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# STATUTES OF CALIFORNIA

THIRD EXTRA SESSION OF THE FIFTY-FIFTH  
LEGISLATURE

1944

BEGAN ON THURSDAY, JANUARY TWENTY-  
SEVENTH, NINETEEN HUNDRED FORTY-FOUR, AND  
ADJOURNED MONDAY, JANUARY THIRTY-FIRST,  
NINETEEN HUNDRED FORTY-FOUR

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

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

I, EARL WARREN, Governor of the State of California, by virtue of the power and authority in me vested by Section 9 of Article V of the Constitution of the State of California, do hereby convene the Legislature of the State of California to meet and assemble in extraordinary session at Sacramento, California, on Thursday, the twenty-seventh day of January, 1944, at 11 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 amending the Election Laws to provide for and facilitate registration and voting by persons in the armed forces and others absent from their places of residence in time of war, and to change the dates of state-wide elections and the times prescribed for proceedings relating to or connected with such elections

2. To consider and act upon legislation for the reorganization of the State Criminal, Penal and Correctional System, and for the government, administration, operation and enforcement thereof; abolishing, reorganizing and establishing State agencies in that system and redistributing their powers, duties and jurisdiction; and exercising the powers granted to the Legislature by Section 7 of Article X of the Constitution.

3. To consider and act upon legislation and a constitutional amendment relating to taxation of property of the United States and receipt of payments in lieu of such taxation.

4. To approve or reject charters and charter amendments of cities, counties, or cities and counties, ratified by the electors pursuant to the Constitution of the State of California

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this twentieth day of January, 1944

EARL WARREN, Governor of California

ATTEST: Frank M. Jordan, Secretary of State

# STATUTES OF CALIFORNIA

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

## CHAPTER 1

*An act to add Sections 26.5, 48, 49, 50, 51, 132.5, 132.6, 2050.5, 2053.5, 2101.5, 2156.5, 2300.5, 2350.5, 2400.5, 2571.5, 2573.5, 2576.5, 2600.5, 2609.5, 2621.5, 2699.5, 2751.5, 2792.5, 2807.5, 2839.5, 2842.5, 2892.5, 2893.5, 2896.5, 2897.5, 2898.5, 3043.5, 3084.5, 3150.5, 3711.5, 3720, 4532.5, 5901.1, 5901.6, 5901.7, 5902.6, 5904.5, 5932.5, 7801.5, 7842.5, 7964.5, 7971.5, and 7972.5 to, and to amend Sections 293.5, 296.5, 5901.5 and 5931.5 of, and to repeal Section 132.5 of, the Elections Code, relating to elections, declaring the urgency thereof, to take effect immediately.*

[Approved by Governor February 2, 1944. Filed with Secretary of State February 2, 1944 ] In effect immediately

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

SECTION 1. The sections of the Elections Code added or amended by this act shall remain in effect until the ninety-first day after final adjournment of the Fifty-sixth Regular Session of the Legislature or until the first day of January following the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs. While these sections are in effect they shall supersede any existing provisions of law which are in conflict with them, but such provisions are not repealed by them and after these sections are no longer effective shall have the same force as though these sections had not been enacted. Duration  
See also  
Stats 1945,  
Ch 797  
  
Existing law

Nothing contained in this act shall affect any municipal district, or local election, except such of them as may be consolidated with the presidential primary, direct primary, or general election, it being the intent that this act shall apply only to the presidential primary, the direct primary, the general elections and elections consolidated with them. Elections  
exempted

SEC. 2. Section 26.5 is added to the Elections Code, to read: See also  
Stats 1945,  
Ch 797  
26.5. The direct primary and the presidential primary shall be consolidated and held together on May 16th, anything in Sections 25, 26, 951, 953, 10050, or any other provision of this code to the contrary notwithstanding. Only one ballot shall be used at such election. Any reference in this code to the direct primary or to the presidential primary shall be construed to refer to the consolidated election herein provided for.

- Same        SEC. 3. Section 48 is added to said code, to read :  
 48. "War voter" refers to an elector who comes within one of the following categories:  
 (a) Member of the armed forces of the United States or any auxiliary branch thereof.  
 (b) Employed by the United States and serving outside the territorial limits of the United States.  
 (c) Employed by the American Red Cross and serving outside the territorial limits of the United States.  
 (d) Employed as an officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States.
- Same        SEC. 4. Section 49 is added to said code, to read :  
 49. "Territorial limits of the United States" means the 48 States of the United States and the District of Columbia.
- Same        SEC. 5. Section 50 is added to said code, to read :  
 50. Whenever by any statute of the United States, provision is made for absentee voting, an application for an absent voter's ballot made under the provisions of that law may be given the same effect as an application for an absent voter's ballot made under this code.  
 If, by any Federal statute, provision is made for the transmission of applications for absent voter's ballots to the Secretary of State, he shall transmit such applications to the clerk of the county in which the applicant claims residence.
- Same        SEC. 6. Section 51 is added to said code, to read :  
 51. If by any act of Congress which is now or may become effective during the effective period of this section, provision is made for voting by war voters, such statute shall control and be superior to any conflicting provisions of this code, and all State, county, township, municipal and district officers, who are charged with the performance of duties with reference to the election laws of this State, shall perform the duties and discharge the obligations placed upon them by such act of Congress. It is the purpose and intent of this section that full effect shall be given to ballots cast by war voters under Federal statutes in order that no person shall be deprived of his vote by virtue of having cast his ballot under any Federal statute rather than under the laws of this State.
- SEC. 7. Section 132.5 of said code as added by Chapter 865, Statutes of 1943, is repealed.
- Same        SEC. 8. Section 132.5 is added to said code, to read :  
 132.5. A war voter may obtain from the county clerk of his home county the required blank affidavit of registration in duplicate. He may then appear before any commissioned officer, warrant officer, or noncommissioned officer of a grade not lower than sergeant, or equivalent rating, of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, and make an affidavit. The affidavit shall specify the street and number or post-office address of his residence with sufficient

particularity to identify it and determine affiant's voting precinct, and that he believes that he will be absent from the county of his residence on all the days allowed by law for general registration of electors. The affidavit shall set forth all the matters required by the provisions of this chapter relating to the contents of an affidavit of registration. The affidavit shall be forwarded, in duplicate, duly authenticated as above, enclosed in an envelope addressed to the county clerk of the county in which the affiant claims to be an elector. The county clerk of any county, on request made in writing, shall furnish the necessary blank forms of affidavit of registration, in duplicate, to all electors applying for them. Upon receipt of the affidavit by the county clerk within the time allowed by law for registration, the affidavit shall be entered and bound by the county clerk in the proper register. Section 132 does not apply to a war voter

SEC. 9. Section 132 6 is added to said code, to read :

Same

132.6. Whenever any person not a registered elector shall apply in writing to the clerk for an absent voter's ballot for the presidential primary, the direct primary, or the general election, and the application shows that he is a war voter, that his place of residence is in the county, and that the applicant is absent from the county in which he claims residence, the clerk shall mail to the applicant with the absent voter's ballot one blank form of registration affidavit to be executed by the applicant. The affidavit shall be substantially in the form prescribed as follows :

WAR VOTER'S AFFIDAVIT OF REGISTRATION

Name -----  
 (Last Name) (First Name) (Middle Name)  
 Home Address -----  
 (Give street number or as specific location as possible)  
 -----  
 -----  
 Political Party Affiliation -----

I, -----, do solemnly swear (or affirm), to the best of my knowledge and belief, that though not registered I am legally qualified to vote; that I am in the armed service of the United States or otherwise a war voter; that I am now at least 21 years of age, or will have reached that age by the date of the next general election; that I live at the above address in ----- County, California; and that on the basis of these statements I desire to be registered as a voter of the proper precinct in the county.

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 (Signature of Applicant)  
 Subscribed and sworn to (or affirmed) before me this -----  
 day of -----, 19-----  
 -----  
 -----  
 (Signature of Officer, Rank, Branch of Service  
 and Identification Number)

If the applicant desires to vote at the election he shall, on or before the day of the election and before marking the absent voter's ballot, execute the affidavit of registration in accordance with Section 132.5 and return the same in the return envelope but not in the identification envelope, together with the absent voter's ballot enclosed in the identification envelope, to the clerk from whom the same were received.

Upon receipt thereof within the time required by law for the return of absent voter's ballots, the clerk shall examine the affidavit of registration and if it appears therefrom that the affidavit of registration is properly executed and that the facts stated therein are such as would have entitled the applicant to register and vote at the election, if the affidavit had been executed in this State and within the time required by law, then the affiant shall be deemed a duly registered elector as of the date of the affidavit to the same extent and with the same effect as though he had registered in proper time prior to the election before the clerk.

The clerk shall make a duplicate of the affidavit which duplicate shall be used as are other duplicate affidavits of registration.

Upon determining that the affidavit of registration so received by him is sufficient the clerk shall deal with the absent voter's ballot returned in the same manner as other absent voter's ballots are required to be dealt with by law. If he determines that the affidavit of registration is insufficient he shall write thereon the word "rejected" with the date of rejection and the reason therefor and shall likewise write upon the identification envelope the word "rejected," the date and the words "not registered"; provided that if it appears from the affidavit of registration that the affiant is entitled to register and vote at the election in some other county or city and county in this State then the clerk shall immediately mail such affidavit of registration and absent voter's ballot to the clerk of such other county or city and county who upon receipt thereof shall deal with them as though application therefor had been originally made to him and he had received the affidavit and ballot from the affiant.

Same

SEC. 10. Section 293.5 of said code is amended to read:

293.5. The county clerk shall cancel the registration of any person registered who has voted at neither the preceding direct primary nor at the preceding general election unless, prior to the time he has canceled the registration, he has had written notice from the voter, or the sworn affidavit of a friend of the voter, that the voter is a war voter, in which case he shall not cancel the registration, but it shall remain permanent unless canceled for any other cause enumerated in Section 293. If the county clerk has already canceled the affidavit of registration, then upon receipt of the proper information within 60 days after mailing the notice provided for in Section 296.5, he shall restore the affidavit of registration to the files.

SEC. 11. Section 296.5 of said code is amended to read: Same

296.5. When the county clerk cancels the registration of any person for failure to vote, he shall mail a notice to that person at the address given on the registration or upon the last application for transfer of registration, stating that "your registration has been canceled this day because you did not vote at either the last direct primary or general election and you will be required to register as provided by law before you shall again be entitled to vote, unless you are a member of the armed forces of the United States or any auxiliary branch thereof or employed by the United States and serving outside the territorial limits of the United States, or employed by the American Red Cross and serving outside the territorial limits of the United States, or employed as an officer or member of the crew of a merchant vessel documented under the laws of the United States and serving outside the territorial limits of the United States, and you or a friend by affidavit has notified the county clerk of that fact within 60 days after date of mailing of this notice, in which case your affidavit of registration shall be restored to the file and shall remain permanent unless canceled for any other cause."

SEC. 12. Section 2050.5 is added to said code, to read: Same

2050.5. The chairman of the State central committee of each political party shall give the notice referred to in Section 2050 on or before the ninth day of February preceding the presidential primary.

SEC. 13. Section 2053.5 is added to said code, to read: Same

2053.5. The Secretary of State shall, on or before February 19th preceding the presidential primary, certify to the county clerks the number of delegates referred to in Section 2053.

SEC. 14. Section 2101.5 is added to said code, to read: Same

2101.5. The nomination papers referred to in Section 2101 shall be prepared, circulated, signed, verified, and left with the county clerk at least 70 days prior to the presidential primary.

SEC. 15. Section 2156.5 is added to said code, to read: Same

2156.5. Verification deputies may obtain signatures as provided in Section 2156 not more than 100 nor less than 70 days prior to the presidential primary.

SEC. 16. Section 2300.5 is added to said code, to read: Same

2300.5. The affidavit required by Section 2300 shall be filed on or before the sixty-fifth day prior to the presidential primary.

SEC. 17. Section 2350.5 is added to said code, to read: Same

2350.5. The certificate referred to in Section 2350 shall be transmitted to each county clerk at least 55 days prior to the presidential primary.

SEC. 18. Section 2400.5 is added to said code, to read: Same

2400.5. The statement referred to in Section 2400 shall be compiled and filed not later than the thirty-first day after the presidential primary.

- Same        SEC. 19. Section 2571.5 is added to said code, to read:  
 2571.5. The statements of the number of registered voters required by subdivisions (a), (b) and (c) of Section 2571 shall be transmitted on March 2 preceding the consolidated presidential primary and direct primary, and the statement required by subdivision (d) of said section shall be transmitted on October 9th preceding the general election.
- Same        SEC. 20. Section 2573.5 is added to said code, to read:  
 2573.5. The notice required by Section 2573 shall be prepared and transmitted at least 90 days prior to the direct primary.
- Same        SEC. 21. Section 2576.5 is added to said code, to read:  
 2576.5. The notice referred to in Section 2576 shall refer to the consolidated primary election held in May.
- Same        SEC. 22. Section 2600.5 is added to said code, to read:  
 2600.5. The declaration of candidacy referred to in Section 2600 shall be filed not less than 65 and not more than 90 days prior to the direct primary.
- Same        SEC. 23. Section 2609.5 is added to said code, to read:  
 2609.5. The sponsor certificates referred to in Section 2609 shall be filed at least 70 days prior to the direct primary.
- Same        SEC. 24. Section 2621.5 is added to said code, to read:  
 2621.5. The declaration of candidacy and the declaration of acceptance referred to in Section 2621 shall be subscribed and sworn to, and at least 70 days prior to the direct primary shall be delivered to the county clerk in the county in which the candidate resides.
- Same        SEC. 25. Section 2699.5 is added to said code, to read:  
 2699.5. The certified list of candidates referred to in Section 2699 shall be transmitted to each county clerk at least 55 days before the direct primary.
- Same        SEC. 26. Section 2751.5 is added to said code, to read:  
 2751.5. The certificate showing nominated candidates referred to in Section 2751 shall be delivered to the county clerk not less than 70 days before the general election.
- Same        SEC. 27. Section 2792.5 is added to said code, to read:  
 2792.5. The State convention of each party shall meet on July 20th following the primary.
- Same        SEC. 28. Section 2807.5 is added to said code, to read:  
 2807.5. The convention referred to in Section 2807 shall be called to order at 10 o'clock a.m. on July 20th following the primary.
- Same        SEC. 29. Section 2839.5 is added to said code, to read:  
 2839.5. The computation referred to in Section 2839 shall be made between the first and second Mondays of February.
- Same        SEC. 30. Section 2842.5 is added to said code, to read:  
 2842.5. Each county central committee shall meet on July 11th following the primary, and not later than 10 days thereafter the county clerk shall transmit to the Secretary of State a certificate showing the chairman of the county central committee of the county.



