
STATUTES OF CALIFORNIA

FOURTH EXTRA SESSION OF THE FIFTY-THIRD LEGISLATURE

1940

BEGAN SATURDAY, SEPTEMBER TWENTY-FIRST
AND ADJOURNED THURSDAY, DECEMBER FIFTH
NINETEEN HUNDRED FORTY

**PROCLAMATION BY THE GOVERNOR
CONVENING THE LEGISLATURE IN
EXTRAORDINARY SESSION**

**EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA,
September 21, 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 Saturday, the twenty-first day of September, one thousand nine hundred forty, at 1 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 for the establishment and organization in the executive department of the State Government of a California State Council of Defense, to be appointed by, and to act upon the direction of, the Governor, in accordance with the plans of the Council of National Defense and its Advisory Commission and of other agencies of the United States Government, with power to plan for the mobilization of agricultural, industrial, communication and transportation facilities, for the preservation of the public peace, health, safety, and welfare, for the protection of individual rights and consumer interests, for the suppression of sabotage and subversive activities, to cooperate with similar agencies authorized to be established in the cities and counties, to formulate a program of State and local government participation in the National Defense Program, to gather and disseminate information in regard to such participation, to integrate State and local programs with the National program, to make adjustments necessary for the prompt assimilation and unification of such programs, and to coordinate properly governmental and private agencies in the defense effort; providing for participation in the work of the California State Council of Defense by members of the Legislature; and providing for an appropriation of money to the State Planning Board and to the California State Council of Defense in the executive department of the State Government for these purposes.

2. To consider and act upon legislation to authorize housing authorities created by the Housing Authorities Law to undertake the development and administration of housing projects for persons and their families engaged in National defense activities.

3. To consider and act upon legislation authorizing the maintenance on days now designated by law as days upon which the public schools shall be closed, of public school classes in vocational training authorized or provided for as part of any program of National defense.

4. To consider and act upon legislation to amend the State Civil Service Act to permit permanent civil service employees of the State a leave of absence for military service in event of war or of emergency in preparing for the National defense.

5. To consider and act upon legislation to amend the State Employees' Retirement Law to extend certain of the benefits thereof to retirement system members absent from State service by reason of service in the armed forces of the United States.

3. To consider and act upon legislation authorizing the State Fire Marshal and his subordinates to make examinations and investigations and to conduct hearings as to the causes of fires, for the purpose of ascertaining whether any such fire was caused by the commission of arson or any other crime; authorizing him to issue subpoenas and to interrogate witnesses under oath for such purposes; providing for the submission to the proper district attorney of all information so obtained which indicates that a crime may have been committed; and authorizing the State Fire Marshal to encourage, sponsor, and cooperate in the adoption of fire prevention measures, including methods of protecting against sabotage effected through arson, and to prepare and disseminate information relating to protection against sabotage effected through arson.

7. To consider and act upon legislation to prohibit from participation in any election, including any primary election, conducted in this State, the Communist Party or any political party or organization which is sponsored or directed by any foreign government, power or political organization, or any political party or organization which carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which carries on, advocates, teaches, justifies, aids, or abets a program of sedition or treason against the government of the United States or of this State, or which is affiliated in any way with or adopts the name of any political party or other organization which carries on, advocates, teaches, justifies, aids, or abets such overthrow or such a program.

8. To consider and act upon legislation amending the provisions of Division IXa of the Vehicle Code, relating to the operation of, and regulation of traffic upon, bridges acquired or constructed by the California Toll Bridge Authority.

9. To consider and act upon legislation making an appropriation to be allocated by the Director of Education, with the approval of the Director of Finance, to elementary and secondary school districts for reconstruction, replacement, and repair of physical facilities and buildings damaged or destroyed by earthquakes occurring in the month of May, 1940.

10. To consider and act upon legislation relating to the conditions, restrictions and manner of expenditure of moneys appropriated by Chapter 1 of the Second Extraordinary Legislative Session of 1940.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twenty-first day of September, 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
FOURTH EXTRA SESSION OF THE
FIFTY-THIRD LEGISLATURE

CHAPTER 1

An act to amend Section 1 of, and to add Sections 2 and 2.1 to, an act entitled "An act making an appropriation to the Emergency Fund specified in Item 212 of the Budget Act of 1939, for the cost of repair and restoration of property damaged or destroyed by storms and floods; prescribing conditions, restrictions and limitations as to the expenditure thereof; declaring the urgency of the act and that it take effect immediately," approved May 29, 1940, relating to the repair and restoration of property damaged or destroyed by storms and floods and the expenditure of moneys appropriated therefor, and declaring the urgency thereof, the act to take effect immediately.

