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# STATUTES OF CALIFORNIA

SECOND EXTRA SESSION OF THE FIFTY-THIRD LEGISLATURE

1940

BEGAN MONDAY, MAY THIRTEENTH  
AND ADJOURNED FRIDAY, MAY TWENTY-FOURTH  
NINETEEN HUNDRED FORTY

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PROCLAMATION BY THE GOVERNOR  
CONVENING THE LEGISLATURE IN  
EXTRAORDINARY SESSION

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EXECUTIVE DEPARTMENT,  
STATE OF CALIFORNIA,  
May 10, 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 thirteenth day of May, 1940, at 10 o'clock a.m. of said day, for the following purposes and to legislate upon the following subjects, to wit:

1. To consider and act upon legislation making an additional appropriation to the Reclamation Board for construction, land, rights of way, easements, and general administrative operations and overhead, in augmentation of the appropriation made by Item 206 of the Budget Act of 1939.

2. To consider and act upon legislation making an appropriation to the Emergency Fund created by Item 212 of the Budget Act of 1939 for the cost of repair and restoration of property damaged or destroyed by storms and floods and for work and remedial measures designed to avert, alleviate, and prevent such damage and destruction.

3. To consider and act upon legislation to provide for the acquisition and construction, maintenance and operation of a system of works for the control, storage, conservation and utilization of the waters of the Napa River and its tributaries.

4. To consider and act upon legislation making an appropriation to the Department of Natural Resources for forest fire suppression and prevention.

5. To rescind the action of the Legislature in adopting Senate Constitutional Amendment No. 9, Resolutions Chapter 119 of the Statutes of 1939.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this tenth day of May, A. D., 1940.

CULBERT L. OLSON,  
Governor of California.

ATTEST:  
PAUL PEEK,  
Secretary of State.

[SEAL]

# STATUTES OF CALIFORNIA

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

## CHAPTER 1

*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.*

Stats 1939,  
p 1855

[Approved by Governor May 29, 1940. Filed with Secretary of State May 29, 1940.]

In effect  
immediately

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

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 Emer-  
gency fund  
Flood  
damage  
See also  
Stats 1941,  
p 353

None of the moneys hereby appropriated shall be expended, allotted or encumbered, or become available for expenditure, for a work of repair or restoration 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 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

Investigation  
and report

(b) Moneys equal to or in excess of the amount expendable from this appropriation for said work shall have been made available (by political subdivision, public district, or other

Matching  
funds

private or public agency except 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.

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:

Unprecedented storms and floods subsequent to January 1, 1940, causing hardship and destitution, and resulting in loss of life and damage to and destruction of property have augmented demands upon agencies of the State which can not be met from existing appropriations. It is, therefore, necessary that funds be made immediately available for the purposes specified in this act in order to repair and restore essential public services and particularly in order to enable completion of repair and restoration of storm and flood protection works prior to the commencement of the season of the year when storms and floods may reasonably be anticipated to again occur, and in order to avert further danger to the public peace, health and safety.

## CHAPTER 2

Stats 1939,  
p. 1854

*An act making an appropriation to the Reclamation Board to augment Item 206 of the Budget Act of 1939, declaring the urgency thereof, and providing that this act shall take effect immediately.*

In effect  
immediately

[Approved by Governor May 29, 1940 Filed with Secretary of State  
May 29, 1940.]

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

Appropriation  
Reclamation  
Board

SECTION 1. In addition to any money otherwise appropriated, the sum of one million nine hundred thousand dollars (\$1,900,000), or so much thereof as may be necessary, is hereby appropriated, out of any money in the State Treasury not otherwise appropriated, to the Reclamation Board to augment the appropriation contained in Item 206 of Section 2 of the Budget Act of 1939 to be expended as provided in said Item 206 in carrying out the construction program adopted by the Reclamation Board jointly with the California Debris Commission, for the units of the Sacramento River Flood Control Project consisting of levee construction and repair along the Feather and Sacramento rivers and their tributaries and along the Sutter By-pass and the Yolo By-pass, and for the acquisition of lands, rights of way, easements, and flowage easements and for incidental construction and for the administration and overhead of the Reclamation Board.