- SEC. 31. Section 2892.5 is added to said code, to read : Same  
 2892.5. A candidate may withdraw pursuant to Section 2892 at any time not later than 70 days prior to the election
- SEC. 32. Section 2893.5 is added to said code, to read : Same  
 2893.5. No vacancy at a general election shall be filled except by reason of the death of a candidate occurring at least 75 days before the general election, or for the reasons stated in subdivision (b) of Section 2893.
- SEC. 33. Section 2896.5 is added to said code, to read : Same  
 2896.5. A vacancy caused by the death of a candidate or by the disqualification of a candidate must be filled at least 75 days prior to the election.
- SEC. 34. Section 2897.5 is added to said code, to read : Same  
 2897.5. The name of a candidate who has declared or accepted a candidacy for a primary election shall be printed on the ballot unless he has died and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 55 days prior to the election.
- SEC. 35. Section 2898.5 is added to said code, to read : Same  
 2898.5. Whenever a candidate has been nominated at a primary election after having a declaration certificate filed, his name shall be printed on the ballot at the ensuing general election unless he has died and that fact has been ascertained by the officer charged with the duty of preparing the ballots at least 65 days prior to the election.
- SEC. 36. Section 3043.5 is added to said code, to read : Same  
 3043.5. The nomination papers referred to in Section 3043 shall be filed not more than 100 nor less than 75 days before the day of election.
- SEC. 37. Section 3084.5 is added to said code, to read : Same  
 3084.5. Verification deputies may obtain signatures to nomination papers not more than 100 nor less than 75 days prior to the election.
- SEC. 38. Section 3150.5 is added to said code, to read : Same  
 3150.5. The filing of the affidavit referred to in Section 3150 shall be done at least 70 days prior to the election.
- SEC. 39. Section 3711.5 is added to said code, to read : Same  
 3711.5. The mailing of sample ballots referred to in Section 3711 shall be made not more than 40 nor less than 10 days before the day of election.
- SEC. 39.5. Section 3720 is added to said code, to read : Same  
 3720. Notwithstanding any provision of this code relating to the form, size, weight, and content of the ballot for either the presidential primary, the direct primary, or the general election, the Secretary of State, at any time prior to the seventh day prior to the election, may prescribe, in his discretion, a form of ballot for use by absent voters at any of said elections and may reduce the size and weight of the ballot and, in such manner as to facilitate the transmission of the ballot by mail to war voters, rearrange the form of the ballot, and rearrange, without elimination or addition, the content thereof. He may also provide uniform envelopes for use in absent voting, and, upon

the request of a clerk, may purchase such envelopes, the expenses thereof to be paid from the revolving fund created by Section 3704 of this code. Reimbursement shall be made as provided in said section.

Same SEC. 40. Section 4532.5 is added to said code, to read:

4532.5. All candidates for either nomination or election shall file their campaign statements within 25 days after the election.

Same SEC. 41. Section 5901.1 is added to said code, to read:

5901.1. Applications for absent voters' ballots referred to in Section 5901 may be filed not more than 40 nor less than five days before the consolidated presidential primary and direct primary, or not more than 60 nor less than five days prior to the general election.

Same SEC. 42. Section 5901.5 of said code is amended to read:

5901.5. If the voter is serving in the armed forces of the United States, or any auxiliary branch thereof, he may make his application for an absent voter's ballot at any time after being notified that he is about to leave the State or to be confined to camp, and no later than five days before the election.

Same SEC. 43. Section 5901.6 is added to said code, to read:

5901.6. If the voter is employed by the United States or is employed by the American Red Cross or is employed as an officer or member of the crew of a vessel documented under the laws of the United States, he may make his application for an absent voter's ballot at any time after being notified that he is to be required to serve his employer at a place outside the territorial limits of the United States, and no later than five days before the election.

Same SEC. 44. Section 5901.7 is added to said code, to read:

5901.7. Whenever an application for absent voter's ballot is made by a war voter, the application shall be deemed an application for an absent voter's ballot for the presidential primary, direct primary, and general election, or such of them as may be required to be held subsequent to the date of the application, and, unless the applicant is already a registered elector, shall be deemed an application for registration under the provisions of Section 132.5 of this code.

Same SEC. 45. Section 5902.6 is added to said code, to read:

5902.6. Where the applicant is not registered and is entitled to receive both a ballot and affidavit of registration under Section 132.6, the clerk shall, in the case of the consolidated direct and presidential primary, deliver to the applicant the official ballot for the political party with which the applicant has indicated his affiliation.

If it appears, upon the opening of the absent voter's ballots, that any voter has voted for the candidates of a party with which he is not registered, or that the voter has failed to state his party affiliation in the affidavit of registration the ballot voted by him shall be void.

- SEC. 46. Section 5904.5 is added to said code, to read : Same  
 5904.5. Whenever the clerk is required to mail an absent voter's ballot to any elector and the address to which said ballot is to be mailed is a point outside the territorial limits of the United States, he may mail the absent voter's ballot to the elector by air mail, and, if by any law of the United States official election ballots may be mailed without the payment of postage, he shall do so.
- SEC. 47. Section 5931.5 of said code is amended to read : Same  
 5931.5. If a voter is a war voter, he may appear, either within or without the territorial limits of the United States, to mark his absent voter's ballot before any commissioned officer, warrant officer or noncommissioned officer of a grade not lower than sergeant, or equivalent rating, of the armed forces of the United States or any auxiliary branch thereof, or before any minister, consul or vice consul of the United States, if he is unable, to go to his polling place or to go before the clerk of the county, municipality or district in which he resides.
- SEC. 48. Section 5932.5 is added to said code, to read : Same  
 5932.5. The ballots referred to in Section 5932 shall be received not later than 16 days after the day of election.
- SEC. 49. Section 7801.5 is added to said code, to read : Same  
 7801.5. The canvassing of absent voters' ballots shall be commenced not later than the seventeenth day after the election.
- SEC. 49.5. Section 7842.5 is added to said code, to read : Same  
 7842.5. A variation between the signature on the identification envelope and the signature on the registration affidavit caused by the substitution of initials instead of the first or middle names or both or of names instead of first or middle initials or both shall not invalidate the ballot if the surname and handwriting are the same.
- SEC. 50. Section 7964.5 is added to said code, to read : Same  
 7964.5. The date for the completion of the canvass referred to in Section 7964 shall not be later than 6 o'clock in the afternoon of the twenty-ninth day following the primary election.
- SEC. 51. Section 7971.5 is added to said code, to read : Same  
 7971.5. The compilation of the returns referred to in Section 7971 shall be made by the Secretary of State not later than the thirty-third day after any primary election.
- SEC. 52. Section 7972.5 is added to said code, to read : Same  
 7972.5. The compilation of the returns for the presidential primary shall be made not less than the thirty-fifth day after the election.
- SEC. 53. If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of this act, or the application of such provision to other persons or circumstances, shall not be affected thereby. Constitutionality
- SEC. 54. 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 Urgency

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

Many thousands of citizens and electors of this State are outside the State and in foreign countries serving as members of the armed forces of the United States, as employees of the United States, as employees of the American Red Cross, and as officers and members of the crews of merchant vessels of the United States. Their services are essential in the waging of victorious war, and are such that they may be away from this State and in foreign countries at the time elections are held in this State. If present in this State, these electors would be entitled to vote at the coming elections and they are not now entitled to absent voter's ballots. Under the existing election laws of this State, it is impossible for many of these electors to cast a ballot and in most cases it will be impossible for them to obtain and return an absent voter's ballot in time for that ballot to be counted. It is essential to the public welfare of the United States and of this State and to the public peace, health and safety that all electors be given the right to freely express their choice at the polls and to effectively exercise their voting rights. The time required prior to the elections to be held in the year 1944 within which to prepare for such elections and to inform the electors of their rights and privileges in relation thereto is such that it is necessary that this statute shall take effect immediately.

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## CHAPTER 2

*An act providing for the reorganization of the State criminal, penal and correctional system, and for the government, administration, operation and enforcement thereof; exercising the powers of the Legislature under Section 7 of Article X of the Constitution; modifying and transferring the powers and duties of the State Board of Prison Directors and the wardens, abolishing and transferring the powers and duties of the Department of Penology, the Board of Prison Terms and Paroles, the Advisory Pardon Board and the California Crime Commission; establishing and organizing a Department of Corrections and a Department of Justice and prescribing their powers, duties, jurisdictions, purposes and functions and those of the authorities, boards, commissions, officers, agencies and divisions composing them; reorganizing the State Bureau of Criminal Identification and Investigation; placing the licensing of private detectives in the Department of Professional and Vocational Standards; integrating the Youth Authority and the Board of Trustees of the California Institution for Women with the Department of Corrections and redefining their powers, duties, terms, functions and jurisdictions; and providing for the transfer of funds, property and records; by adding Title 7 to Part 3, Article 1.5 to Chapter 7 of Title 1 of Part 3,*

*Article 1 to Chapter 8 of Title 1 of Part 3, Sections 1999, 2040, 2070, 2399, 2520, 2539, 2599, 2679, 2699, 2869, 3299, 3320, 3599, 4700.1 and 4810 to, amending Sections 2078, 2079, 2081, 2086, 2101, 2651, 2690, 3053, 3300, 3301, 3301' and 3325 of, and repealing Article 4 of Chapter 2 of Title 1 of Part 3, Article 1 of Chapter 8 of Title 1 of Part 3, Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2051, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of, the Penal Code; amending Section 7501 of, and adding Section 7503 to, the Business and Professions Code; amending Sections 11100 and 11101 of the Health and Safety Code; repealing and adding Article II M of Chapter 3 of Title 1 of Part 3 of the Political Code; amending Sections 1720, 1730, 1731, 1731.5, 1732, 1732.4, 1732.7 and 1735 of the Welfare and Institutions Code; adding Section 1.5 to Chapter 723 of the Statutes of 1917, at page 1391, and repealing Chapter 541 of the Statutes of 1929, at page 949.*

[Approved by Governor February 4, 1944 Filed with Secretary of State In effect  
February 4, 1944 ] May 1, 1944

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

SECTION 1. Title 7 is added to Part 3 of the Penal Code, to read:

## TITLE 7. ADMINISTRATION OF THE STATE CORRECTIONAL SYSTEM

### CHAPTER 1. THE DEPARTMENT OF CORRECTIONS

5000. A Department of Corrections is hereby established in the State Government. Department established

5001. The department is composed of the Director of Corrections, the Board of Corrections, the Adult Authority, the Board of Trustees of the California Institution for Women, and the Youth Authority. Structure

5002. (a) The department shall succeed to and is hereby vested with all of the powers and duties exercised and performed by the following departments, boards, bureaus, commissions and officers when such powers and duties are not otherwise vested by law: Powers and duties

- (1) The Department of Penology
- (2) The State Board of Prison Directors
- (3) The Board of Prison Terms and Paroles
- (4) The Advisory Pardon Board
- (5) The Bureau of Paroles
- (6) The warden and the clerk of the California State Prison at San Quentin
- (7) The warden and the clerk of the California State Prison at Folsom
- (8) The warden or superintendent of and the clerk of the California Institution for Men

## (9) The California Crime Commission

(b) Whenever any designation of any of the departments, boards, bureaus, commissions or officers mentioned in subdivision (a) is contained in any provision of law and such designation is expressly made to refer to the Department of Corrections, the Board of Corrections or the Adult Authority, then the Department of Corrections, the Board of Corrections or the Adult Authority, to whichever one the designation is made to refer, shall exercise the power or perform the duty heretofore exercised or performed by the particular departments, boards, bureaus, or officers mentioned in subdivision (a).

Powers transferred

(c) The powers and duties of the State Board of Prison Directors and of the clerks of the State prisons and the California Institution for Men are transferred to and shall be exercised and performed by the Department of Corrections, except as may be otherwise expressly provided by law.

Powers of wardens

(d) The powers and duties of wardens of the State prisons and the California Institution for Men, presently or hereafter, expressly vested by law in them shall be exercised by them but such exercise shall be subject to the supervision and control of the Director of Corrections. All powers and duties not expressly vested in the wardens are transferred to and shall be exercised and performed by the Department of Corrections. When the designation of warden is expressly made to refer to the Department of Corrections, the department shall exercise the power and perform the duty heretofore exercised or performed by the warden.

Advisory Pardon Board, etc

(e) The powers and duties of the Advisory Pardon Board and the Board of Prison Terms and Paroles are transferred to and shall be exercised and performed by the Adult Authority except as may be otherwise expressly provided by law.

Jurisdiction  
See also  
Stats 1945,  
Ch 75, 1454  
and 1491

5003. The department has jurisdiction over the following prisons and institutions:

- (a) The California State Prison at San Quentin
- (b) The California State Prison at Folsom
- (c) The California Institution for Men
- (d) The California Institution for Women.

## CHAPTER 2. THE DIRECTOR OF CORRECTIONS

Director  
Appointment  
Removal

5050. The Office of Director of Corrections is hereby created.

5051. The director shall be appointed by the Governor with the advice and consent of the Senate. He shall hold office at the pleasure of the Governor, but before the director may be removed, charges against him, which charges may be preferred by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the Governor. The Governor may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the director. If the Governor removes the director his action shall be final. He shall receive a salary of ten thousand dollars (\$10,000) per year and shall devote his entire time to the duties of his office.

Salary

5052. The Director of Corrections and any other officer or employee of the Department of Corrections designated in writing by the director, shall have the power of a head of a department under Section 353 of the Political Code. Powers

5053. The Director of Corrections is the chief administrative officer of the Department of Corrections. Administrative officer

5054. The supervision, management and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the director. Duties

5055. All powers and duties granted to and imposed upon the Department of Corrections shall be exercised by the Director of Corrections, except where such powers and duties are expressly vested by law in the Adult Authority, the Board of Trustees of the California Institution for Women, or the Youth Authority. Exercise of powers

Whenever a power is granted to the Director of Corrections or a duty is imposed upon the director, the power may be exercised or the duty performed by a deputy of the director or by a person authorized pursuant to law by the director. Delegation of authority

5056. The director shall be a member of the Governor's Council. Governor's Council

5057. Subject to the powers of the Department of Finance under Section 677 of the Political Code, the director must establish an accounting and auditing system for the prisons in such form as will best facilitate their business operation, and may modify the system from time to time. Accounting and auditing system  
See also Stats 1945, Ch 322

The accounting and auditing system must include such accounts and records as are found necessary to properly account for all money and property of the prisoners and the inmates.

Except where other disposition is provided by law, all money belonging to the State received by the department, shall be reported to the Controller and deposited in the State treasury monthly.

The revolving funds established under Sections 2710, 2710.1, 2710.2 and 2720 of this code are continued in existence.

5058. The director may prescribe rules and regulations for the administration of the prisons and may change them at his pleasure. Rules

5059. This title shall not affect the powers or jurisdiction of the Department of Public Works as to road camps pursuant to Article 4, Chapter 5, Title 1, Part 3 of this code. Road camp

### CHAPTER 3. THE ADULT AUTHORITY

5075. The Adult Authority shall be composed of three members, each of whom shall be appointed by the Governor, with the advice and consent of the Senate, for a term of four years and until the appointment and qualification of his successor. Adult Authority

The Chairman of the Adult Authority shall be designated by the Governor from time to time. Chairman

Of the members first appointed with the advice and consent of the Senate, two shall be designated by the Governor to hold Terms

office until March 15, 1947, and until the appointment and qualification of their successors and one shall be designated by the Governor to hold office until March 15, 1945, and until the appointment and qualification of his successor.

Qualifications

One member shall be an attorney at law, one have had practical experience in handling adult prisoners, and one a sociologist in training and experience.

Salary

5076. Each member of the Adult Authority shall devote his entire time to the duties of his office and shall receive a salary of ten thousand dollars (\$10,000) per year.

Prisoners to be studied

5077. The Adult Authority shall cause each person committed to a State prison to be examined and studied. This includes the investigation of all pertinent circumstances of his life and the antecedents of the violation of law because of which he has been committed to prison. Any person may be reexamined to determine whether existing orders and dispositions should be modified or continued in force.

The collection of data and the preliminary investigation and interviewing of prisoners may be performed by subordinates and by the diagnostic clinic but the Adult Authority or one member thereof shall interview the prisoner at least once.

Classification of prisoners

Upon the basis of the examination and study, the Adult Authority shall classify prisoners and determine the prison in which the prisoners shall be confined. If further division of a classification established by the Adult Authority is necessary within a prison, the warden may make such further division subject to modification or revision by the Adult Authority.