Stats. 1941,
p. 327,
amended

[Approved by Governor October 2, 1940. Filed with Secretary of State October 3, 1940.] In effect immediately

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

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

Stats. 1941,
D. 327

Section 1. Out of any moneys in the State Treasury not otherwise appropriated the sum of five hundred thousand dollars (\$500,000) is hereby appropriated to the Emergency Fund specified in Item 212 of the Budget Act of 1939, to be expended by the Department of Public Works (1) without regard to fiscal years, (2) for the cost of repair or restoration, or both, of levees, flood control works, irrigation works, city and county roads and bridges and other property damaged or destroyed by storm and flood subsequent to January 1, 1940, and for which no appropriation, or insufficient appropriation, has otherwise been made by law, (3) subject to each and all of the following (in addition to other) conditions, restrictions and limitations:

Appropriation:
Emergency fund
Flood damages

None of the moneys hereby appropriated shall be expended, allotted or encumbered, or become available for expenditure, for a work of repair or restoration (except for the making of investigations, estimates, budgets or reports hereunder by the Chief of the Division of Water Resources) unless and until:

(a) The Chief of the Division of Water Resources, also known as the State Engineer, has first investigated the proposed work, has found that the property has a general public

Investigation
and report

and State interest and that its repair or restoration is a matter of general public and State concern, has estimated the cost of the work and prepared a detailed budget of expenditure for the work, and his report thereon (inclusive of his said findings, estimate and budget) has been filed, one copy with the Department of Finance, one with the Department of Public Works, one with the Secretary of the Senate, and one with the Chief Clerk of the Assembly; and

Matching
funds

(b) Moneys equal to or in excess of the amount expendable from this appropriation for said work shall have been made available (by any person, corporation, political subdivision, public district or public agency other than the State) for expenditure by the State for said work, to the end that any sums expended from this appropriation shall be matched by like or greater amounts from sources other than the State; and

(c) Such expenditure and purpose is first approved by the State Controller.

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

Work
performance

SEC. 2. The Department of Public Works may perform all or any portion of the work directly by contract or force account or the department and any person, corporation, political subdivision, public district or public agency other than the State may enter into a contract whereby all or any portion of the work may be performed by any party to such contract.

New section SEC. 3. Section 2.1 is hereby added to said act, to read as follows:

Matching
funds

SEC. 2.1. Where the United States or any of its agencies, bureaus or departments is to provide the matching funds under Section 1 hereof, it shall not be required that the funds to be provided from Federal sources shall be paid into the State Treasury, but the Department of Public Works may proceed with the work when the department has received assurance, adequate in the opinion of the department, that the Federal matching funds will be made available for expenditure for the work, or reimbursement to the department.

Urgency

SEC. 4. 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. The statement of the facts constituting such necessity is as follows:

It has developed that some of the requirements, express or implied, of the act which this act amends, operate to hamper the expenditure of the moneys appropriated thereby and to delay the accomplishment of the purposes thereof. In order to avoid such delay and make possible the completion of the needed work of repair and restoration prior to the time when storms and floods may again be expected and to avert further danger to the public peace, health and safety, it is necessary that this amendatory act go into effect immediately.

CHAPTER 2

An act to add Section 152.5 to the State Civil Service Act, relating to leaves of absence of State civil service employees for military service, declaring the urgency thereof, and providing that this act shall take effect immediately.

Stats 1937,
p. 2085,
amended

[Approved by Governor October 2, 1940. Filed with Secretary of State October 3, 1940.]

In effect
immediately

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

SECTION 1. Section 152.5 is hereby added to the State Civil Service Act, to read as follows:

New section
See also
Stats 1941,
p. 432

Sec. 152.5. Whenever the United States is engaged in war or whenever the Governor finds and proclaims that an emergency exists in preparing for the National defense, any permanent civil service employee of the State, in good standing, shall be entitled to a leave of absence for military service for the duration of the war or until the Governor finds and proclaims that the emergency no longer exists, and for 90 days thereafter, or until 90 days after the termination of the enlistment made during such war or emergency.