SEC. 1.5. In addition to any other provisions of law which may be applicable hereto, no part of the money appropriated by this act shall be expended for any purpose other than the construction of new works or structures, unless such expenditure and purpose is first approved by the State Controller and by the chief engineer and general manager of the State Reclamation Board. Approval

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 take effect immediately. A statement of the facts constituting such necessity is as follows: Urgency

Recent disastrous floods have caused extensive destruction of levees and flood control works in the great valley of California. It is imperative that work be commenced at once to repair and restore existing levees, and to acquire rights of way and to construct new levees so that by the Spring of 1941 adequate flood control protection can be afforded.

CHAPTER 3

*An act making an appropriation to the Department of Natural Resources for fire prevention and suppression, to take effect immediately.*

[Approved by Governor May 29, 1940. Filed with Secretary of State May 29, 1940.] In effect immediately

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

SECTION 1. In addition to any other money provided by law, the sum of three hundred thousand dollars (\$300,000), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for expenditure by the Department of Natural Resources for fire prevention and suppression, during the Ninety-second Fiscal Year. Appropriation Department of Natural Resources

In the event that the regulations governing the Civilian Conservation Corps again should permit the use of enrollees for first attack fire suppression purposes, the unencumbered balance of this appropriation shall thereupon revert to and become a part of the unappropriated moneys in the General Fund and shall not again be drawn from the General Fund except in consequence of some other appropriation made by law.

SEC. 2. The expenditures herein authorized of the money appropriated by this act shall be subject to all of the provisions of the Budget Act of 1939. Expenditure: Conditions Stats 1939, p 1833

SEC. 3. This act, inasmuch as it provides an appropriation for the usual current expenses of the State, shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately. Current expenses

## CHAPTER 4

*An act making an appropriation for the construction of a dam and distribution system in Napa Valley, declaring the urgency hereof, to take effect immediately.*

In effect [Approved by Governor June 1, 1940. Filed with Secretary of State  
immediately June 4, 1940.]

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

Appropriation Napa Valley dam and distribution system Stats 1937, p 2178 Stats 1939, p 2169

SECTION 1. All unexpended and unencumbered money in the State Treasury heretofore appropriated by Chapter 760 of the Statutes of 1937 and Chapter 678 of the Statutes of 1939 is hereby reappropriated for expenditure under the supervision of the Department of Finance for the construction of a dam and distribution system in Napa County for the furnishing of water to the State institutions located in Napa Valley and for the furnishing of any surplus over the amount required by such institutions to persons residing in such valley other than inmates and employees of such institutions. The Department of Finance may itself construct the dam and distribution system or may contract for the construction of the dam and distribution system with any public agency of the State of California authorized by law to construct a dam and distribution system in Napa County. Such contract may provide for title to the dam and distribution system to vest in the public agency of the State of California upon completion.

Lapsation Stats. 1921, p 155

SEC. 2. The appropriation made by this act shall not lapse pursuant to the provisions of Chapter 158 of the Statutes of 1921.

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

At the present time disastrous floods in Napa County occur in the rainy season because of excess runoff of water. Notwithstanding this excess runoff the water supply for the Veterans' Home of California and other State institutions in Napa County is inadequate. In order to prevent further floods, in order to avoid impairment of the health of inmates by reason of the lack of adequate water, and to eliminate a serious fire hazard, it is necessary that this act take effect immediately.

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CONCURRENT AND JOINT RESOLUTIONS

SECOND EXTRA SESSION, 1940

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# CONCURRENT AND JOINT RESOLUTIONS

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

## CHAPTER 1

*Senate Concurrent Resolution No. 1—Relative to calling upon the Governor to permit well considered, comprehensive legislation upon the subject of the relief of hardship and destitution, whether due to and caused by unemployment or by other causes.*

[Filed with Secretary of State May 20, 1940.]