Parole and fixing of sentences

The granting and revocation of parole, the fixing of sentences, and the commitment of a prisoner to a particular State prison for the serving of his sentence shall be made by the Adult Authority by majority vote.

Powers

5078. As is otherwise more expressly provided in this code, the Adult Authority shall exercise the powers and duties heretofore exercised by the Board of Prison Terms and Paroles, and the Advisory Pardon Board.

Psychiatric Clinic  
See also  
Stats 1945,  
Ch 322

5079. The Director of Corrections shall establish a psychiatric and diagnostic clinic at one of the State prisons. The functions of the clinic shall be under the supervision and control of the Adult Authority.

The work of the clinic shall include a scientific study of each prisoner, his career and life history, the cause of his criminal acts and recommendations for his care, training and employment with a view to his reformation and to the protection of society. The recommendation shall be submitted to the Adult Authority and shall not be effective until approved by it. The Adult Authority may modify or reject the recommendations as it sees fit.

Transfer of prisoners  
See also  
Stats 1945,  
Ch 322

5080. The Adult Authority may transfer persons confined in one State prison to another. The director may, in emergencies when the Adult Authority is unable to act, also make such transfers, and in that event he shall immediately report the transfers to the Adult Authority. Any persons so transferred



by the director shall be subject to be again transferred by the Adult Authority.

5081. The Governor may remove any member of the Adult Authority for misconduct, incompetency or neglect of duty after a full hearing. Removal of member

#### CHAPTER 4. THE YOUTH AUTHORITY

6000. There is in the Department of Corrections the Youth Authority. Youth Authority

6001. The establishment, organization, jurisdiction, powers, duties, responsibilities, and functions of the Youth Authority are continued as provided in the Youth Authority Act (Chapter 1, Division 2.5, of the Welfare and Institutions Code). Powers

6002. The full-time member of the Youth Authority, or, if there is no full-time member, the Chairman of the Youth Authority, shall also be known as the Director of the Youth Authority, and neither he nor the Youth Authority shall be subject to the supervision or control of the Director of Corrections. Chairman  
See also  
Stats 1945,  
Ch 639

6003. The Youth Authority and the Director of Corrections may, pursuant to Section 356 or Section 356a of the Political Code, provide for the performance of any of the duties or the exercise of any of the powers of the Youth Authority by the Department of Corrections, subject to the direction and control of the Youth Authority, except that the power of classification and segregation of persons committed to the Authority shall be exercised by the Authority, and shall not be exercised by any other agency. Exercise of powers

6004. Whenever the Director of Corrections or the Department of Corrections exercises any power or performs any duty of the Youth Authority pursuant to the authorization in Section 6003: Action by  
Department  
of Cor-  
rections

(a) The exercise of the power or the performance of the duty by the Director of Corrections or the Department of Corrections shall constitute an exercise of the power or a performance of the duty by the Youth Authority for the purposes of the Youth Authority Act.

(b) The operation of any service, place, institution, hospital, agency, or facility by the Department of Corrections under the authorization in Section 6003 shall be deemed operation by the Youth Authority.

(c) All public officers and other persons under a duty to make any reports or provide any information, access, or assistance to the Youth Authority in respect to the power or duty so exercised shall make the reports, or provide the information, access, or assistance to the Director of Corrections or the Department of Corrections.

#### CHAPTER 5. THE BOARD OF CORRECTIONS

6025. The Board of Corrections is composed of the director, the members of the Adult Authority and of the Youth Authority, Board of  
Corrections  
See also  
Stats 1945,  
Ch 322

two women selected from among its members by the Board of Trustees of the California Institution for Women and two members selected from among its members by the State Board of Prison Directors.

Director

The director shall be a member and participate in the functions of the Board of Corrections at all times except that he shall not be a member when the board is considering charges against him or against any warden or superintendent.

Correlation  
of program:

6026. The Board of Corrections shall be the means whereby the Adult Authority, the Board of Trustees of the California Institution for Women and the Youth Authority may correlate their individual programs for the adults and youths under the jurisdiction of each.

Studies by  
board

6027. It shall be the duty of the Board of Corrections to make a study of the entire subject of crime, with particular reference to conditions in the State of California, including causes of crime, possible methods of prevention of crime, methods of detection of crime and apprehension of criminals, methods of prosecution of persons accused of crime, the entire subject of penology, and to report its findings, its conclusions and recommendations to the Governor at such times as he may require, and to the Legislature of California at each regular session.

Report of  
studies

6028. The Board of Corrections shall study and make recommendations to the Legislature and the Governor concerning the establishment by or the transfer to the Department of Corrections of a State hospital for the custody, care and treatment of the criminal insane and of narcotic addicts.

#### CHAPTER 5.5. THE STATE BOARD OF PRISON DIRECTORS

State Board  
of Prison  
Directors

6035. The director shall advise with the State Board of Prison Directors in the establishment of general policies for the operation and maintenance of the State Prison at San Quentin, the State Prison at Folsom, the California Institution for Men, and any other prison for adult male prisoners, and for the establishment of general policies for the care, custody, treatment, training, discipline, and employment of those confined in such prisons. The State Board of Prison Directors is hereby authorized to render such advice to the director.

Facilities,  
etc

6036. The director shall supply the property, supplies, and personnel necessary to enable the State Board of Prison Directors to perform its duties under this chapter.

Reports

6037. The State Board of Prison Directors shall prepare written reports for the director, the Governor, and the Legislature.

#### CHAPTER 6. APPOINTMENT OF PERSONNEL

Appointment  
of wardens,  
etc

See also  
Stats 1945,  
Ch 322

6050. The Governor, upon recommendation of the director, and with the advice and consent of the Senate, shall appoint the wardens of the various State prisons and the superintendent of the California Institution for Women. The superintendent

and each warden shall be subject to removal by the director, but before a warden or a superintendent may be removed by the director, charges against him, which charges may be preferred by any person, shall be heard by the Board of Corrections. The Board of Corrections shall make detailed findings with respect to the charges and submit the findings to the director. The director may, but need not, abide by the findings of the Board of Corrections, and may retain or remove the warden or superintendent. If the director removes the warden or superintendent his action shall be final. The superintendent and wardens shall continue to be exempt from civil service.

6051. From the effective date of this section until January 1, 1945, all persons heretofore serving in positions exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, except the wardens, engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, are hereby transferred to the department on the effective date of this section, and shall continue to be exempt from civil service under said paragraph, as appointees or employees of a warden, and subject to removal by the director. Positions in the department not heretofore established, except for the California Institution for Women and for the Youth Authority, shall be exempt from civil service and appointments thereto shall be made by a warden, subject to the approval of the director, under this section. Officers and employees appointed or employed under this section may be removed by the director. The director may fix the compensation of persons appointed or employed under this section.

6052. (a) On January 1, 1945 (hereinafter referred to as the effective date), the provisions of Article XXIV and the term "State civil service" shall include all officers and employees who on the effective date are within one of the following three classes:

Class 1. Officers and employees (i) holding positions on September 16, 1940, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) either continuously in the service of the Board of Prison Directors, the wardens, the department or any of them or, if not in such service continuously, the lack of continuity was due to service for which a right to return to the position vacated is granted under the State Civil Service Act, and (iii) holding a position subject to Section 6051 on the effective date.

Class 2. Officers and employees (i) holding positions on September 16, 1940, exempt from civil service under paragraph (11) of subdivision (a) of Section 4 of Article XXIV of the Constitution, (ii) on the effective date absent due to service for which a right to return is granted by the State Civil Service Act, and (iii) otherwise continuously employed in the service of the Board of Prison Directors, the wardens, the department or any of them.

Class 3. Officers and employees (i) who did not hold positions on September 16, 1940, under the Board of Prison Direc-

Charges

Removal

Civil service  
status  
See also  
Stats 1945,  
Ch 322Inclusion in  
civil service  
See also  
Stats 1915,  
Ch 13

Class 1

Stats 1937,  
p 2085

Class 2

Class 3

tors, the wardens or either of them, (ii) were appointed or employed subsequent thereto and (iii) on the effective date were either holding a position subject to Section 6051 or absent due to service for which a right to return is granted under the State Civil Service Act.

Class 4

Class 4. Officers and employees (i) who did not hold positions on September 16, 1940, under the Board of Prison Directors, the wardens or either of them, (ii) were appointed or employed subsequent thereto after their qualifications had been ascertained and determined by written examination given by the State Personnel Board and (iii) on the effective date were either holding a position subject to Section 6051 or absent due to service for which a right to return is granted under the State Civil Service Act.

Permanent positions

(b) Class 1, Class 2 and Class 4 personnel shall be included in the State civil service in permanent positions subject to a probationary period pursuant to subdivision (e) of Section 5 of Article XXIV of the Constitution, the probationary period to begin with respect to Class 2 personnel from the date they resume their position and with respect to Class 4 personnel returning from war service from the date they resume their position.

Duration positions

(c) Class 3 personnel shall be included in the State civil service in duration positions subject to a probationary period pursuant to subdivision (e) of Section 5 of Article XXIV of the Constitution, the probationary period to begin with respect to personnel returning from war service from the date they resume their position.

Displaced employee

(d) An officer or employee, directly or indirectly, entitled to or having permanent status under this section, who is displaced by one having a right of return shall be accorded the same rights to elect demotion in lieu of layoff granted by Section 172 of the State Civil Service Act as though he had had permanent status at all times in any previous position. An officer or employee who is entitled to or has duration status under this section, who is displaced by one having a right of return, shall be accorded the same rights to elect demotion in lieu of layoff granted by Section 172 of the State Civil Service Act to permanent employees as though he had had permanent status at all times in any previous position, except that he shall not displace any one with permanent status or any one with probation status and eligible for permanent status, and he shall not receive any greater rights than the State Civil Service Act accords to those with duration status.

Law applicable

(e) The State Civil Service Act shall govern with respect to conflicting claims to the same position after the effective date, the same as though the position were at all times subject to civil service.

Appointing authority

(f) After the effective date the director shall be the appointing authority for all positions not otherwise provided for and, pursuant to the State Civil Service Act, may employ and fix the compensation for the personnel for such positions.

(g) Appointees of the Governor and persons holding positions designated to be confidential pursuant to paragraph (5) of subdivision (a) of Section 4 of Article XXIV (for the purposes of which paragraph the Adult Authority, the Youth Authority and the Director of Corrections shall be considered separate boards, commissions and officers) shall remain exempt from civil service. Exempt appointments

(h) "Right of return" and "right to return" as used in this section refer to rights expressly provided by the State Civil Service Act to return to a position after military service in time of war or during a period of preparation for National defense or service as a seaman as described in Section 174 of the State Civil Service Act, and refers to rights which may hereafter be granted expressly by the State Civil Service Act to return to a position after service to the Nation. "Right of return"

6053. All persons other than temporary appointees heretofore serving in the State civil service and engaged in the performance of a function transferred to the department or engaged in the administration of a law, the administration of which is transferred to the department, shall remain in the State civil service and are hereby transferred to the department on the effective date of this section, and their status, positions and rights shall not be affected by their transfer and shall continue to be retained by them pursuant to the State Civil Service Act. The director, pursuant to the State Civil Service Act, shall be the appointing authority for the department for all civil service positions except those civil service positions in the Youth Authority and the parole employees of the Board of Trustees of the California Institution for Women. Positions not heretofore established, which are exclusively for the California Institution for Women or exclusively for the Youth Authority shall be filled pursuant to the State Civil Service Act. Employees transferred

#### CHAPTER 7. DEFINITIONS

6080. As used in this part, the following terms have the meanings described below: Definitions

- (a) "Department" refers to the Department of Corrections "Department"  
 (b) "Director" refers to the Director of Corrections. "Director"

6081. As used in this title, except Chapter 3 relating to the Adult Authority, "prison" and "State prison" include the California Institution for Women. "Prison"

6082. References in this title to prisons refer to all facilities, camps, hospitals and institutions for the confinement, treatment, employment, training and discipline of persons in the legal custody of the Department of Corrections. Prisons

SEC. 2. Section 1720 of the Welfare and Institutions Code is amended to read:

1720. The term of office of members of the Authority shall be four years and until the appointment and qualification of their successors, except that the terms of the members in office when the amendment to this section takes effect shall expire as follows: The term of the member, whose term would have Term of office

expired October 1, 1947, shall expire March 15, 1947; the term of the member whose term expires October 1, 1944, shall expire then, but the term of his successor shall expire March 15, 1947; and the term of the member whose term expires October 1, 1945, shall expire then, but the term of his successor shall expire March 15, 1949. Members shall be eligible for reappointment.

SEC. 3. Section 1730 of the Welfare and Institutions Code is amended to read:

Commitment 1730. (a) No person may be committed to the Authority until the Authority has certified in writing to the Governor that it has approved or established places of preliminary detention and places for examination and study of persons committed, and has other facilities and personnel sufficient for the proper discharge of its duties and functions.

(b) Before certification to the Governor as provided in subsection (a), a court shall, upon conviction of a person under 21 years of age at the time of his apprehension, deal with him without regard to the provisions of this chapter.

SEC. 4. Section 1731 of the Welfare and Institutions Code is amended to read:

Age 1731. When in any criminal proceeding in a court of this State a person has been convicted of a public offense for which the court has power under this chapter to commit to the Authority, the court shall determine whether the person was less than 21 years of age at the time of the apprehension from which the criminal proceeding resulted. Proceedings in a juvenile court in respect to a juvenile are not criminal proceedings as that phrase is used in this chapter.

SEC. 5. Section 1731.5 of the Welfare and Institutions Code is amended to read:

Prerequisites of commitment See also Stats 1945, Ch 779 1731.5. After certification to the Governor as provided in this article and until January 1, 1946, a court shall commit to the Authority any person convicted of a public offense whom the Authority believes can be materially benefited by the procedure herein provided for, and for whose care and maintenance there exists, in the opinion of the Authority, proper and adequate facilities, and who

(a) Is found to be less than 21 years of age at the time of apprehension.

(b) Is not sentenced to death, imprisonment for life, imprisonment for not more than 90 days, or the payment of a fine.

SEC. 6. Section 1732 of the Welfare and Institutions Code is amended to read:

Commitment See also Stats 1945, Ch 779 1732. Except as otherwise provided in this chapter the court shall commit to the Authority every person convicted of a public offense after January 1, 1946, who

(a) Is found to be less than 21 years of age at the time of apprehension, and

(b) Is not sentenced to death, imprisonment for life, imprisonment for not more than 90 days, or the payment of a fine, and

(c) Is not granted probation.

SEC. 7. Section 1732.4 of the Welfare and Institutions Code is amended to read:

1732.4. A person who is convicted of a public offense, who is found to have been less than 21 years of age at the time of apprehension, and who is sentenced to not more than 90 days imprisonment, may be imprisoned only in a place which has been approved for that purpose by the Authority. <sup>Approval of place</sup>

SEC. 8. Section 1732.7 of the Welfare and Institutions Code is amended to read:

1732.7. A person who is convicted of a public offense for which the maximum penalty provided by law is imprisonment for not more than 90 days, and who is found to be less than 21 years of age at the time of his apprehension, may be committed to the Authority only if it is brought to the court's knowledge that the person has been previously convicted of a public offense or has been a ward of the juvenile court by reason of a public offense and the court is satisfied that society will best be protected by commitment to the Authority. <sup>Previously committed</sup>

SEC. 9. Section 1735 of the Welfare and Institutions Code is amended to read:

1735. If the court sentences a person under 21 years of age at the time of his apprehension to the payment of a fine and the fine is not paid, the court may either remit the fine in whole or in part, or commit him to confinement for a length of time permitted by the statutes relating to imprisonment for failure to pay fines. But such confinement may be only in a place approved by the Authority. <sup>Persons fined</sup>

SEC. 10. Section 3299 is added to Article 1, Chapter 2, Title 2, Part 3 of the Penal Code, relating to California Institution for Women, to read:

3299. There is in the Department of Corrections a Board of Trustees of the California Institution for Women. <sup>Board of trustees</sup>

SEC. 11. Section 3300 of the Penal Code is amended to read:

3300. (a) As used in this title "Board" refers to the Board of Trustees of the California Institution for Women, except in Sections 3321, 3323, 3327 and 3330. <sup>"Board"</sup>

(b) As used in Sections 3321, 3323, 3327 and 3330, "Board" refers to the department.