Leaves
during war or
emergency

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

Urgency

In view of the apparent necessity for providing an adequate National Defense Program as promptly as possible, it is anticipated that many State employees may volunteer their services with the military and naval forces of the United States instead of awaiting conscription under the Federal Selective Military Service Law. It has, therefore, become necessary to provide for the retention of the civil service rights of those so going into service. The preservation of a sound civil service system requires that this protection be afforded to these employees, and in order to make this act fully effective it is necessary that this act take effect immediately.

CHAPTER 3

Stats. 1931, *An act to amend Sections 47, 108 and 109 of the State Employees' Retirement Act, relating to the rights of members absent in the armed forces of the United States, declaring the urgency thereof and providing that this act shall take effect immediately.*
 P. 442,
 amended

In effect [Approved by Governor October 2, 1940. Filed with Secretary of State immediately October 3, 1940.]

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

Stats. 1935, SECTION 1. Section 47 of the act cited in the title hereof is hereby amended to read as follows:
 P. 785

Absentees Sec. 47. Time during which a member is absent from State service without compensation shall not be allowed in computing service; except that time during which a member is absent from State service by reason of having been ordered on duty with the armed forces of the United States, or by reason of voluntary service by the member in said forces either during a war involving the United States as a belligerent or in any other National emergency, and for 90 days thereafter shall be considered as time spent in State service, for the purpose of qualification for retirement and death benefits, but not for calculation of retirement benefits unless the member elects to contribute and contributes, under the retirement system. Any member so absent and until his return to service within the said 90 days may resign from the system. Any member so absent shall have the right to contribute to said system, either during his service with the armed forces of the United States and 90 days thereafter or upon his return to the State service, at times and in a manner fixed by the board of administration, amounts equal to the contributions which would have been made by him to the system on the basis of his compensation earnable at the commencement of his absence. If he does so contribute, he shall receive credit for State service for such time in the same manner as if he had not been absent from State service. Whenever a member elects to continue and continues his contributions, the State shall thereupon contribute an amount equal to that which it would have contributed under Sections 108 and 109 of this act if the member had not been absent from State service.

Stats. 1937, SEC. 2. Section 108 of the said act is hereby amended to read as follows:
 P. 2288

Appropriation from General Fund Sec. 108. From and after the date the system created by this act takes effect, out of any moneys in the State Treasury not otherwise appropriated, there shall be paid monthly into the "State Employees' Retirement Fund" a sum equal to three and seventy-five one-hundredths per centum of the total compensation paid members of the retirement system whose compensation is paid from the General Fund of the State, or which would have been so paid in the case of members electing

to continue and continuing their contributions under Section 47 of this act and absent with the armed forces of the United States. The board of administration shall certify to the State Controller at the end of each month the total amount of compensation paid such members of the retirement system and the total amounts which would have been paid members absent with such armed forces, and electing to continue and continuing their contributions under Section 47 of this act, if they had not been so absent, and the State Controller shall thereupon transfer three and seventy-five one-hundredths per centum of this amount from the General Fund of the State to the "State Employees' Retirement Fund." For the purposes of this section and Section 109, compensation paid from the Vocational Education Fund or the Vocational Rehabilitation Fund or any other fund received, in whole or in part as a donation to the State, with restrictions as to its use which prevent contributions under Section 109 hereof, to members of the retirement system as employees of the Department of Education, and compensation paid from the funds of the university to members of the retirement system as employees of the university, shall be considered as paid from the General Fund of the State. Contributions made to the retirement system under this section and the section next following shall be applied by the board of administration to meet the State's obligations under the system in the order and amounts as follows: first, in an amount equal during each fiscal year to the liability accruing because of State service rendered during such year and on account of pensions provided for in Section 82 and Sections 86 to 89, inclusive, such amount to be determined by the actuarial valuation provided for in Section 51, as interpreted by the actuary of said board; second, in an amount equal during each fiscal year to the payments made, from contributions by the State, during such year as provided in Section 100; third, in an amount equal to the balance of such contributions, on the liabilities accrued on account of prior service benefits granted under Sections 83 to 84, inclusive, and Sections 86 to 89, inclusive.