WHEREAS, The Legislature at its extraordinary session in 1940, by concurrent resolution, created a Joint Legislative Fact-Finding Committee on Employment, consisting of members of both houses; and Relief of hardship and destitution

WHEREAS, Said Joint Legislative Fact-Finding Committee on Employment has held hearings in every part of the State of California, and has gone into all phases of the unemployment relief problems in California; and

WHEREAS, This committee is now ready and is filing its report to the Legislature containing its recommendations; and

WHEREAS, This committee has recommended among other things the enactment of a permanent plan for the administration and financing of all public assistance, including the basic principles of complete integration of all welfare and relief activities into one consolidated program; and

WHEREAS, The findings of said committee strongly indicate that the adoption of the aforementioned plan will bring about a more efficient administration of relief in California, to the end that the needy will receive the maximum benefits at minimum costs to the taxpayers; and

WHEREAS, The proclamation of the Governor convening this extraordinary session of the Legislature is so restricted as to preclude any such legislation at this time; and

WHEREAS, The members of the Senate and Assembly have before them facts which have never been available before, which the members believe are of sufficient importance to warrant complete consideration by all members of the Legislature; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring, That the Honorable Culbert L. Olson,*



Governor of California, is hereby respectfully and specifically requested immediately to issue a proclamation specifying therein the subjects of legislation in such manner that the Legislature and the Governor of California will clearly have power and jurisdiction forthwith to consider and act upon, and enact into law, legislation for the relief of hardship and destitution whether resulting from unemployment or from any other causes; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed forthwith to deliver a copy of this resolution to the Governor of California.

## CHAPTER 2

*Assembly Joint Resolution No. 1—Relative to memorializing Congress to enact the necessary legislation to purge the United States of Communism and all of the subversive influences and front organizations which are instigated, encouraged and fostered by it.*

[Filed with Secretary of State May 24, 1940.]

Purge of  
Communism,  
etc. WHEREAS, Lenin, in his book entitled "State and Revolution," declares that "Democracy is a form of the state—of its varieties" and

Engles, in his book entitled "Internationales aux des Volkstaad," declares that

"The party (the Communist party) whose economic programme is not merely Socialist in general but directly Communistic, and whose ultimate political aim is to overcome the whole State and therefore Democracy as well";

and

The program of the Communist International states:

"The conquest of power by the Proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist state apparatus (bourgeois army, police, bureaucratic hierarchy, the judiciary, parliament, etc.) and substituting in its place new organs of proletariat power. . . \* \* \*";

and

WHEREAS, The Communist party of the United States, although affiliated with the International, has adopted the Trojan horse policy suggested by Georgi Dimitrov in a report to the International in August, 1935, and has deleted all references to violence and conquest in its new constitution in order to deceive the American people; and

This policy is declared to be the realization in practice of Dimitrov's instructions to learn as quickly as possible how to sail on the turbulent waters of class struggle; and

The Communist party is seeking to accomplish its objective in the United States by breeding disrespect for American democracy and all that it represents, and by sabotaging American labor and industry; and

It is undeniably true that the ultimate aim of subversive elements as exemplified in the United States by the Communist and Nazi groups, is to destroy democracy and establish a totalitarian state; and

The Communist and Nazi groups are attempting to discredit the President's peace and preparedness program in order to involve the United States in the present European war on the side of the dictator-partnership of Hitler and Stalin; and

The United States may eventually be the victim of a blitzkrieg by Stalinism and Hitlerism; and

WHEREAS, These termites are prepared to constitute the "Fifth Column" for Hitler and Stalin in the event of a blitzkrieg by these monsters; and

WHEREAS, Communism and Nazism constitute the greatest threats to democracy, civil liberties, human freedom and the welfare of the United States; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That the Congress of the United States is hereby respectfully urged to study means and methods of completely and effectively stamping out the traitorous Communist party and Nazi groups in the United States and all other subversive organizations and to enact such legislation in connection therewith as is necessary or desirable; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby respectfully requested to send copies of this resolution to the President of the United States, to the Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Member of the House of Representatives from California in the Congress of the United States, which Senators and Representatives are hereby respectfully urged to support such legislation, and to the Attorney General of the United States, to William Green and to John L. Lewis.