SEC. 12. Section 3301 of the Penal Code is amended to read:

3301. The Board of Trustees consists of five members appointed by the Governor, three of whom shall be women. <sup>Members</sup>

SEC. 12.5. Section 3305 of the Penal Code is amended to read:

3305. The trustees shall be entitled to their reasonable expenses, including traveling expenses, incurred in the discharge of their duties. <sup>Expenses</sup>

In addition they shall be entitled to a per diem of twenty-five dollars (\$25) per day for not to exceed ten (10) days in any month for attendance upon meetings of the trustees or the Board of Corrections. <sup>Per diem</sup>

SEC. 13. Section 3320 is added to Article 2, Chapter 2, Title 2, Part 3 of the Penal Code, relating to California Institution for Women, to read:

Superintendent

3320. The superintendent shall be a woman, who shall reside at, and have immediate charge and management of the institution, subject to the control of the department. The department may employ other assistants, officers and employees for the institution.

Parole officers

The board shall employ such parole officers and other employees as may be necessary to supervise female prisoners on parole.

Powers of board

SEC. 14. Section 3325 of the Penal Code is amended to read:

3325. The board shall have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies as the Adult Authority exercises over male prisoners, and the superintendent shall, subject to the control of the director, have such powers, perform such duties and exercise such functions, respecting such females convicted of felonies, as the wardens now exercise over male prisoners.

Director

The director shall advise with the Board of Trustees of the California Institution for Women in the establishment of general policies for the operation and maintenance of the California Institution for Women and for the establishment of general policies for the care, custody, treatment, training, discipline and employment of those confined in the institution.

Repeal

SEC. 15. Article IIM of Chapter 3, Title 1, Part 3 of the Political Code, comprising Sections 376 to 376f, inclusive, as added by Chapter 191 of the Statutes of 1929 and amended by Chapter 545 of the Statutes of 1935, relating to the Department of Penology, is repealed.

SEC. 16. Article IIM is added to Chapter 3, Title 1, Part 3 of the Political Code, to read:

#### Article IIM. Department of Justice

Department of Justice  
See also  
Stats 1945,  
Ch 118

376. A Department of Justice is hereby established in the State Government. The department is under the direction and control of the Attorney General.

Structure

376a. The department is composed of the office of the Attorney General, the State Bureau of Criminal Identification and Investigation and the Division of Narcotic Enforcement. The Attorney General shall be the head of the department.

Civil service  
See also  
Stats 1945,  
Ch 118

376b. The civil service status, positions and rights of officers and employees of the Department of Justice who were heretofore members of the State civil service shall not be affected by their transfer to the Department of Justice and their status, positions and rights shall continue to be accorded to them pursuant to the provisions of the State Civil Service Act. The inclusion of any office or agency in the Department of Justice shall not bring any exempt officer or employee, or position into the State civil service.



SEC. 17. Section 11100 of the Health and Safety Code is amended to read:

11100. There is in the Department of Justice a Division of Narcotic Enforcement. Narcotic enforcement

SEC. 18. Section 11101 of the Health and Safety Code is amended to read:

11101. There is a Chief of the Division of Narcotic Enforcement, who is appointed and whose salary is fixed by the Attorney General pursuant to the State Civil Service Act. Chief of division

The provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include the chief of the division.

SEC. 19. Section 1.5 is added to Chapter 723 of the Statutes of 1917, at page 1391, relating to the State Bureau of Criminal Identification and Investigation, to read: New section

Sec. 1.5. (a) The Attorney General shall succeed to and shall exercise and perform all powers and duties granted to and imposed by law upon the Board of Managers of the bureau; provided, that no investigation of the acts or conduct of any State agency or State official shall be initiated or made through or by the bureau or any employee thereof, without the authorization of the Attorney General particularly specifying the office, department or person to be investigated and the scope and purposes of the investigation. Powers of Attorney General

(b) "Board of Managers" and "Board" as used in all sections of this act, except Section 2, refer to the Attorney General. Board of Managers

(c) The Board of Managers shall continue in existence and shall advise the Attorney General and the superintendent with respect to the operation and conduct of the bureau.

SEC. 20. Section 7501 of the Business and Professions Code is amended to read:

7501. As used in this chapter, "board" and "State Board of Prison Directors" refer to the Director of Professional and Vocational Standards. "Board"

SEC. 21. Section 7503 is added to Article 1, Chapter 11, Division 3 of the Business and Professions Code, relating to detectives, to read:

7503. (a) The Director of Professional and Vocational Standards shall succeed to and shall exercise and perform all of the powers and duties granted to and imposed upon the State Board of Prison Directors by this chapter. Director of Professional and Vocational Standards

(b) Every power and duty granted to or imposed upon the director may be exercised by any other officer or employee of the department pursuant to authorization of the director but the director shall have the supervision of and the responsibility for all powers and duties exercised by such officers and employees. Powers

(c) The provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to all officers and employees under this chapter. Civil service

SEC. 22. Section 1999 is added to Article 1, Chapter 1, Title 1, Part 3 of the Penal Code, relating to the California Institution for Men, to read:

“Board” 1999. “Board” as used in this article refers to the department.

SEC. 23. Section 2040 is added to Article 1, Chapter 2, Title 1, Part 3 of the Penal Code, relating to the State Board of Prison Directors, to read:

“Board” 2040. (a) “Board” as used in Sections 2050, 2051, 2052, 2053, 2055, 2056, 2057, 2058 and 2059 refers to the department.

(b) The provisions of Section 2060 shall be applicable to the officers and employees of the department.

SEC. 24. Section 2078 of the Penal Code is amended to read:

Law suits 2078. It shall be the duty of the department to prosecute all suits, at law or in equity, that may be necessary to protect the rights of the State in matters of property connected with the prisons and their management, such suits to be prosecuted in the name of the department.

SEC. 25. Section 2079 of the Penal Code is amended to read:

Wardens  
Duties 2079. Subject to the orders and the policies established by the department, it shall be the duty of the wardens to supervise the government, discipline and policy of the prisons, and to enforce all orders and regulations.

SEC. 26. Section 2081 of the Penal Code is amended to read:

Punishment  
book 2081. The wardens shall keep a punishment book in which a record of all punishments and what kind of punishments are administered to prisoners or inmates, if any; the offense committed; the rule or rules violated; the nature of punishment administered; the name of the officer who ordered such punishment; the duration of time during which the offender was subjected to punishment; the condition of the prisoner's health; the number of times punished. Said book shall be kept by an officer of the prison.

The record of the punishment shall be transmitted to the Adult Authority at such times and in such form as it may prescribe. The nature, type and duration of any punishment and the offenses for which imposed shall be prescribed by the Adult Authority.

SEC. 27. Section 2086 of the Penal Code is amended to read:

Rules 2086. The wardens may make temporary rules and regulations, in case of emergency, to remain in force until the department otherwise provides.

SEC. 28. Section 2070 is added to Article 2, Chapter 2, Title 1, Part 3 of the Penal Code, relating to wardens, to read:

“Board” 2070. (a) “Board” as used in Sections 2076, 2087 and 2091 refers to the department.

“Warden” (b) “Warden” and “wardens” as used in Sections 2082, 2083, 2084, 2085 and 2090 refer to the department.

SEC. 29. Section 2399 is added to Article 3, Chapter 2, Title 1, Part 3 of the Penal Code, relating to the Bureau of Paroles, to read:

2399. "Board" and "State Board of Prison Directors" as "Board" used in this article refer to the Adult Authority.

SEC. 30. Section 2401 of the Penal Code is amended to read:

2401. (a) The bureau shall be in charge of the Adult Authority.

(b) There shall continue to be a Chief State Parole Officer who shall be appointed by the Adult Authority.

(c) All other officers and employees of the bureau shall be selected and appointed by the Adult Authority pursuant to the State Civil Service Act. The status, positions, and rights of the officers and employees of the Bureau of Paroles, who were heretofore included in the State Civil Service System, shall not be affected by the transfer of the bureau to the Adult Authority and their status, positions, and rights shall continue to be retained by them pursuant to the State Civil Service Act.

(d) Chapter 6 of Title 7, Part 3, relating to the employment of personnel by the department, does not apply to the Bureau of Paroles.

SEC. 31. Section 2520 is added to Article 5, Chapter 2, Title 1, Part 3 of the Penal Code, relating to officers and employees of the prisons, to read:

2520. "Warden," "Wardens" and "Board" as used in Sections 2521, 2521.5 and 2524 refer to the department.

SEC. 32. Section 2539 is added to Article 6, Chapter 2, Title 1, Part 3 of the Penal Code, relating to prohibitions upon wardens, clerks, officers and employees, to read:

2539. (a) The provisions of this article apply to the officers and employees of the department.

(b) "Board" as used in Sections 2540 and 2541 refers to the director.

SEC. 33. Section 2599 is added to Article 1, Chapter 3, Title 1, Part 3 of the Penal Code, relating to civil death, to read:

2599. "Board" as used in this article refers to the Adult Authority.

SEC. 34. Section 2651 of the Penal Code is amended to read:

2651. No punishment, except as may be authorized by the Adult Authority, shall be inflicted and then only by the order and under the direction of the wardens.

SEC. 35. Section 2679 is added to Article 3, Chapter 4, Title 1, Part 3 of the Penal Code, relating to the disposition of insane prisoners, to read:

2679. (a) "Board" and "Board of Directors" as used in this article refer to the department.

(b) "Warden" as used in this article refers to the Adult Authority.

SEC. 36. Section 2690 of the Penal Code is amended to read:

2690. The Governor may, upon the certification of the prison physician and the request of either the director or the Adult Authority, authorize the temporary removal of a prisoner from a State prison in the custody of a prison guard. The prisoner so removed shall be deemed to be in the custody of the department.

Removal of  
prisoners  
See also  
Stats 1945,  
Ch 103

ment until his return. Any such prisoner so removed shall be returned as soon as the requirements of his case permit.

SEC. 37. Section 2699 is added to Article 1, Chapter 5, Title 1, Part 3 of the Penal Code, relating to the employment of prisoners, to read:

“Board”  
See also  
Stats 1945,  
Ch 322  
2699. (a) “Board” and “State Board of Prison Directors,” as used in this chapter, except in Sections 2715 (as added by Chapter 46 of the Statutes of 1943), 2785 and 2789, refer to the Department of Corrections.

“Board”  
(b) “Board” as used in Sections 2715 (as added by Chapter 46 of the Statutes of 1943), 2785 and 2789, refers to the Adult Authority.

SEC. 38. Section 2869 is added to Article 1, Chapter 6, Title 1, Part 3 of the Penal Code, relating to sale of prison made goods, to read:

“Board”  
2869. “Board” as used in this article, refers to the department.

SEC. 39. Article 1.5, comprising Section 2919, is added to Chapter 7, Title 1, Part 3 of the Penal Code, relating to execution of sentences of imprisonment, to read:

#### Article 1.5. Definitions

Definitions  
2919. (a) “Board” and “Board of Prison Terms and Paroles” as used in Articles 2 and 3 of this chapter, refer to the Adult Authority.

(b) “State Board of Prison Directors” and “Board of Prison Terms and Paroles” as used in Section 2923 refer to the department, the director, the Board of Corrections and the Adult Authority.

Powers  
granted  
board  
(c) The power granted to the State Board of Prison Directors by Section 1782 of the Welfare and Institutions Code to allow credit reductions under Section 2920 of this code, shall be exercised by the Adult Authority.

SEC. 40. Article 1, comprising Sections 3000 and 3001, is added to Chapter 8, Title 1, Part 3 of the Penal Code, relating to length of term of imprisonment and paroles, to read:

#### Article 1. Adult Authority

Powers and  
duties  
3000. (a) The Adult Authority shall succeed to and shall exercise and perform all powers and duties granted to and imposed upon the Board of Prison Terms and Paroles and the Division of Prison Terms and Paroles by law.

(b) The Board of Prison Terms and Paroles is abolished.

Definitions  
3001. (a) “Board,” “Board of Prison Terms and Paroles” and “Division of Prison Terms and Paroles,” as used in this chapter, refer to the Adult Authority.

(b) “State Board of Prison Directors” as used in Section 3056 refers to the department.

(c) “State Board of Prison Directors” as used in Section 3057 refers to the Adult Authority.

(d) “Chairman of the Board” as used in Sections 3060 and 3062 refers to the Chairman of the Adult Authority.

SEC. 41. Section 3053 of the Penal Code is amended to read :  
 3053. The Adult Authority upon granting any parole to any <sup>Parole</sup> prisoner may also impose on the parole such conditions as it may deem proper, and shall impose as a condition of the parole, that all or a portion of his credits earned, or to be earned, may be forfeited by order of the Adult Authority in the event that such prisoner shall break his parole or violate any law of this State or rule or regulation of the prison, or of the department, the director or the Adult Authority, or any of the conditions of his parole.

SEC. 42. Section 3599 is added to Chapter 1 of Title 3, Part 3 of the Penal Code, relating to the execution of death penalty, to read :

3599. "State Board of Prison Directors" as used in this <sup>State board</sup> Title refers to the department.

SEC. 43. Section 4700.1 is added to Chapter 5, Title 5, Part 3 of the Penal Code, relating to trials of prisoners, to read :

4700.1. "State Board of Prison Directors" as used in Sec- <sup>State board</sup> tion 4700 refers to the department.

SEC. 44. Section 4810 is added to Title 6, Part 3 of the Penal Code, relating to reprieves, pardons and commutations, to read :

4810. (a) The Adult Authority shall succeed to and shall <sup>Advisory Pardon Board</sup> exercise and perform all powers and duties granted to and imposed upon the Advisory Pardon Board by law.

(b) The Advisory Pardon Board is abolished.

(c) The report required of the Adult Authority by Section 4814 may be included in the report of the department.

(d) "State Board of Prison Directors," "Board of Prison Terms and Paroles," and "Advisory Pardon Board" as used in this Title, refer to the Adult Authority.

SEC 45 (a) Article 4, comprising Sections 2500 to 2508, <sup>Repeals</sup> inclusive, of Chapter 2, Title 1, Part 3 of the Penal Code, relating to clerks, is repealed.

(b) Article 1, comprising Sections 3000 to 3006, inclusive, of Chapter 8, Title 1, Part 3 of the Penal Code, relating to the Board of Prison Terms and Paroles, is repealed.

(c) Sections 2009, 2023, 2033, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2048, 2049, 2054, 2070, 2071, 2072, 2073, 2074, 2075, 2077, 2080, 2088, 2089, 2092, 2520, 3306, 3320, 4808, 4809, 4810, 4811 and 4812.5 of the Penal Code are repealed.

(d) Chapter 544 of the Statutes of 1929, at page 949, relating to the California Crime Commission, is repealed.