SEC. 3. Section 109 of said act is hereby amended to read as follows: Stats 1937,
p 2394

Sec. 109. In addition to such payments from the General Fund, there shall be paid monthly, from and after the date this act takes effect, into the State Employees' Retirement Fund out of the Motor Vehicle Fund a sum equal to nine and twenty one-hundredths per centum of the total compensation paid from said fund to members of the retirement system who also are members of the California Highway Patrol, or which would have been so paid in the case of members electing to continue and continuing their contributions under Section 47 of this act and absent with the armed forces of the United States, and out of said Motor Vehicle Fund and every other fund directly controlled by the State, out of which the compensation of members is paid, a sum equal to three and Appropri-
ation from
special funds

seventy-five one-hundredths per centum of the total compensation paid members, other than members of the said highway patrol, of the retirement system from the said fund, or which would have been so paid in the case of members electing to continue and continuing their contributions under Section 47 of this act and absent with such armed forces. All such payments, whether heretofore or hereafter made are hereby validated and confirmed. The board of administration shall certify to the State Controller at the end of each month the total amount of compensation paid such members of the retirement system from each such fund, and the total amounts which would have been paid members absent with such armed forces and electing to continue and continuing their contributions under Section 47 of this act, if they had not been so absent, and the State Controller shall thereupon transfer the percentages as specified in this section, of said total amount from each such fund, respectively, to the "State Employees' Retirement Fund." If any member of the said highway patrol shall affirmatively exercise the option in Section 65d, the Controller shall transfer into the said retirement fund from the Motor Vehicle Fund upon certification by the board of administration of the total compensation received by said member for service as a member of the retirement system rendered prior to July 1, 1935, three and ninety one-hundredths per centum of said total compensation. The appropriation made by Chapter 865, Statutes of 1933, shall no longer be held solely for the benefit of the persons designated therein, but shall be applied on the State's liability for benefits based on prior service of all members of the California Highway Patrol. In the event a special fund is created by law from which moneys for the support of the Department of Motor Vehicles are to be paid, all contributions to the State Employees' Retirement Fund for employees of the Department of Motor Vehicles shall be paid from such special fund.

Stats 1933,
p 2247

Urgency SEC. 4. 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. The following is a statement of the facts constituting such necessity:

The effect on the retirement rights of State employees of the Federal law providing for national selective military service necessitates an immediate amendment of the law in order to protect the retirement rights and benefits of State employees who will be called upon to serve their country in its armed forces. In order to make this act fully effective and to prevent an unjust and inequitable discrimination against State employees who are performing a patriotic duty, it is necessary that it take effect immediately.

CHAPTER 4

An act to amend Sections 607.4, 607.6, 608 and 608.2 of the Vehicle Code, relating to vehicular crossings, and providing that this act shall take effect immediately. Stats. 1935, p. 93, amended

[Approved by Governor October 2, 1940. Filed with Secretary of State October 3, 1940.] In effect immediately

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

SECTION 1. Section 607.4 of the Vehicle Code is amended to read as follows: Stats. 1935, p. 198

607.4. Unauthorized Towing Prohibited. No person other than an employee of the Department of Public Works shall commence to tow any vehicle or other object on any vehicular crossing. No person shall by means of pushing with another vehicle propel any vehicle or object on a vehicular crossing. No person other than an employee of the Department of Public Works shall on any vehicular crossing, tow any vehicle or other object except a vehicle or object constructed and designed to be towed by a vehicle of a type similar to that being used for such purpose. The Director of Public Works may grant a special permit to any person to tow any vehicle or object over and completely across any vehicular crossing when in his judgment the towing vehicle is so constructed and equipped that the vehicle or object can be towed across such vehicular crossing without endangering persons or property and without interrupting the orderly traffic across such vehicular crossing. The prohibitions of this section shall apply only on those vehicular crossings upon which a towing service is maintained by the Department of Public Works. Towing vehicles on crossings

SEC. 2. Section 607.6 of the Vehicle Code is amended to read as follows: Stats. 1935, p. 198