### CHAPTER 3

*Senate Joint Resolution No. 1—Relative to memorializing the President and Congress with reference to the authorization of flood control projects in California.*

[Filed with Secretary of State May 28, 1940.]

WHEREAS, One of the major problems of the State of California is the solving of the problems of flood control; and

WHEREAS, The devastating floods of 1938 as well as the great damage caused by floods during the season of 1940 has clearly demonstrated how vulnerable the cities and valleys are to floods caused by periodical storms, and the run-off from snows in the high mountain areas during the Spring months; and

Flood control projects

WHEREAS, It is understood that preliminary reports have been prepared by the United States Army Engineers determining some of the vitally needed flood control projects within the State of California; and

WHEREAS, It is further believed that final reports thereon will be submitted to the proper Federal agencies in the near future, and that said reports will show the needed projects and what will be necessary to be done; and

WHEREAS, An unnecessary delay may permit another flood to cause preventable loss of life and property in the near future, therefore it is imperative for the protection of the State from such loss, that work on these several projects be commenced without delay; and

WHEREAS, Should a rule prevail whereby projects are considered and authorized by Congress only in even numbered years, that such rule be set aside for the welfare and the protection of the people of the United States; and

WHEREAS, The Federal Government has adopted a policy of aiding in flood control throughout the various States; and

WHEREAS, That flood control is a problem too great to be handled by the State without Federal aid; and

WHEREAS, It is necessary that the several reports made and to be made by the United States Army Engineers regarding flood control must be passed upon by several Federal agencies and must be authorized as projects to be constructed before appropriations can be made and construction begun; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of the State of California hereby respectfully urges and memorializes the President and the Congress of the United States at the earliest possible date to authorize the flood control projects as recommended and as they may be recommended by the United States Army Engineers in their reports with reference to the construction of such projects in the State of California.

The Legislature of the State of California further urges and memorializes you, the President and Congress of the United States to provide the necessary funds for the construction and completion at an early date of such construction; and furthermore, that such additional sums be made available as may be necessary to provide for such additional reports as may be found necessary by the Army Engineers.

*Resolved,* That the Secretary of the Senate is hereby directed to send copies of this resolution to the President and the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the Senate and the House of Representatives in the Congress of the United States from California.

## CHAPTER 4

*Senate Joint Resolution No. 2—Relative to damage by earthquake in Imperial Valley.*

[Filed with Secretary of State May 28, 1940.]

WHEREAS, The Imperial Valley has suffered a catastrophe caused by the recent earthquake in the damage of public property in the cities and counties of Imperial Valley and the Imperial irrigation district, particularly to their water systems endangering the shutting off of a domestic water supply necessary to preserve health and life; and

WHEREAS, In the City of Imperial, the city hall, also library are severely damaged and condemned; and

WHEREAS, In the City of Brawley the immediate requirements are to replace the buildings of the fire department, city hall, with much damage to public property in the city of Calexico, Holtville and El Centro; and

WHEREAS, The board of trustees of the Brawley school district state that the earthquake has caused great and irreparable damage to their schoolhouse structures and in such a manner as to make mandatory the expenditure of four hundred nineteen thousand dollars (\$419,000) in order to replace structures damaged beyond repair and to rehabilitate structures capable of repair, with a request for immediate relief; and

WHEREAS, The Imperial irrigation district furnishing water to all the cities and farms of Imperial Valley has been damaged to the extent of over two hundred fifty thousand dollars (\$250,000), while the water supply for domestic and stock purposes is in a serious condition; and

WHEREAS, Water for delivery for agricultural purposes is now completely cut off and will remain in such condition until said canal can be repaired and placed in operating condition; and