SEC. 46. All money available for expenditure during the <sup>Available funds</sup> Ninety-fifth and Ninety-sixth Fiscal Years for the exercise of the powers and duties transferred by this act and not heretofore expended by the office, board, bureau, agency, division or department for which such money was made available, shall not revert to the fund from which appropriated (except as provided in Section 435 of the Political Code), but shall be transferred and retransferred by the Controller upon the order of the State Board of Control and shall be available for expenditure by the

office, board, bureau, agency, division or department to which the powers and duties have been transferred.

Transfer of records, etc

SEC. 47. On the effective date of this act the State Department of Corrections shall succeed to and be entitled to the immediate possession and control of all of the records, books, papers, equipment, and other property, both real and personal, of offices, boards, bureaus, agencies, divisions, or departments which are abolished by this act, and of so much of the records, books, papers, equipment, and other property of offices, boards, bureaus, agencies, divisions or departments any of whose functions have been transferred by this act as pertains to the transferred functions. Thereupon the State Department of Corrections shall immediately transfer and deliver to each office, board, bureau, agency, division, or department in which this act vests any of the functions of an abolished office, board, bureau, agency, division, or department or to which any functions have been transferred, so much of said records, books, papers, equipment, and other property as pertains to the functions so vested or transferred.

### CHAPTER 3

*An act making an appropriation for expenses of members of the Senate pursuant to Section 352 of the Political Code.*

In effect immediately

[Approved by Governor February 4, 1944. Filed with Secretary of State February 4, 1944 ]

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

Appropriation Expenses of Members of Senate

SECTION 1. The sum of four thousand dollars (\$4,000), or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for expenses of the members of the Senate incurred in attending the Third Extraordinary Session of the Fifty-fifth Legislature as authorized by Section 352 of the Political Code.

SEC. 2. The appropriation made by this act shall be disbursed upon warrants drawn by the Controller upon claims filed with and audited by him pursuant to law. Prior to presentation to the Controller such claims shall be approved by the Secretary of the Senate. The Secretary of the Senate is hereby authorized to approve such claims.

Current expenses

SEC. 3. Inasmuch as this act makes an appropriation for the usual current expenses of the State it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

## CHAPTER 4

*An act making an appropriation for expenses of members of the Assembly pursuant to Section 352 of the Political Code.*

[Approved by Governor February 4, 1944. Filed with Secretary of State February 4, 1944.] In effect immediately

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

SECTION 1. The sum of eight thousand dollars (\$8,000), or so much thereof as is necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the expenses of members of the Assembly incurred in attending the Third Extraordinary Session of the Fifty-fifth Legislature as authorized by Section 352 of the Political Code. Appropriation Expenses of Assembly

SEC. 2. The appropriation made by this act shall be disbursed upon warrants drawn by the Controller upon claims filed with and audited by him pursuant to law. Prior to presentation to the Controller such claims shall be approved by the Chief Clerk of the Assembly. The Chief Clerk of the Assembly is hereby authorized to approve such claims.

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

## CHAPTER 5

*An act to amend Sections 202 and 4986 of, and to add Section 4653.5 to, the Revenue and Taxation Code, relating to taxation of property belonging to the United States and receipt of payments in lieu of such taxation.*

[Approved by Governor February 8, 1944. Filed with Secretary of State February 8, 1944.] In effect May 1, 1944

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

SECTION 1. Section 202 of the Revenue and Taxation Code is amended to read:

202. The exemption of the following property is as specified in Section 1 of Article XIII of the Constitution: Exempt property

(a) Growing crops.

(b) Property used for free public libraries and free museums.

(c) Property used exclusively for public schools.

(d) Property belonging to this State, a county, or a city.

(e) Property that is exempt under the laws of the United States.

SEC. 2. Section 4986 of said code is amended to read:

4986. All or any portion of any uncollected tax, penalty, or costs, heretofore or hereafter levied, may, on satisfactory proof, Taxes canceled

be canceled by the auditor on order of the board of supervisors with the written consent of the district attorney if it was levied or charged:

- (a) More than once.
- (b) Erroneously or illegally.
- (c) On a portion of an assessment in excess of the cash value of the property by reason of the assessor's clerical error.
- (d) On improvements when the improvements did not exist on the lien date.
- (e) On property acquired after the lien date by the State or by any county, city, school district or other political subdivision and because of this public ownership not subject to sale for delinquent taxes.
- (f) On property acquired after the lien date by the United States of America if such property upon such acquisition becomes exempt from taxation under the laws of the United States.

"Property acquired" as used in this section shall include street easements and shall also include other easements for public use where the residual estate remaining in private ownership has a nominal value only.

Municipal  
corporations

No cancellation under subparagraphs (b), (e) or (f) of this section shall be made in respect of all or any portion of any tax, or penalties or costs attached thereto, collectible by county officers on behalf of a municipal corporation without the written consent of the city attorney thereof.

SEC. 3. Section 4653.5 is added to said code, to read:

Payment in  
lieu of taxes

4653 5. The county auditor is authorized to accept payments in lieu of taxes, other than city taxes, on property which belongs to the United States and is exempt from taxation. Unless otherwise prescribed by the agency making such payment(s) the amounts received shall be distributed as are amounts received in payment of taxes.

Sections  
effective  
May 16,  
1944

SEC. 4. If and when an amendment to Section 1 of Article XIII of the State Constitution (deleting from said section the express exemption, from taxation, of property belonging to the United States) proposed by the Legislature at its Extraordinary Session which commenced in January, 1944, becomes a part of the Constitution. Sections 1 and 2 of this act shall take effect and be operative, and not otherwise.



## CHAPTER 6

*An act calling a special election for the same day on which the presidential primary election is held in the year 1944, to submit to the electors of California an amendment to the Constitution of the State relating to revenue and taxation, proposed by the Legislature.*

[Approved by Governor February 11, 1944 Filed with Secretary of State In effect  
February 11, 1944 ] May 1, 1944

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

SECTION 1. A special election is hereby called to be held for the State of California on the same day on which the presidential primary of the year 1944 is held in this State. At said special election there shall be submitted to qualified voters of the State the following:

## Senate Constitutional Amendment No. 2

A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1 of Article XIII thereof, relating to revenue and taxation. Stats 1945, p 86

The foregoing proposal to amend the Constitution of the State of California has been proposed to the electors of the State as Senate Constitutional Amendment No. 2 by the Legislature thereof at the third special session of the Fifty-fifth Session of the Legislature in accordance with the provisions of Section 1 of Article XVIII of the State Constitution.

SEC. 2. In the special election, provided for in this act, shall be proclaimed, held conducted, the ballots shall be prepared, marked, collected, counted and canvassed and the results shall be ascertained and the returns thereof made in all respects in accordance with the provisions of the Constitution applicable thereto and the law governing general elections insofar as provisions thereof are applicable to the election provided for in this act. Electron procedure

SEC. 3. The President of the Senate shall immediately appoint the author or one of the authors of such proposed constitutional amendment and one member of the Senate who voted in favor thereof to draft an argument giving the reasons for the adoption thereof, and he shall also appoint a member of the Senate who voted against such proposed constitutional amendment, to draft an argument against the adoption thereof. If no member of the Senate voted against such proposed amendment, the President shall appoint a qualified person to draft such argument. Each argument shall consist of not more than 500 words and shall be submitted by the author or authors to the Secretary of State within five days after this act takes effect. Ballot arguments

Ballot title

SEC. 4. It shall be the duty of the Attorney General to prepare and deliver to the Secretary of State a valid ballot title within five days after this act takes effect.

Calling  
election

SEC. 5. Inasmuch as this act provides for the calling of an election, it shall, under the provisions of Section 1 of Article IV of the Constitution, take effect immediately.

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CONCURRENT AND JOINT  
RESOLUTIONS AND CONSTITUTIONAL  
AMENDMENTS

THIRD EXTRA SESSION

1944

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# CONCURRENT AND JOINT RESOLUTIONS AND CONSTITUTIONAL AMENDMENTS

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

## CHAPTER 1

### *Assembly Concurrent Resolution No. 1—Relative to the death of H. S. G. McCartney.*

[Filed with Secretary of State February 1, 1941.]

WHEREAS, The members of this Legislature have learned with profound regret of the death of their former colleague, H. S. G. McCartney, in Los Angeles on December 22, 1943; and

WHEREAS, H. S. G. McCartney had given many years of his life to public service in California, including membership in both the Senate and Assembly of California, and had been for 33 years deputy district attorney of Los Angeles County; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members of this Legislature hereby recognize the devoted and faithful public service rendered to the people of California by H. S. G. McCartney, and they do hereby express their deep sympathy in his death to his widow, Mrs. Alice McCartney; and be it further

*Resolved,* That when this Legislature this day adjourns, it do so out of respect to the memory of H. S. G. McCartney; and be it further

*Resolved,* That a suitably engrossed copy of this resolution be transmitted to Mrs. Alice McCartney.

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## CHAPTER 2

### *Assembly Concurrent Resolution No. 2—Relative to approving certain amendments to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, voted for and ratified by the qualified electors of said city at a general municipal election held therein on the tenth day of May, 1943.*

[Filed with Secretary of State February 1, 1944.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption, and ratification of amendments hereinafter set

City of  
Monterey  
Charter  
amendments

forth to the charter of the City of Monterey, a municipal corporation in the County of Monterey, State of California, as set out in the certificate of the mayor and city clerk of said city as follows, to wit:

CERTIFICATE OF THE MAYOR AND CITY  
CLERK OF THE CITY OF MONTEREY.

STATE OF CALIFORNIA }  
COUNTY OF MONTEREY } SS

Certificate

We, the undersigned, J. R. Perry, Mayor of the City of Monterey, and Clyde A. Dorsey, City Clerk of said City, do hereby certify and declare as follows:

That the City of Monterey, a municipal corporation in the County of Monterey, State of California, is now and at all times herein mentioned was, a city containing a population of more than three thousand five hundred inhabitants, and, as ascertained by the last preceding census taken under the authority of the Congress of the United States, now has a population of 10,086, and ever since the 27th day of March, 1925, has been and is now, organized, existing and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said City at an election duly held for that purpose on the 9th day of March, 1925, and approved by the Legislature of the State of California by a concurrent resolution passed on the 27th day of March, 1925.

That pursuant to and in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, the Council of the City of Monterey, by resolution No. 4096, C.S., adopted on the 16th day of March, 1943, duly and regularly proposed and submitted to the qualified electors of the City of Monterey certain proposals for the amendment of the Charter of said City designated as Proposal No. 1 to Proposal No. 5, inclusive, to be voted on by said qualified electors at a general municipal election called and held in said City on the 10th day of May, 1943.

That by order of the City Council of said City, said proposed charter amendments were published and advertised in accordance with the provisions of Section 8, Article XI of the Constitution of the State of California on the 19th day of March, 1943, in the Monterey Peninsula Herald, a daily newspaper of general circulation, printed and published and circulated in said City and the Official Newspaper of said City and in all editions thereof issued the day of said publication.

That copies of said proposed charter amendments were on hand and could be obtained upon application therefor, at the office of the City Clerk of said City of Monterey up to and including the 10th day of May, 1943, the date fixed for said election.

That said general municipal election was duly and regularly held in said City of Monterey after due notice given and published on the 19th day of March, 1943, which day was not less than forty (40) days, nor more than sixty (60) days after the completion of the publication and advertisement of the aforementioned proposed Charter Amendments in the Monterey Peninsula Herald, the official newspaper of said City;

That pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, and of said Charter, and of said Resolution of said Council, the said proposed charter amendments were submitted to the qualified electors of said City for their ratification at said election, and that at said election, a majority of the qualified electors voting thereon voted in favor of the ratification and adoption of, and did ratify and adopt, each and all of said proposed amendments to the Charter of said City hereinafter set forth;

That the returns of said general municipal election were, in accordance with the law in such cases made and provided, duly and regularly canvassed and certified to by the Council of said City of Monterey at its regular meeting held on May 17th, 1943, and the said City Council duly found, determined and declared that a majority of the qualified electors of said City voting on each of said proposed amendments had voted for the ratification and adoption thereof, and that each of said proposed amendments was ratified and adopted by a majority of the qualified electors of said City voting thereon at said election;

That the said amendments to the Charter so ratified by the qualified electors of the City of Monterey at said general municipal election are in words and figures as follows, to-wit:

#### PROPOSED AMENDMENT NO. 1

That Section 37 of the Charter of the City of Monterey be amended to read as follows:

“SECTION 37. MERIT AND RETIREMENT SYSTEM <sup>Retirement</sup> <sub>System</sub> AND ALLOWANCES: The City of Monterey, by and through its Council and other authorized officials, shall have and is hereby granted all powers not prohibited by the constitution of the state necessary or appropriate for the establishment, maintenance and regulation of a merit or civil service system for the selection, tenure, promotion, removal and retirement of appointive officers and employees of the city, and to provide for retirement, disability and death allowances, or any of them, in connection therewith. No ordinance adopting such system may be repealed, and no such officer or employee may be removed from the operation of such system after adoption thereof and inclusion therein except with the approval of the voters of the city, as prescribed in Section 2, Chapter 48, Statutes of California of 1935; provided, further, that all general laws of the state providing for such merit, civil service and retirement systems, or any of them, for municipalities shall

be applicable to the City of Monterey at the election of the Council; and provided also that the Council may contract with the legislative or governing body of any city or county within the state or with any state department for the performance of any service in connection with the administration of such retirement or merit system or for the investment or maintenance of retirement funds or for any other service relating thereto; provided, further, that the power of appointment and removal of officers and employees, as prescribed by Section 22, shall not be abrogated by any of the provisions of this section but may be limited and restricted hereunder."

#### PROPOSED AMENDMENT NO. 2

That Section 49 of the Charter of the City of Monterey be amended to read as follows:

Board of  
Equalization

"SECTION 49. BOARD OF EQUALIZATION: The Council shall meet at its usual meeting place on the 2nd Monday in July of each year, at ten o'clock a.m., and sit as a Board of Equalization, and shall continue in session by adjournment from day to day until all returns of the Assessor have been rectified and assessments equalized. The Board of Equalization shall have the power to hear complaints, to take testimony under oath, and to correct, modify, strike out, or raise any assessment, provided that notice shall first be given to anyone whose assessment is proposed to be raised."

#### PROPOSED AMENDMENT No. 3

That Section 50 of the Charter of the City of Monterey be amended to read as follows:

Annual  
tax levy

"SECTION 50. ANNUAL TAX LEVY: The Council must finally adopt, not later than its first regular meeting in August, an ordinance levying upon the assessed valuation of all property in the city, a rate of taxation sufficient to raise the amounts estimated to be required in the annual budget and as herein provided, together with an amount not exceeding 2 mills upon each one dollar of such assessed valuation for an emergency and surplus fund, less the amounts estimated to be received from fines, licenses, and other sources of revenue. The Council shall then deliver the assessment roll to the Auditor, who shall thereupon compute and carry out the amount of the tax so levied on each parcel of property contained in the assessment roll. The corrected list for each such tax shall be the assessment roll of said tax for said year, and it shall be certified by the Auditor as being the assessment roll of said city."

#### PROPOSED AMENDMENT NO. 4

That Section 63 of the Charter of the City of Monterey be amended to read as follows:

Libraries

"SECTION 63. PUBLIC LIBRARY AND BOARD OF LIBRARY TRUSTEES: Except as herein otherwise provided,

all of the provisions of the preceding charter of the city relative to the Public Library, and public reading rooms, and to the Library Commission, its powers, duties, and employees, are hereby continued in full force and effect under this charter, provided, that the members of the Board of Library Trustees shall continue to hold office to and including the 30th day of June, 1944, when their terms shall end; two members of said board shall be thereupon appointed for the term commencing on the 1st day of July, 1944, and ending on the 30th day of June, 1946, and three members of said board shall be appointed for the term commencing on the 1st day of July, 1944, and ending on the 30th day of June, 1948. The term of office of each member of said board, except as above set forth, shall be four years immediately from and after the end of the term of his predecessor in office; provided, further, that said board shall be designated the Board of Library Trustees and the provisions of this charter relative to the maintenance and support of free public libraries and reading rooms in said city, and the special tax therefor, shall prevail over the provisions of the preceding charter in relation thereto."