607.6. Department of Public Works May Maintain Towing Service. A towing service may be maintained on each vehicular crossing by the Department of Public Works and said department may furnish such service as is necessary to permit the orderly flow of traffic upon such crossing. The Department of Public Works shall prescribe and collect reasonable rates for towing services furnished. When any vehicle or object on any vehicular crossing, upon which towing service is maintained, is stopped for any reason and is obstructing or may obstruct traffic, such vehicle or object shall be towed by the towing service maintained as herein authorized to the nearest terminus of said vehicular crossing and beyond to the property of the California Toll Bridge Authority designated for parking or storing of vehicles, except that the Department of Public Works may furnish and deliver fuel to vehicles, the supply of which is exhausted, and may charge a reasonable Towing service by Department of Public Works

sum for the delivery and furnishing thereof. If the Department of Public Works deems it safe and advisable, and the owner or operator of such vehicle or object so requests, it may be so towed to either terminus thereof.

Stats 1135,
p. 199 **SEC. 3.** Section 608 of the Vehicle Code is amended to read as follows:

Special
permt.: on
cross ings

608. Animals and Certain Vehicles Not Permitted on Vehicular Crossing. Except where a special permit has been obtained from the Department of Public Works under the provisions of Section 710, none of the following shall be permitted on any vehicular crossing:

(a) Animals while being led or driven, even though tethered or harnessed.

(b) Bicycles, unless the department by signs indicates that bicycles are permitted upon all or any portion of such vehicular crossing.

(c) Vehicles carrying explosives in any amount or carrying more than 10 gallons of corrosive liquids.

(d) Vehicles having a total width of vehicle or load exceeding 102 inches.

Stats 1035,
p. 199 **SEC. 4.** Section 608.2 of the Vehicle Code is amended to read as follows:

Pedestrians

608.2. Pedestrians Not Permitted on Certain Vehicular Crossings. Pedestrians shall not be permitted upon any vehicular crossing, unless unobstructed sidewalks of more than three feet in width are constructed and maintained and signs indicating that pedestrians are permitted are in place.

Urgency

SEC. 5. This act is hereby declared to be an urgency measure, necessary for the immediate preservation of the public peace, health and safety, and shall therefore take effect immediately. The facts constituting such necessity are as follows: The existing provisions of Division 9a of the Vehicle Code were enacted prior to the acquisition by the State, under the provisions of the California Toll Bridge Authority Act, of the Carquinez and Antioch bridges, and the application of the existing provisions of the sections of the Vehicle Code hereby amended to said bridges would result in confusion, impediment of traffic and in endangering public safety. The State is not equipped to furnish the towing service required under existing law, and prohibition against the furnishing of towing service by others would result in confusion, delay of traffic, and danger to the public safety. The prohibition of certain kinds of traffic will prohibit the use of said bridges in the manner heretofore permitted.

CHAPTER 5

An act to add Section 3.93 to the School Code, relating to the maintenance of public school classes on Saturday and declaring that this act shall take effect immediately.

[Approved by Governor October 2, 1940. Filed with Secretary of State October 3, 1940.] In effect immediately

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

SECTION 1. Section 3.93 is hereby added to the School Code, to read as follows: New section

3.93. The governing board of any high school district or unified school district may provide for the maintenance on Saturday of special day and evening classes in vocational training authorized or provided for by any program of National defense of the Federal Government, or any agency thereof, acting through the State Department of Education. Vocational training classes

The average daily attendance of pupils upon classes conducted on Saturday pursuant to this section shall not be considered in computing the average daily attendance for the purpose of making apportionments from State funds.

This section shall have no further force and effect on and after April 1, 1941. Termination

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 shall take effect immediately. The facts constituting such necessity are as follows: Urgency

The Federal Government is making preparations to defend this Nation against possible aggression, and in preparing for the National defense, it is necessary to construct large amounts of military weapons, stores and supplies. The Federal Government has requested that the facilities of the public schools be used to the fullest possible extent in training persons for such purposes. Under the present law of this State, the schools must remain closed on Saturdays and certain other days and the inability to use the schools and the large amounts of equipment and other facilities of the schools to the fullest extent is hampering plans for the National defense. Upon this act becoming effective, the training facilities and the preparations for the defense of the State and Nation will be materially enhanced.

CHAPTER 6

Stats 1339, *An act to add Sections 2540.3, 2540.4 and 2540.9 to the Elections Code, relating to the recognition and qualification of political parties.*
 p 49,
 amended

In effect [Approved by Governor October 7, 1940. Filed with Secretary of State
 March 6, 1941. October 8, 1940.]

