the Governor, or

of any officer placed in command of such organization by order of the Governor, as are the members of the National Guard. They shall be subject to the Articles of War and the rules and regulations governing the National Guard, and shall receive the same pay and allowances while in active service as the members of the National Guard.

SEC. 4. Section 556 of the Military and Veterans Code is hereby amended to read as follows: Stats. 1935,
p. 1376

556. The Governor, when not in conflict with the provisions of the laws of the United States, may, at any time, order, authorize, or recognize, such organizations of the unorganized militia, or of designated classes thereof, or of volunteers therefrom, as he may deem to be for the public interest, and may prescribe therefor parts of the regulations governing the National Guard or the Naval Militia applicable thereto, or establish special regulations therefor, or both. The Governor may likewise, at any time, provide for the separate organization, or authorize the service and enrollment in organizations of the unorganized militia, of persons volunteering for such service, not otherwise subject to military duty. Any such organizations of the unorganized militia when recruited, organized, ordered into service, authorized or recognized, shall constitute and be known as the State Guard. Organiza-
tions from
unorganized
militia

The State Guard shall be organized and maintained under and pursuant to the laws of the United States and of the State of California and the rules and regulations prescribed by the Secretary of War or the Governor pursuant thereto. The Governor is authorized to requisition arms and equipment for the State Guard from the War Department. The State Guard may be permitted the use of armories and such other military facilities and equipment of or in the possession of the State as may be authorized by law or regulations, and which will not in the opinion of the Governor interfere with the proper functioning of the National Guard. The Governor shall make such provisions through The Adjutant General's office as may be necessary or convenient to properly organize and administer the State Guard, and may make provision for necessary incidental expenses therefor. Organization
of State
Guard

SEC. 5. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health and safety within the meaning of Section 1 of Article IV of the Constitution of the State of California and as such shall take effect immediately. The following is a statement of the facts constituting such necessity: Urgency

An emergency exists in the United States and the State of California in providing adequate armies and facilities for defense. The National Guard which has heretofore been available to the State as a defense organization is being called into

the service of the United States and it is necessary that provision be made to make the unorganized militia more readily available for defense in case of necessity. A part of the National Guard of California has already been called into Federal service and it is necessary that provision be immediately made to make available part of the unorganized militia and in order to provide necessary troops and means of defense, and it is therefore necessary that this act take effect immediately.

Constitutionality SEC. 6. If any part or provision of this act should, by reason of the provision of Section 1, Article IV, of the Constitution, be delayed from taking immediate effect, the remainder of such act shall go into immediate effect notwithstanding the fact that some provisions may not become effective until 90 days following final adjournment of the session enacting this law.

CONCURRENT RESOLUTIONS

FIFTH EXTRA SESSION, 1940

CONCURRENT RESOLUTIONS

ADOPTED AT THE
FIFTH EXTRA SESSION OF THE
FIFTY-THIRD LEGISLATURE

CHAPTER 1

Assembly Concurrent Resolution No. 1—Relative to requesting the Secretary of Agriculture to investigate the possibility of extending the Federal Commodity Stamp Plan.

[Filed with Secretary of State December 5, 1940.]

WHEREAS, The Secretary of Agriculture, through the Federal Surplus Commodities Corporation and the Federal Surplus Marketing Administration, administers a program of distributing surplus commodities to certain classes of needy persons; and

Extension
of Federal
Commodity
Stamp Plan

WHEREAS, Under the recently devised "stamp" plan, recipients of commodity stamps may exchange them at regular places of private business for designated commodities; and

WHEREAS, Those persons eligible to receive such stamps are greatly benefited by the high quality of nourishing food and well-made clothing obtainable; and

WHEREAS, Farmers and manufacturers are benefited by the plan as they are thereby enabled to widen their market and dispose of their surpluses; and

WHEREAS, Many persons who are ill-fed and ill-clothed are not now included in the program; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Secretary of Agriculture is hereby urged and requested to study the feasibility of extending the benefits of the commodity stamp program to additional low income groups; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the Secretary of Agriculture, the Federal Surplus Commodity Corporation, and the Federal Surplus Marketing Administration in San Francisco.

CHAPTER 2

Senate Concurrent Resolution No. 1—Relative to adjournment sine die of the Fifth Extraordinary Session of the Fifty-third Legislature of the State of California.

[Filed with Secretary of State December 6, 1940.]

Adjournment
sine die *Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Fifth Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at 3 o'clock p.m., on the second day of December, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of December 2, 1940, shall adjourn sine die at 2 o'clock p.m., December 5, 1940.*