Board of trustees

#### PROPOSED AMENDMENT NO. 5

That a new section to be designated Section 63½ be added to the Charter of the City of Monterey immediately following Section 63 of said Charter, to read as follows:

"SECTION 63½. MUNICIPAL CEMETERY BOARD: POWERS AND DUTIES: The Council is authorized to create by ordinance a Municipal Cemetery Board to control, manage, improve and beautify Cementerio El Encinal and other public cemeteries of the city, and to prescribe in such ordinance the qualifications, terms, powers and duties of said members and said board, respectively. When so established the Municipal Cemetery Board shall be empowered to receive gifts and bequests, in addition to funds of said city, for public cemetery purposes of the City of Monterey, and to invest and reinvest the whole or any part of such moneys, and the income and profits thereof, in securities which are lawful investments for commercial and savings banks under the laws of the State of California, and as prescribed and limited by such ordinance. No such ordinance may be repealed or amended after the adoption thereof, except by the approval of a majority of the voters of the city voting thereupon at a general or special municipal election held therein."

Cemetery board

And we further certify that we have compared the foregoing amendments with the original proposals submitting the same to the qualified electors of said City and find that the foregoing is a full, true and exact copy thereof.

Certificate

That as to said amendments this certificate shall be taken as a full and complete certification as to the regularity of all proceedings had and done in connection therewith.



IN WITNESS WHEREOF we have hereunto set our hands and caused the seal of the said City of Monterey to be affixed hereto this 20th day of January, 1944.

[SEAL]

J. R. PERRY

Mayor of the City of Monterey

CLYDE A. DORSEY

City Clerk of the City of Monterey

WHEREAS, The said proposed amendments as ratified as hereinbefore set forth, have been and now are duly presented and submitted to the Legislature of the State of California for approval, or rejection, as a whole without power of alteration in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Monterey as proposed to, and adopted and ratified by the electors of said city and as hereinbefore fully set forth, be and the same are hereby approved as a whole, without amendment or alteration, for and as amendments to and as a part of the charter of said City of Monterey.*

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### CHAPTER 3

*Assembly Concurrent Resolution No. 3—Approving amendments to the charter of the City of Santa Monica, State of California, ratified by the qualified electors of said city at a general municipal election held therein on the seventh day of December, 1943.*

[Filed with Secretary of State February 1, 1944.]

City of Santa  
Monica  
Charter  
amendments

WHEREAS, The City of Santa Monica, in the County of Los Angeles, State of California, is now, and was at all of the times herein mentioned, a city containing a population of more than 50,000 inhabitants as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, The City of Santa Monica, in the County of Los Angeles, State of California, has been ever since the year 1907, and now is, organized and acting under a freeholders' charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of said city at a special election held for that purpose on the twenty-eighth day of March, 1906, and approved by the Legislature of the State of California, February 1, 1907 (Statutes of 1907, page 1007); and

WHEREAS, Proceedings have been had for the proposal, adoption and ratification of certain amendments to the charter of said City of Santa Monica as set out in the certificate of the commissioner of public safety, ex officio mayor, and the commissioner of finance, ex officio city clerk, and ex officio clerk of the city council of the City of Santa Monica, as follows, to wit:

**CERTIFICATE OF ADOPTION BY THE QUALIFIED** Certificate  
**VOTERS OF THE CITY OF SANTA MONICA**  
**AT A GENERAL MUNICIPAL ELECTION HELD**  
**THEREIN ON THE 7TH DAY OF DECEMBER, 1943,**  
**OF CERTAIN AMENDMENTS TO THE CHARTER**  
**OF THE CITY OF SANTA MONICA, STATE OF**  
**CALIFORNIA.**

STATE OF CALIFORNIA,      }  
COUNTY OF LOS ANGELES,    }  
CITY OF SANTA MONICA.        } ss

WHEREAS, the City of Santa Monica, in the County of Los Angeles, State of California, has been ever since the year 1907, and now is, organized and acting under a Freeholders' Charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which Charter was duly ratified by a majority of the qualified electors of said City at a special election held for that purpose on the 28th day of March, 1906, and approved by the Legislature of the State of California February, 1907, (Statutes of 1907, page 1007); and

WHEREAS, the legislative body of said City, namely, the City Council of the City of Santa Monica did, pursuant to the provisions of Section 8, Article XI of the Constitution of the State of California, by ordinance adopted October 18, 1943, being Ordinance No. 999 (Commissioners' Series) entitled: "AN ORDINANCE OF THE CITY OF SANTA MONICA PROPOSING VARIOUS AMENDMENTS TO THE CHARTER OF THE CITY OF SANTA MONICA, AND PROVIDING FOR THE SUBMISSION OF THE SAME TO THE QUALIFIED ELECTORS THEREOF FOR ADOPTION AND RATIFICATION AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON THE 7TH DAY OF DECEMBER, 1943," duly propose to the qualified electors of the City of Santa Monica amendments to the Charter of said City, therein designated as proposed Charter amendments, and did order that said amendments be submitted to said qualified electors at the general municipal election to be held on the 7th day of December, 1943, which date was fixed as a date for holding said election; and

WHEREAS, said proposed Charter amendments were, and each of them was on the 20th day of October, 1943, duly published in the Evening Outlook, and in each edition thereof during the day of publication, a daily newspaper of general

circulation, printed, published, and circulated in the City of Santa Monica and designated by said Council as the official paper for that purpose; and which said paper is and was at all times herein mentioned the official paper of the City of Santa Monica; and

WHEREAS, said proposed amendments were printed in convenient pamphlet form in type of not less than 10-point and copies thereof were mailed to each of the qualified electors of the City of Santa Monica; and from October 21, 1943, to December 3, 1943, inclusive, a notice was published in said Evening Outlook, the newspaper aforementioned, that said copies could be had upon application therefor at the office of the City Clerk of said city, and said proposed amendments in such pamphlet form were in fact available at the office of the said City Clerk; and

WHEREAS, said Council of said City did, by ordinance duly adopted on the 13th day of October, 1943, being Ordinance No. 998 (Commissioners' Series) entitled: "AN ORDINANCE CALLING A GENERAL MUNICIPAL ELECTION ON TUESDAY, THE SEVENTH DAY OF DECEMBER, 1943, TO BE HELD IN THE CITY OF SANTA MONICA, CALIFORNIA, FOR THE PURPOSE OF ELECTION OF OFFICERS; AND THE SUBMISSION OF SUCH OTHER MATTERS AS MAY BE LEGALLY SUBMITTED AT SUCH ELECTION: AND TO BE HELD IN SAID CITY OF SANTA MONICA AND THAT PORTION OF THE CITY OF SANTA MONICA SCHOOL DISTRICT AND OF THE SANTA MONICA HIGH SCHOOL DISTRICT OF LOS ANGELES COUNTY, CALIFORNIA, LYING OUTSIDE OF THE CORPORATE LIMITS OF THE CITY OF SANTA MONICA FOR THE PURPOSE OF ELECTING MEMBERS OF THE BOARD OF EDUCATION; ESTABLISHING THE PRECINCTS AND POLLING PLACES FOR SAID ELECTION, AND APPOINTING OFFICERS OF SAID ELECTION.", order the holding of a general municipal election in said City of Santa Monica on the 7th day of December, 1943, which said date was more than 40 days and less than 60 days after the completion of the publication of said proposed amendments as aforesaid; which said ordinance was signed by the Mayor of said City on the 13th day of October, 1943, and was published on the 19th day of October, 1943, in said newspaper, the Evening Outlook; and

WHEREAS, said general municipal election was held in said City of Santa Monica on the 7th day of December, 1943, which date was more than 40 days and less than 60 days after said proposed amendments to said Charter had been published in the Evening Outlook; and

WHEREAS, thereafter the said Council of the said City of Santa Monica did duly canvass the returns of said election and did duly and regularly declare the canvass of the returns of said election; and

WHEREAS, at the said election held on said 7th day of December, 1943, proposed amendments No. 1 and No. 2 were ratified by a majority of the electors of said City voting thereon; and

WHEREAS, said amendments to the Charter so ratified by the electors of the City of Santa Monica are now submitted to the Legislature of the State of California for approval or rejection without power of alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California, and are in words and figures as follows, to-wit:

#### PROPOSED CHARTER AMENDMENT NO. 1

There shall be added to the Charter of the City of Santa Monica a new section to Article II thereof to be and read as follows:

“Section 2. (a) The “State Employees’ Retirement Act”, <sup>Retirement system</sup> as now amended or as it may hereafter be amended, is hereby adopted for the City of Santa Monica, and plenary authority and power is hereby vested in said City, its Council, and its several officers, agents, and employees to do and perform any act, or exercise any authority granted, permitted, or required under the provisions of said Retirement Act, to enable said City to become a contracting city participating in the State Employees’ Retirement System; provided, however, that the legislative body of the City may terminate any contract entered into with the Board of Administration of the State Employees’ Retirement System only under authority granted by ordinance adopted by a majority vote of the electors of the City of Santa Monica. For the purpose of the establishment and maintenance of the retirement system hereby authorized, the employees of the Library Department shall be considered and held to be employees of the City.

(b) The limitations of subdivision (11) of Section 1 of this Article, with respect to the levy and collection of municipal <sup>Taxes</sup> taxes, shall not apply to any tax required to be levied to meet the obligations of the City to the State Employees’ Retirement System.

(c) Upon the date of the execution of any contract between <sup>Funds</sup> the legislative body of the City of Santa Monica and the Board of Administration of the State Employees’ Retirement System, Article XV-A of this charter shall stand repealed and thenceforth be of no further force or effect; provided that any and all moneys then standing to the credit of the “Relief and Pension Fund” and all moneys thereafter collected on account of any tax theretofore levied for such fund, shall be set apart and transferred to a special fund which shall be used and expended only in the discharge of the obligations assumed by the City under said contract and the State Employees’ Retirement Act.”

## PROPOSED CHARTER AMENDMENT NO. 2

Article XIV of the Charter of the City of Santa Monica is hereby amended so that the same shall be and read as follows:

Municipal  
court

“Section 1. A Municipal Court for the City of Santa Monica is hereby created and established in accordance with the provisions of the Constitution of the State of California relating thereto and the Municipal Court Act of the State of California as amended. This Article shall take effect and such Municipal Court shall commence to function thirty days after the date of the ratification hereof by the Legislature of the State of California.

Repeal

Section 2. Upon the effective date of this Article as hereinabove provided in Section 1. hereof, Section 5. of Article III of this Charter shall stand repealed and henceforth be of no further force or effect.”

Certificate

NOW, THEREFORE, WE, THE UNDERSIGNED, LEONARD J. MURRAY, Commissioner of Public Safety, ex-officio Mayor of the City of Santa Monica, State of California, and D. C. FREEMAN, Commissioner of Finance, ex-officio City Clerk and ex-officio Clerk of the City Council of said City, do hereby certify that the foregoing proposed, ratified amendments to the Charter of the City of Santa Monica, submitted to the electors of said City at an election held in said City on the 7th day of December, 1943, have been compared by us, and each of us, with the proposed amendments set forth in the ordinance adopted by the Council as hereinbefore stated, and that the foregoing is a full, true and correct copy thereof, and we further certify that the facts set forth in the preamble preceding said amendments to said Charter are, and each of them is, true.

IN TESTIMONY WHEREOF we have hereunto set our hands and caused the same to be authenticated by the Seal of said City of Santa Monica this 30th day of December, 1943.

LEONARD J. MURRAY

Leonard J. Murray, Commissioner of  
Public Safety, ex-officio Mayor of the  
City of Santa Monica.

[SEAL]

D. C. FREEMAN

D. C. Freeman, Commissioner of Finance,  
ex-officio City Clerk, ex-officio Clerk of the  
City Council of the City of Santa Monica.

; and

WHEREAS, Said amendments have been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Assembly of the State of California, the Senate thereof concurring, a majority of all members elected to each house voting therefor and concurring therein, that said amendments to the charter of the City of Santa Monica, State*

of California, as proposed to, adopted and ratified by the electors of said city as hereinbefore fully set forth, be, and the same hereby are, approved without amendment or alteration for and as amendments to and as parts of the charter of the said City of Santa Monica.

#### CHAPTER 4

##### *Assembly Concurrent Resolution No. 6—Relative to Miss Eleanor Miller*

[Filed with Secretary of State February 1, 1944.]

For two decades the Assembly of the State of California was graced by the presence of a member loved for her beautiful and gracious character, and respected for her ability and integrity as a legislator, but now by the Infinite called home.

Death of  
Eleanor  
Miller

In her 20 years of continuous service in the Assembly of this State, Miss Eleanor Miller, former Assemblywoman from Pasadena, the forty-seventh district, devoted herself to furthering social legislation. Ever vigilant concerning all laws affecting the rights of women, she sponsored legislation establishing institutions especially for the care of women and children.

Vigorous in her support of legislation which she thought necessary, and unyielding in her opposition to what she considered evil, she was at all times courteous and considerate. Her gentle manners and presence, her genuine sympathy and ready friendship, endeared her to her colleagues in the Legislature and to all who knew her. At the time of her retirement in 1942 she was known as the dean of all women legislators in the United States, a title justly earned and well bestowed.

A teacher, writer, lecturer and world wide traveler, Miss Miller was nevertheless devoted to the interests of her home community of Pasadena, where she founded the Fine Arts Club, the Dickens Fellowship, and League of the Golden Word. She was also one of the founders and active members of the Business and Professional Women's Club of Pasadena, an ardent worker for the American Red Cross, and parliamentarian for the Los Angeles branch of the National League of American Pen Women, of which she was a member; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the members of this Legislature join with the thousands of sorrowing friends of Eleanor Miller to express their personal sorrow in the loss of a dear friend as well as their regret that there has been lost to the people of Pasadena and the State of California the unceasing, generous public service of this great and gracious woman and by this resolution the Members of this Legislature express a final and sincere tribute to their former friend and colleague and to her long and distinguished public service; and be it further

*Resolved*, That when this Legislature this day adjourns, it do so out of respect to the memory of Elcanor Miller; and be it further

*Resolved*, That the Chief Clerk of the Assembly transmit suitably engrossed copies of this resolution to the city clerk of the City of Pasadena, and to the League of the Golden Word of the First Methodist Church of Pasadena.

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## CHAPTER 5

### *Assembly Concurrent Resolution No. 8—Relative to Henry E. Carter.*

[Filed with Secretary of State February 1, 1944.]

Death of  
Henry E.  
Carter

WHEREAS, Henry E. Carter has been taken by death; and

WHEREAS, During his lifetime, Henry E. Carter, an able member of the bar, had devoted many years to public service, including various terms in each house of the Legislature, and was widely known and enjoyed a host of friends throughout the State; and

WHEREAS, The members of this Legislature wish to give recognition to the distinguished public service of Henry E. Carter, and to express their regret upon learning of his death; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring*, That when this Legislature this day adjourns it do so out of respect to the memory of Henry E. Carter; and be it further

*Resolved*, That a copy of this resolution be transmitted by the Chief Clerk of the Assembly to the surviving sister of Henry E. Carter, Mrs. Ettie M. Waddell of Wilmington, California.