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

New section SECTION 1. Section 2540.3 is hereby added to the Elections Code, to read as follows:

“Communist” in name of party 2540.3. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which uses or adopts as any part of its party designation the word “communist” or any derivative of the word “communist.”

New section SEC. 2. Section 2540.4 is hereby added to the Elections Code, to read as follows:

Affiliation with Communist party, etc. 2540.4. Notwithstanding any other provisions of this code, no party shall be recognized or qualified to participate in any primary election which is directly or indirectly affiliated, by any means whatsoever, with the Communist Party of the United States, the Third Communist International, or any other foreign agency, political party, organization or government or which either directly or indirectly carries on, advocates, teaches, justifies, aids, or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids, or abets a program of sabotage, force and violence, sedition or treason against, the Government of the United States or of this State.

New section SEC. 3. Section 2540.9 is hereby added to the Elections Code, to read as follows:

Determination of party qualifications 2540.9. The Secretary of State shall, with the advice and consent of the Attorney General, determine which parties are qualified to participate in any primary election. Such determination shall be subject to review by the courts in accordance with law.

Legislative intent SEC. 4. This act is hereby declared to be enacted in the exercise of the police power of this State for the protection of the public peace, safety and general welfare of the residents of this State.

Constitutionality SEC. 5. If any provision of this act, or the application thereof to any person or circumstance is held invalid, the remainder of the act and the application of such provision to other persons or circumstances, shall not be affected thereby.

CHAPTER 7

An act making an appropriation for the expenses of the Senate for the Fourth 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 four hundred dollars (\$400) to pay the expenses of the Senate, including the mileage of the Lieutenant Governor, Senators and statutory officers of the Senate, for the Fourth 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 8

An act making an appropriation for the reconstruction, replacement and repair of buildings and physical facilities of elementary and secondary schools damaged or destroyed by earthquakes, to 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. The sum of one hundred thousand dollars (\$100,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, which sum shall be allocated by the Director of Education, with the approval of the Director of Finance, during the Ninety-second Fiscal Year, in such amounts as he deems necessary, to elementary or secondary school districts, the amount so allocated to be used solely for the reconstruction, replacement, and repair of buildings and physical facilities of schools in such district that were damaged or destroyed by earthquakes which occurred in the month of May, 1940. Appropriation: Repair of earthquake damages to schools
See also Stats 1941, p 2413

None of the money hereby appropriated shall be allocated to any district unless and until such district shall have provided through any lawful means for the raising of money Matching funds

equal to or in excess of the amount to be allocated from this appropriation for the purposes herein provided, to the end that any money expended from this appropriation shall be matched by like or greater amount from sources other than the State.

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 shall therefore go into immediate effect. The following is a statement of facts constituting such necessity:

Severe earthquakes occurring in the month of May, 1940, have damaged or destroyed school buildings and other physical facilities of elementary and secondary school districts in Imperial County. Unless these buildings and facilities are replaced without delay, the educational opportunities of the children in these districts will be curtailed, and the health of the residents of a large area of the State will be endangered by the use of temporary and make-shift structures. The responsibility of providing for the education of these children and for the protection of the health of the community is an obligation of the State which must be discharged immediately.

CONCURRENT AND JOINT RESOLUTIONS

FOURTH EXTRA SESSION, 1940

CONCURRENT AND JOINT RESOLUTIONS

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

CHAPTER 1

*Assembly Concurrent Resolution No. 1—Relative to Hiram
Warren Johnson.*

[Filed with Secretary of State September 25, 1940.]

WHEREAS, Hiram Warren Johnson was born in Sacramento September 2, 1866, and has recently passed the seventy-fourth anniversary of that occasion; and

Congratu-
lations to
Hiram W
Johnson

WHEREAS, He served as Governor of California for six years, during which time he brought California to the forefront in the enactment of progressive legislation and made the State Government a shining example of honesty and responsibility, so that his name is known for statesmanship and humanity in every household of the State; and

WHEREAS, For the past 24 years he has represented California in the greatest deliberative body in the world, where he has been zealous and effective, stalwartly defending, guarding and preserving the respective interests, rights and privileges of the citizen, the State and the Nation, in all their varied manifestations and relationships, ever battling for the right as he sees it; and

WHEREAS, The people of California in appropriate recognition of his exemplary service and his maturity of judgment have recently, by an overwhelming vote, drafted him for service in the United States Senate for the fifth consecutive time; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That on behalf of the people of California the Legislature congratulates Hiram Warren Johnson on his years and his victories, and expresses the wish of all that the Nation may continue to have the benefit of his counsel in the future as in the past; and be it further

Resolved, That the Chief Clerk of the Assembly is hereby directed to transmit a copy of this resolution to the Senate of these United States and a suitably engrossed copy to Hiram Warren Johnson.