WHEREAS, The funds of the Imperial irrigation district for such emergency work have been exhausted on account of a flood of major proportion occurring through cloudbursts in the Summer of 1939, leaving the district without funds to care for this grave emergency; and

WHEREAS, The failure to meet the foregoing situation will bring about untold human suffering and loss of property and will increase the relief burden of the State if funds are not made available immediately; and

WHEREAS, As near as it can be determined at the present time the damage to public property exceed one million five hundred thousand dollars (\$1,500,000) to two million dollars (\$2,000,000), not including many hundreds of thousands of dollars to private property; therefore,

*The Senate of California, the Assembly concurring, Do hereby urge the Federal Government to render immediate financial assistance, either through a special appropriation or*

WPA assistance or both, for substantial relief for the rehabilitation of the damage sustained in cooperation with State and local assistance through the Director of Public Works of the State of California; therefore, be it

*Resolved*, That a copy of this resolution as passed be forwarded to the President of the United States, to Congress and to our California Representatives in Congress.

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## CHAPTER 5

*Senate Concurrent Resolution No. 2—Relative to adjournment sine die of the Second Extraordinary Session of the Fifty-third Legislature of the State of California.*

[Filed with Secretary of State May 28, 1940.]

*Adjournment sine die* *Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the Second Extraordinary Session of the Fifty-third Legislature of the State of California, which convened at 10 o'clock a.m., on the thirteenth day of May, 1940, pursuant to a proclamation issued by the Governor of the State of California under date of May 10, 1940, shall adjourn sine die at 5 o'clock p.m., May 24, 1940.

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## CHAPTER 6

*Assembly Concurrent Resolution No. 1—Relating to the sponsorship of a WPA project to improve the Dorchester Ditch.*

[Filed with Secretary of State May 28, 1940.]

*Dorchester Ditch* WHEREAS, In the City and County of Los Angeles between Valley Boulevard on the north and Gravois Avenue on the south, and between Charnwood Avenue on the east and High-bury Road on the west, there exists an open and unprotected channel known as the Dorchester Ditch; and

WHEREAS, This ditch is a deep and dangerous wash, subject to enormous increases in flow over short periods of time, and is exceedingly dangerous to life and property; and

WHEREAS, Several children have recently been killed or injured while playing therein; and

WHEREAS, The employment of the destitute on useful work projects is a recognized method of alleviating distress; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That the Relief Commission and the Relief Administrator are hereby urged and requested

to study and consider the advisability of seeking the approval of a WPA project to improve this ditch and eliminate this hazard; and be it further

*Resolved*, That the Relief Commission and the Relief Administrator are urged and requested to study and consider the advisability of making all or a part of the sponsor's contribution to this project; and be it further

*Resolved*, That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the Governor of the State of California, to the Relief Administrator, and to the members of the Relief Commission.

## CHAPTER 7.

### *Assembly Joint Resolution No. 2—Relative to memorializing the President and Congress to increase the land defenses of the United States.*

[Filed with Secretary of State June 8, 1940.]

WHEREAS, The existing state of world affairs makes it imperative that the United States be possessed of an adequate National defense; and

Land  
defenses of  
United  
States

WHEREAS, Heretofore the people of the United States, being a peaceful people, have neglected to provide for an adequate defense until a time of emergency has arrived, with a consequent waste of life and money and the creation of undue apprehension and hardship; and

WHEREAS, A program of adequate preparation and proper training and the anticipation of what may come in the future would tend to prevent the unnecessary loss of life, property, and National resources; and

WHEREAS, It is the heartfelt sentiment of this Legislature that every possible step should be taken to retain for the United States its present security; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That the President and Congress be urged to initiate a program of immediate expansion of the land defenses of the United States and to immediately expand the regular army and the National Guard of the United States to the number of 1,000,000 men; and be it further

*Resolved*, That the chief clerk of the Assembly forward a copy of this resolution 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, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.