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## CHAPTER 6

*Senate Concurrent Resolution No. 2—Approving an amendment to the charter of the City of Stockton, State of California, ratified by the qualified electors thereof, at a general municipal election held therein on Tuesday, October 12, 1943.*

[Filed with Secretary of State February 1, 1944.]

City of  
Stockton  
Charter  
amendments

WHEREAS, The City of Stockton in the County of San Joaquin, State of California, contains a population of over 50,000 as ascertained by the last preceding census taken under the authority of the Congress of the United States, and has been ever since July 2, 1923, and now is, organized and acting under a freeholders charter adopted under and by virtue of Section 8, Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the electors

of said city at a special election held for that purpose on the twenty-eighth day of November, 1922, and approved by the Senate of the State of California on January 22, 1923, and by the Assembly of the State of California on January 24, 1923, and filed with the Secretary of State on January 29, 1923, which said freeholders charter is printed in full in Chapter 7 of concurrent and joint resolutions and constitutional amendments passed at the Regular Session of the Forty-fifth Legislature of the State of California and found in Statutes of 1923 at page 1321 and following; and

WHEREAS, Proceedings have been had for the adoption and ratification of a certain amendment to the charter of the City of Stockton as set out in the certificate of the mayor and city clerk of the City of Stockton, to wit:

CERTIFICATE OF THE ADOPTION BY THE QUALIFIED ELECTORS OF THE CITY OF STOCKTON AT A GENERAL MUNICIPAL ELECTION HELD THEREIN ON THE 12TH DAY OF OCTOBER, 1943, OF A CERTAIN AMENDMENT TO THE CHARTER OF THE CITY OF STOCKTON, STATE OF CALIFORNIA. Certificate

STATE OF CALIFORNIA, }  
 COUNTY OF SAN JOAQUIN, } SS.  
 CITY OF STOCKTON, }

We, Ralph W. Fay, mayor of the city of Stockton, and B. L. Trahern, city clerk of the city of Stockton, do hereby certify as follows:

That the said city of Stockton in the County of San Joaquin, State of California, is now and at all of the times mentioned herein was a city containing a population of more than fifty thousand inhabitants, as ascertained by the last preceding census taken under the authority of the congress of the United States; and

That said city of Stockton is now and at all of the times herein mentioned was organized and existing under a freeholders charter adopted pursuant to the provisions of section 8, article XI of the constitution of the State of California, which charter was duly ratified by a majority of the electors of said city at a special election held therein on the twenty-eighth day of November, 1922, and approved by the Legislature of the State of California on the twenty-fourth day of January, 1923 (Stat. 1923, page 1321), and filed with the secretary of state of the State of California on January 29, 1923; and

That pursuant to section 8 of article XI of the constitution of the State of California, the legislative body of said city, i.e., the city council of said city, did on its own motion and pursuant to the provisions of said article and section of the constitution of the State of California duly propose to the electors of the city of Stockton one amendment to the charter of said city



and order that said amendment be submitted to the electors of said city at the general municipal election to be held in said city on the twelfth day of October, 1943; and

That said charter amendment was, on the 26th day of August, 1943, duly published in each issue of the Stockton Daily Record, a daily newspaper published and circulated in the city of Stockton and the official newspaper of said city, said paper having been designated for said purpose by the said city council; and

That said city council did, by Resolution No. 13,791, adopted on August 23, 1943, fix October 12th, 1943, the date of the general municipal election in Stockton, as the date of the election on said charter amendment.

That said charter amendment was, on August 26th, 1943, printed in convenient pamphlet form and in type of not less than ten-point, and that the clerk of the city of Stockton caused copies of said charter amendment to be mailed, postage prepaid, to each of the qualified electors of the city of Stockton, said mailing having been commenced not more than forty nor less than fifteen days before the day fixed for election, to-wit, October 12, 1943, and said mailing having been completed at least ten whole days before said election.

That the city clerk of the city of Stockton did, commencing August 26th, 1943, and continuing through October 12th, 1943, the date of the election, advertise in each issue of the Stockton Daily Record, a newspaper of general circulation in said city, and the official newspaper for said city, a notice that copies of said charter amendment might be had upon application at the office of the said city clerk.

That said general municipal election was held in the said city of Stockton on the twelfth day of October, 1943, which said day was not less than forty, nor more than sixty days after the completion of the advertising of said charter amendment in the Stockton Daily Record, the official newspaper of the city of Stockton, as hereinabove stated

That at such general municipal election held as aforesaid on said twelfth day of October, 1943, a majority of the qualified voters of said city of Stockton voting thereon voted in favor of said charter amendment and duly ratified the same;

That the city council of said city of Stockton after duly and regularly canvassing the returns of said municipal election at the time and in the manner and form prescribed by law duly found, determined and declared that a majority of the qualified voters of the city of Stockton voting thereon had voted for and ratified the amendment to the charter of the city of Stockton, as hereinafter set forth;

That the said amendment to the charter of the city of Stockton ratified by the electors of said city, as aforesaid, is in words and figures as follows, to-wit;

## AMENDMENT

That Article XXXI of the Charter of the City of Stockton, be, and the same is hereby amended by adding a new section thereto, to be designated Section 2½, which said section reads as follows:

Sec. 2½ (a) The City Council of the City of Stockton shall provide retirement benefits, including pensions or retirement allowances and death benefits, for officers and employees of said City, with the exception of officers and employees mentioned and set forth in Subdivision (b) hereof, who shall qualify therefor by service and work for the City as provided by Charter provision or ordinance of the City of Stockton. Said City Council shall have power to fix and from time to time change the requirements and conditions for retirement, which shall include a minimum period of service, a minimum attained age and a minimum contribution of funds by such officers and employees, and such other conditions as the said City Council may prescribe, subject to the power of the said City Council to prescribe lesser requirements for retirement because of disability. Retirement benefits

The rates of contribution and the periods and conditions of service and amount of retirement benefits fixed in pursuance of this section shall not be changed, except by a two-thirds vote of all members of the City Council. Rates

(b) There are hereby expressly excepted from the operation of the provisions of this section, the members of the Stockton Police and Fire Departments; and, at the option of the City Council, elective officers of the City of Stockton; independent contractors who are not employees of the City of Stockton; and part-time employees of the City, unless their said employment requires at least one-half the full-time required of employees in the same group or class, serving on full-time basis. Persons excluded

(c) The payment of the benefits to officers and employees mentioned in Subdivision (a) hereof, may be made either directly by the City of Stockton, or the City of Stockton may participate in the State Employees' Retirement System, making its officers and employees included in Subdivision (a) of this Section, members thereof, and the Council of the City of Stockton, on behalf of said City, shall have power and is hereby authorized and empowered to enter into a contract with the Board of Administration of the "State Employees' Retirement System" for the purpose of such participation. Said participation shall be subject to and in accordance with the provisions of the "State Employees' Retirement Act" of the State of California, and any amendments thereto, notwithstanding the provisions of Subdivisions (a) and (b) of this Section. Funds available

(d) The City Council of the City of Stockton may appoint a Board of Trustees for the administration of the Retirement System for officers and employees specified in Subdivision (a) hereof. If a Board of Trustees is appointed by said City Council, for the administration of said Retirement System, the judg- Board of trustees

ment of said Board of Trustees, regarding any application for retirement or other benefits hereunder, shall be final, unless in determining said application, said Board of Trustees commit a clear abuse of discretion.

(e) The provisions of Sections 1 and 2 of Article XXXI of the Charter shall not apply to officers and employees of said City included in the provisions of Subdivision (a) of this section.

Certificate

That the foregoing is a full, true and correct copy of said amendment to the charter of the City of Stockton ratified by the electors of said city as aforesaid, on file in the office of the City Clerk of said City of Stockton.

IN WITNESS WHEREOF, Ralph W. Fay, Mayor of the City of Stockton, and B. L. Trahern, City Clerk, as aforesaid, have hereunto set their hands and caused the corporate seal of the City of Stockton to be thereunto affixed on this 26th day of January, 1944

[SEAL]

RALPH W. FAY,  
Mayor of the City of Stockton.  
B. L. TRAHERN,  
City Clerk of the City of Stockton.  
By CONSTANCE MILLER  
Deputy City Clerk

WHEREAS, Said amendment to the charter of the City of Stockton ratified by the electors of said city, as aforesaid, has been submitted to the Legislature of the State of California for approval or rejection without alteration or amendment in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Senate of the State of California, the Assembly concurring, a majority of the members elected to each house voting therefor and concurring therein, That said amendment to the charter of the City of Stockton ratified by the electors of said city as aforesaid after being presented to, adopted and ratified by the qualified electors of said City of Stockton as hereinabove fully set forth be and the same is hereby approved as a whole without amendment or alteration as an amendment to and a part of the charter of the City of Stockton.*

## CHAPTER 7

### *Senate Concurrent Resolution No. 3—Relative to the death of Friend William Richardson.*

[Filed with Secretary of State February 1, 1944 ]

Death of  
Friend  
William  
Richardson

WHEREAS, On September 5, 1943, Destiny decreed that a celebrated citizen of the State of California, the Honorable Friend William Richardson, should depart this life and go to his reward; and

WHEREAS, Said Friend William Richardson faithfully served the people of the State of California as a public servant for many years, first as Superintendent of State Printing from 1911 to 1914, then as Treasurer of the State from 1915 to 1923, at which time he became Governor of the State of California, serving in that high office until 1927. In 1931 he became Building and Loan Commissioner and served until 1934, when he became Superintendent of Banks. This office he retained until 1939; and

WHEREAS, In addition to his career as a public servant he had a long and distinguished record as a newspaperman. He was editor and proprietor of the San Bernardino Times Index at one time and later of the Berkeley Daily Gazette. He was highly esteemed by his fellow journalists and served as President of the California Press Association for many years; and

WHEREAS, Friend William Richardson was a man of strong convictions, a rugged personality, warm friendship and a picturesque sense of humor and one who had the affection and respect of a great number of Californians; now, therefore be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature desires by this resolution to express the deep loss of the people of the State in the passing of Friend William Richardson; and be it further

*Resolved,* That the Secretary of the Senate be and he is hereby directed to have suitably engrossed copies of this resolution forwarded to the members of the family of the Honorable Friend William Richardson; and be it further

*Resolved,* That when the Legislature adjourns this day it do so out of respect to his memory.

## CHAPTER 8

*Senate Concurrent Resolution No 4—Approving a certain amendment to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California, voted for and ratified by the qualified electors of said city at an election held therein on the fourth day of May, 1943.*

[Filed with Secretary of State February 1, 1944]

WHEREAS, Proceedings have been had and taken for the proposal, adoption and ratification of a certain amendment hereinafter set forth to the charter of the City of Santa Cruz, a municipal corporation in the County of Santa Cruz, State of California; and

WHEREAS, The City of Santa Cruz is a municipal corporation of the County of Santa Cruz, State of California, the population whereof is 16,829, having a freeholders' charter adopted by the Legislature of the State of California, by Assembly

City of  
Santa Cruz  
Charter  
amendments

Concurrent Resolution No. 15, introduced in said Legislature on the eighth day of February, 1911; and

WHEREAS, The council of said City of Santa Cruz of its own motion and not by petition, adopted a resolution on the fifteenth day of March, 1943, providing for the publication of notice of its intention to call an election in said city to vote upon a proposed amendment to the charter of said City of Santa Cruz; and

WHEREAS, There being no official paper of said city, there was published once in the Santa Cruz Sentinel-News on March 16, 1943, a newspaper of general circulation, published and circulated in said city, which said publication was all and the only edition of said newspaper published on said day of publication, the said proposed amendment in full, together with a notice of the intention of said council to call an election in said city to vote upon the said proposed amendment to said charter, and also a notice that copies of said proposed amendment to said charter in convenient pamphlet form could be had upon application to the office of the city clerk of said city, which said last mentioned notice was published until the date fixed for said election upon said proposed charter amendment; and

WHEREAS, Said council further resolved that said amendment as hereinafter set forth should be submitted and voted upon at said election as a single and separate proposition; and

WHEREAS, In pursuance of said resolution and at said election duly held in said city not less than 40, and not more than 60 days after the completion of said advertising and publication of said proposed amendment in the Santa Cruz Sentinel-News to wit, on the fourth day of May, 1943, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, as amended, the said proposed amendment was duly ratified by the vote of the majority of the qualified voters voting at said election on such amendment in favor thereof as a single proposition; and

WHEREAS, The council of the City of Santa Cruz, on the seventh day of May, 1943, duly canvassed the returns of said election and found and declared that the majority of the qualified electors voting upon said proposed amendment voted in favor of ratifying said proposed amendment to said charter and ratified the same as a single proposition; and

WHEREAS, Said proposed charter amendment ratified as aforesaid is now submitted to the Legislature of the State of California for its approval and ratification, without power to alter or amend the same, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California as amended; and

WHEREAS, Said proposed charter amendment as ratified was and is in the words and figures as follows, to wit:

PROPOSED CHARTER AMENDMENT

That Section 124, Par. B, Section 16 of Article VIII be amended in the following particulars:

The maximum age limit for policemen and firemen is hereby removed for the duration of the war with the Axis and six months thereafter. Provided that the filling of any position of policeman or fireman with a man over the present maximum age limit fixed by Charter shall be a substitute or temporary appointment for the duration of the war with the Axis and six months thereafter only.

City of Santa Cruz }  
 County of Santa Cruz } ss.  
 State of California }

I, F. R. FULMER, Mayor of the City of Santa Cruz, State of California, do hereby certify that the foregoing is a true copy of amendment to the present charter of said city, as approved by the Legislature of the State of California on the 8th day of February, 1911, and a true copy of the proposed amendment to said charter as the same was ratified at an election held in said City of Santa Cruz at the time and in the manner herein-after set forth; that the Council of said City of Santa Cruz of its own motion and not by a petition adopted a resolution on the 15th day of March, 1943, providing for the publication of notice of its intention to call an election in said city to vote upon said proposed amendment to said charter; that on the 12th day of April, 1943, the Council of said City fixed Tuesday, the 4th day of May, 1943, as the date on which said election should be held to vote upon said proposed amendment to said charter.

That the population of the City of Santa Cruz is 16,829. That there being no official paper of said city there was published once in the Santa Cruz Sentinel-News, on March 16th., 1943, a newspaper of general circulation published and circulated in said city, which said publication was all and the only edition of said newspaper published on said day of publication the said proposed amendment in full, together with a notice of the intention of said Council to call an election in said city to vote upon the said proposed amendment to said charter, and also a notice that copies of said proposed amendment to said charter in convenient pamphlet form could be had upon application to the office of the City Clerk of said city, which said last mentioned notice was published until the date fixed for said election upon said proposed charter amendment.

That in pursuance of said resolution and at an election duly held in said city not less than forty and not more than sixty days after the completion of said advertisement and publication of said proposed amendment, in said Santa Cruz Sentinel-News, to-wit, on the 4th. day of May, 1943, under and in accordance with law and the provisions of Section 8 of Article XI of the Constitution of the State of California, as amended, the said

proposed amendment to said charter was duly ratified by the vote of the majority of the qualified voters voting at said election, and on such amendment in favor thereof as a single proposition.

That the Council of the City of Santa Cruz on the 7th. day of May, 1943, duly canvassed the returns of said election and found and declared that the majority of the qualified electors voting upon said proposed amendment voted in favor of ratifying said proposed amendment to said charter and ratified the same, as a single proposition;

That said election, publication, advertising and all acts, matters and things in connection with and relating to said proposed charter amendment were held, made and occurred pursuant to orders, resolutions, and publications of the City Council of said City of Santa Cruz in compliance with Section 8, Article XI of the Constitution of the State of California, as amended.