CHAPTER 2

Senate Concurrent Resolution No. 1—Relative to legislation on Defense Council and subjects directly related thereto.

[Filed with Secretary of State September 25, 1940.]

S^tate
Counc^{il} of
Def^{ense} WHEREAS, The Governor has included as an item of legislation in his proclamation for this Fourth Special Session of the Legislature, the creation of the State Council of Defense and subjects directly relating thereto; and

WHEREAS, The enactment of this legislation should not be undertaken in view of the gravity of the situation without full study and adequate consideration, nor until such time as Congress has developed a defense program; now, therefore, be it

Resolved by the Senate of the State of California, the Assembly thereof concurring, That the Legislature hereby expresses its intention to study thoroughly and adequately the need for such legislation and the ramifications thereof; and be it further

Resolved, That the Legislature is anxious to further the National Defense Program and does not intend to finally adjourn this fourth special session until it has had time to so adequately consider the creation of a California State Council of Defense; and be it further

Resolved, That when it has completed its consideration the Legislature expresses its intention of reconvening for the purpose of finally disposing of the proposal.

CHAPTER 3

Assembly Joint Resolution No. 1—Relative to memorializing Congress to pass legislation for the control of predators.

[Filed with Secretary of State October 3, 1940]

Cont^{rol} of
predators WHEREAS, Due to existing Federal legislation the killing of predators that prey upon our fish and game is prohibited in National parks; and

WHEREAS, Such predators daily take a deadly toll of fish and game in and out of National parks; now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California does hereby memorialize the President and Congress of the United States to consider and enact legislation permitting the control of predators in National parks in the State of California by the California Fish and Game Commission and its duly authorized officers and agents; and be it further

Resolved, That the Chief Clerk of the Assembly of the State of California is hereby requested to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to each Senator and Member of the House of Representatives from California to the Congress of the United States, and that such Senators and Members from California are respectfully urged to support such legislation.

CHAPTER 4

Assembly Concurrent Resolution No. 2—Relative to a recess of the Senate and Assembly of the State of California.

[Filed with Secretary of State October 3, 1940]

WHEREAS, The Legislature of the State of California is convened in extraordinary session, which commenced on the twenty-first day of September, 1940, pursuant to a proclamation of the Governor of the State of California, as provided by Section 9 of Article V of the Constitution of the State of California; and

Recess of
Senate and
Assembly

WHEREAS, The Senate and the Assembly of the State of California find it necessary and desirable to recess until not later than the second day of December, 1940; and

WHEREAS, It may be necessary in the interests of the State for such recess of the Senate and the Assembly to terminate prior to said second day of December, 1940; and

WHEREAS, The Constitution of the State of California provides that neither house shall, without the consent of the other, adjourn for more than three days; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Assembly hereby consents to the adjournment of the Senate for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate hereby consents to the adjournment of the Assembly for a period of more than three days, as more particularly herein set forth; and be it further

Resolved, That the Senate and the Assembly of the State of California shall adjourn at 9 o'clock p.m. on the twenty-second day of September, 1940, and the Legislature and each house thereof shall thereupon recess until the second day of December, 1940, and shall convene at 11 o'clock a.m. on said second day of December, 1940, unless sooner reconvened as hereinafter provided; and be it further

Resolved, That in the event it appears to the President pro tempore of the Senate and to the Speaker of the Assembly to be for the best interests of the State that the Legislature and the Senate and Assembly thereof reconvene on a day prior to said second day of December, 1940, they are expressly

authorized and directed to call the Legislature and the Senate and Assembly thereof together to convene on a day and at an hour to be specified by them jointly in a notice of reconvening of the Legislature and the Senate and Assembly thereof. Duplicate copies of such notice shall be prepared and signed by the President pro tempore of the Senate and by the Speaker of the Assembly. One copy shall be delivered to the Secretary of the Senate and the other copy shall be delivered to the Chief Clerk of the Assembly. Such delivery shall be made at least three days prior to the day set in the notice for such reconvening. Copies of the notice forthwith shall be mailed by the Secretary of the Senate to each member of the Senate at the home address for such member as shown by the records of the Secretary and copies shall be mailed by the Chief Clerk of the Assembly to each member of the Assembly at the home address for such member as shown by the records of the Chief Clerk. Following the giving of such notice of reconvening and the mailing of copies thereof, as herein provided, the Legislature and the Senate and Assembly thereof shall thereupon reconvene on the day and at the hour specified in such notice. The affidavits of the Secretary of the Senate and of the Chief Clerk of the Assembly that copies of any such notice were severally received by them and mailed to the members as herein provided shall be conclusive evidence of the facts therein stated.

CHAPTER 5

Senate Joint Resolution No. 2—Relative to purchases of woolen materials and products for National Defense Program.

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

Purchase of
woolen goods
for National
defense

WHEREAS, The Government of the United States has embarked on a program designed to protect the shores of this country against the menace of totalitarianism; and

WHEREAS, As part of this program the Government is purchasing woolen materials and products necessary for adequate defense; and

WHEREAS, Consistent with the ideals of democracy which we are striving to defend and preserve is the thought that woolen goods manufacturers throughout the country should be given an opportunity to do their share towards carrying into effect the defense program; and

WHEREAS, Because of differentials in prices resulting from location, woolen goods manufacturers on the West Coast can not compete with their competitors in other sections of the country in submitting bids for Government contracts, and are thus deprived of an opportunity to participate in the defense program; and

WHEREAS, The inequities in this situation call for desirable changes at the earliest possible date; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the National Advisory Defense Commission and the United States War and Navy Departments are hereby respectfully urged to provide in their specifications for bids for National defense contracts for the purchase and sale of woolen products, in cases where the bids of West Coast manufacturers of such products would otherwise exceed those of manufacturers in other sections of the country, such excess representing the cost of transporting the products to the place of delivery, either that:

(a) An allowance in the amount of freight will be made in favor of the bids submitted by the West Coast manufacturers; or

(b) The bids submitted by West Coast manufacturers may be based on prices f.o.b. their mills; and be it further

Resolved, That a copy of this resolution be sent to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to each member of the Senate and the House of Representatives from California in the Congress of the United States, to Mr. Edward Stettinius and each other member of the National Advisory Defense Commission of the United States, to the Secretaries of the War and Navy Departments of the United States, and to the Quartermaster-General of the United States Army in command at Philadelphia.

CHAPTER 6

Assembly Concurrent Resolution No. 4—Relative to the birth of Roger Hayes Moore.

[Filed with Secretary of State December 12, 1940]

WHEREAS, When the reverberations from the flapping of the wings of the Chief Stork had finally ceased on December 2, 1940, it was found that the Providential Carrier had presented Roger Hayes Moore to Mr. and Mrs. Clifton Hayes Moore; and

Birth of
Roger Hayes
Moore

WHEREAS, Roger Hayes Moore constituted at birth nine pounds and two ounces of boundless joy not only to his parents, but particularly to his grandparents, State Printer and Mrs. George H. Moore; now, therefore, be it

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Legislature felicitate both the parents and the grandparents of Roger Hayes Moore on the occasion of this propitious addition to their family; and be it further

Resolved, That the Legislature foresees a long and substantial career for Roger Hayes Moore to his own credit, the credit of his parents and his grandparents, and the credit of the State of California; and be it finally

Resolved, That the Chief Clerk of the Assembly is directed to prepare and deliver a properly engrossed copy of this resolution to the family of Roger Hayes Moore to be held by them in trust for him.

CHAPTER 7

Assembly Concurrent Resolution No. 3—Relative to adjournment sine die of the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California.

[Filed with Secretary of State December 12, 1940.]

Resolved by the Assembly of the State of California, the Senate thereof concurring, That the Fourth Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at 1 o'clock p.m., on the twenty-first day of September, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of September 21, 1940, shall adjourn sine die at 3 o'clock p.m., December 5, 1940.