That in all matters and things pertaining to said proposed Charter amendment the provisions of said section of the Constitution, the charter and ordinance of said City of Santa Cruz and the laws of the State of California, pertaining to the adoption of charter amendments and the holding of elections thereon, have been fully complied with in every particular.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the corporate seal of the said City of Santa Cruz, to be affixed this 14th day of January, 1944.

[SEAL]

F. R. FULMER

Mayor of the City of Santa Cruz

Attest: E. V. PATTEN  
City Clerk

and

WHEREAS, The said proposed amendment as ratified as hereinbefore set forth has been and is now duly submitted to the Legislature of the State of California for approval or rejection as a whole, without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California; now, therefore, be it

Approval

*Resolved by the Senate of the State of California, the Assembly concurring, a majority of all the members elected to each house voting therefor and concurring therein,* That said amendment to the Charter of the City of Santa Cruz as proposed to, adopted and ratified by the electors of said city, as hereinbefore fully set forth, be and the same is hereby approved as a whole, without amendment or alteration, for and as an amendment to and as a part of the Charter of the said City of Santa Cruz.

## CHAPTER 9

*Assembly Concurrent Resolution No. 9—Approving an amendment to the charter of the City and County of San Francisco voted for and ratified by the electors of said City and County of San Francisco at an election held therein on the second day of November, 1943.*

[Filed with Secretary of State February 1, 1944 ]

WHEREAS, The City and County of San Francisco, State of California, contains a population of over 500,000 inhabitants, and has been ever since the eighth day of January, in the year 1932, and is now organized and acting under a freeholders' charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by the qualified electors of said city and county at an election held for that purpose on the twenty-sixth day of March, 1931, and approved by the Legislature of the State of California and filed in the office of the Secretary of State on the fifth day of May, 1931 (Statutes of 1931, Page 2973); and

City and  
County of  
San Fran-  
cisco  
Charter  
amendment

WHEREAS, The legislative authority of said city and county, namely the board of supervisors thereof, duly proposed to the qualified electors of the city and county six (6) amendments; and

WHEREAS, Said legislative authority, in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, did within fifteen (15) days of the order for submission of each of said proposals cause said six (6) proposed amendments to said charter to be published, once in the official newspaper of the said City and County of San Francisco and each edition thereof issued or published on the date of said publication, to wit, in the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco and the official newspaper of said city and county; and

WHEREAS, Said legislative body caused copies of said charter amendments to be printed in convenient pamphlet form and in type of not less than 10-point, and caused copies thereof to be mailed to each of the qualified electors of said City and County of San Francisco, and until the day fixed for the election upon said charter amendments, advertised in said the "San Francisco Chronicle," a newspaper of general circulation in the City and County of San Francisco, a notice that copies of said charter amendments could be had upon application therefor at the office of the board of supervisors; and

WHEREAS, The said legislative authority of said city and county ordered placed upon the ballot at a general election to be held in the City and County of San Francisco on the second day of November, 1943, the said six (6) several proposals to amend the charter of the City and County of San Francisco; and



WHEREAS, Said general election was held in said City and County of San Francisco on the second day of November, 1943, which day was more than forty days and less than sixty days from the completion of the publication of said proposed charter amendments for one day in said the "San Francisco Chronicle" and each edition thereof as hereinbefore set forth; and

WHEREAS, The board of supervisors of said city and county did thereafter, in regular meeting assembled, by resolution duly adopted by said board and entered in the minutes thereof, direct that a canvass of said election held on the second day of November, 1943, be immediately begun and made by the registrar of voters of said city and county, it appearing to said board of supervisors that at the time of the commencement of said canvass all of the returns of said election held on the second day of November, 1943, from each election precinct in the City and County of San Francisco in which polls were opened had theretofore been received by said registrar of voters; and

WHEREAS, Thereafter, to wit, on the twenty-second day of November, 1943, said board of supervisors duly approved the "official statement" of votes cast at the general election held in the City and County of San Francisco, State of California, on Tuesday, the second day of November, 1943; and

WHEREAS, At said general election so held on the second day of November, 1943, one (1) of said proposed amendments was ratified by a majority of the electors of said city and county voting thereon, to wit charter amendment numbered five and that the other amendments, charter amendments number one, two, four, six and seven, received less than a majority of the votes of the electors voting thereon and was not ratified; and

WHEREAS, The said charter amendment so ratified by the electors of the City and County of San Francisco, is now submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration or amendment in accordance with the provisions of Section 8 of Article XI of the Constitution of the State of California, and is in words and figures as follows:

#### CHARTER AMENDMENT NO. 5

Describing and setting forth a proposal to the qualified electors of the City and County of San Francisco to amend the Charter of said City and County by amending Section 161 thereof, relating to Continuous Service of Employees.

The Board of Supervisors of the City and County of San Francisco hereby submits to the qualified electors of the City and County of San Francisco, at an election to be held therein on November 2, 1943, a proposal to amend the Charter of said City and County by amending Section 161 thereof, to read as follows:

## CONTINUOUS SERVICE

Section 161. Continuous service shall be defined by the board of supervisors, but the absence of any officer or employe of the city and county from service caused by reason of the service of such officer or employe in the military or naval forces of the United States in any war in which the United States has engaged, shall not be deemed to be absence from service for the purposes of the retirement system and such officer or employe shall receive credit under the retirement system, for the period of such absence, in the same manner as if he had not been absent.

Any contributing member of the retirement system who is absent after September 14, 1940, from the service of the city and county, by reason of service in the armed forces of the United States, or the state of California or service on ships operated by or for the United States government, and for such time thereafter as may be provided by rule of the civil service commission, but not to exceed two years after the proclamation of peace, except in case of disability incurred in the line of duty with said armed forces or on said ships when such disability extends beyond such period, or any service connected with the war effort for which leaves of absence shall be authorized pursuant to section 153 of the charter, or any such member who is absent after September 14, 1940, from the service of the city and county, by reason of an order of the government of the United States, or the State of California, or by lawful order of any of the departments or officers of said governments, may elect to contribute to said retirement system while serving in said forces or on said ships, and at times and in a manner to be fixed by the retirement board, amounts equal to the contributions which he would have made from the beginning of said absence, or from the date of said election, had he remained on duty in the position he occupied and at the compensation being earned by him immediately prior to the beginning of said absence. The city and county shall contribute to the retirement system on account of any member who exercises affirmatively the election provided herein, and on account of any non-contributing member who is absent by reason of service stated in this paragraph, in the same manner and amounts as if said member were not absent in said service. If the member's base pay in said service shall be less than one hundred dollars per month, city and county, in lieu of said member, shall contribute also said amount which the member otherwise would have been required to contribute under said election, and said contributions shall be administered as if made by said member.

It is the purpose of the paragraph next preceding, to place a member who is absent from the service of the city and county by reason of service as set forth in paragraph next preceding, and who contributes or for or on account of whom contributions are made as herein provided, in the same status under the retirement system, as that which he would have occupied had he remained on duty in the position he occupied immediately

prior to the beginning of said absence and charter and ordinance provisions governing the retirement system, shall apply to said member with like effect as if he were not absent. If, however, a member who exercises affirmatively the election provided herein, shall default in any of the contributions due to the retirement system under said election, and if said contributions are not made for him, then he shall be considered absent from service during the period covered by said defaulted contributions, the same as if he had not exercised affirmatively said election, and he shall not receive credit as service for the city and county, for the period covered by said defaulted contributions; but the absence during said period of default shall not break the continuity of service required of such member to entitle him to a pension or retirement allowance, as provided under the retirement system.

Election by member

Any member of the retirement system who is absent from the service of the city and county by reason of service set forth in the second paragraph of this section, and who does not affirmatively exercise election herein provided, shall not receive credit as service for the city and county, for the period of such absence, but the absence shall not break the continuity of service required of such member to entitle him to a pension or retirement allowance as provided under the retirement system.

Order Submitted—Board of Supervisors, San Francisco, Sept. 13, 1943.

Ayes: Supervisors Brown, Colman, Gallagher, Gartland, Green, MacPhee, Mead, Meyer, Roncovieri, Shannon, Uhl.

I hereby certify that the foregoing charter amendment was ordered submitted by the Board of Supervisors of the City and County of San Francisco.

DAVID A. BARRY,  
Clerk.

STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO } SS.

Certificate

This is to certify that we, DAN GALLAGHER, President of the Board of Supervisors of the City and County of San Francisco, and DAVID A. BARRY, Clerk of the Board of Supervisors of said City and County have compared the foregoing proposed and ratified amendment to the Charter of the said City and County of San Francisco with the original proposal, submitting the same to the electors of said City and County at a general election held on Tuesday, the Second day of November, One Thousand Nine Hundred Forty-Three, and find that the foregoing is a full, true, correct and exact copy thereof, and we further certify that the facts set forth in the preamble preceding said amendment to said Charter are true.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the same to be authenticated by the seal of the City

and County of San Francisco, this 24 day of January, One Thousand Nine Hundred Forty-Four.

DAN GALLAGHER  
President of the Board of Supervisors  
of the City and County of San Francisco

[SEAL]

DAVID A. BARRY  
Clerk of the Board of Supervisors of  
the City and County of San Francisco

Now, therefore, be it

*Resolved by the Assembly of the State of California, the* <sup>Approval</sup> *Senate thereof concurring*, a majority of all the members elected to each house voting therefor and concurring therein, that said amendment to the charter of the City and County of San Francisco, as proposed to, and adopted and ratified by the electors of said city and county, and as hereinbefore fully set forth, be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to, and as part of the Charter of the City and County of San Francisco.

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## CHAPTER 10

### *Assembly Joint Resolution No. 1—Relative to memorializing Congress to simplify the income tax returns.*

[Filed with Secretary of State February 1, 1944]

WHEREAS, This Nation is now engaged in a global war <sup>Tax returns</sup> wherein the time and energies of its citizens should be utilized as efficiently as possible; and

WHEREAS, There are now millions of taxpayers, who, until recently, did not, under the law, have to file any return whatsoever; and

WHEREAS, Income tax returns with the victory tax, surtax, various types of exemptions and so on, have become increasingly and unnecessarily complicated, and an inordinate amount of time, attention and study is unavoidably attendant upon the rendition of a correct return; and

WHEREAS, The ordinary individual taxpayer, can not afford, and should not be compelled, to hire an expert to prepare his tax return; and

WHEREAS, The honest taxpayer, in the utmost good faith, is likely to make mistakes in his return and thus subject himself to the penalties of the law; and

WHEREAS, The present forms of return are so complicated as frequently to confound even the experts; and

WHEREAS, Were the income tax returns in a simple form, the Bureau of Internal Revenue might streamline its personnel, thus effectuating a saving in manpower and money; and

WHEREAS, The Government should collect the taxes imposed as expeditiously as possible, with a minimum of expense and friction, and without the imposition of undue burdens upon a patient and long-suffering citizenry; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States of America be memorialized to enact such legislation as is necessary to simplify the income tax returns as speedily as possible; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby instructed to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of the Treasury, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 11

*Assembly Joint Resolution No. 7—Relative to the enactment of legislation by Congress permitting the taxation of property belonging to the United States by the States and their political subdivisions.*

[Filed with Secretary of State February 1, 1944.]

Taxing  
Federal  
property

WHEREAS, There are many thousands of acres of tax-free lands owned by the Federal Government and held in National forests, National parks, National wild life refuges, National grazing land acquisition projects, military and naval reservations, Indian reservations and Indian trust lands; and

WHEREAS, In recent years agencies of the United States have acquired, and are continuing to acquire, property in the States in increasing amounts; and

WHEREAS, Thousands of acres of such tax-free lands, and a large amount of such property are located in counties of California; and

WHEREAS, The remaining taxable property of these counties is overburdened with taxation to meet the educational, police protection and other costs of county government; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States be memorialized to enact legislation to permit the States and their political subdivisions to tax property belonging to the United States; and be it further

*Resolved,* That the Chief Clerk of the Assembly is hereby directed to send copies of this resolution to the President and Vice President of the United States, to the Secretary of the

Interior, to the Secretary of Agriculture, to the Speaker of the House of Representatives and each of the Senators and Congressmen from California in the Congress of the United States, and that the Senators and Congressmen from California in the Congress of the United States are respectfully requested to urge such legislation.

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## CHAPTER 12

### *Assembly Joint Resolution No. 11—Relative to the President's Birthday and the March of Dimes.*

[Filed with Secretary of State February 1, 1944]

WHEREAS, The thirtieth day of this month will be the sixty-second birthday of Franklin Delano Roosevelt, President of the United States; and President's birthday and March of Dimes

WHEREAS, The thirtieth day of this month will be an anniversary date in the battle against infantile paralysis, a vicious foe of humanity; and

WHEREAS, It is to be remembered that Franklin Delano Roosevelt, President of the United States, won in his battle against this foe; and

WHEREAS, It is necessary at this time to increase our efforts to conquer all foes of humanity; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California on behalf of the people of California extend to Franklin Delano Roosevelt, President of the United States, the heartiest congratulation and felicitation of this State on his sixty-second birthday; and be it further

*Resolved,* That the people of California be urged to participate wholeheartedly in the March of Dimes, in order that this foe of humanity may be conquered; and be it further

*Resolved,* That the Secretary of the Senate be hereby directed to send copies of this resolution to the President of the United States and to the National Headquarters in charge of the March of Dimes.

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## CHAPTER 13

### *Assembly Joint Resolution No. 12—Relating to the prevention of undue hardship on California industries.*

[Filed with Secretary of State February 1, 1944]

WHEREAS, Recent events indicate that the European phase of the war may end before hostilities in the Pacific cease, which may result in continued emphasis upon production of ships and aircraft, the two industries in which California's war production is concentrated; and California industries

WHEREAS, Continuation of the Pacific Coast upon a full wartime basis after other sections of the country may have returned to at least a partial peacetime production would prevent California industries from manufacturing peacetime goods and competing in securing markets for these goods, while other areas of the country not on a full wartime basis would be able to develop and exploit these markets; and

WHEREAS, This condition would seriously threaten the post-war stability of California industries and agriculture and contingent employment opportunities; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That Congress is hereby urged to enact legislation placing definite time limits on various wartime emergency controls; and be it further

*Resolved,* That in the event the war in the Pacific continues after the war in Europe, the Federal Government is respectfully urged to conduct its operations to avoid as far as possible undue hardship on Pacific Coast industries; and be it further

*Resolved,* That copies of this resolution be transmitted by the Chief Clerk of the Assembly to the President of the United States, the War Production Board, and each Senator and Member of the House of Representatives from California in the Congress of the United States.

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## CHAPTER 14

### *Assembly Joint Resolution No. 13—Relating to termination of war contracts*

[Filed with Secretary of State February 1, 1944]

Termination  
of war  
contracts

WHEREAS, Manufacturers have invested large amounts of working capital in plant conversion, plants, machinery, and raw materials to enable them to produce war goods needed by the armed forces, and delay in the settlement of claims arising from the termination of war contracts would prevent this working capital from being available for the prompt conversion of plants, purchase of new machinery, and employment of workers in resuming peacetime production; and

WHEREAS, Uncertainties as to policies and methods of contract termination, and as to the nature of costs or claims which may be disallowed, prevent manufacturers from being able to estimate accurately how much money they will have for postwar production and employment and when it will be available, and

WHEREAS, Simplicity of procedure, speed in settlement of claims, and removal of all possible uncertainties as to policies and methods of war contract termination are fundamental essentials to the most rapid and complete achievement of a high level of postwar production and employment; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* that Congress be urged

(1) To create now an efficient governmental organization of well-trained personnel for the purpose of carrying on prompt contract cancellation procedure and payment.

(2) To provide by legislation that the Federal Government may not be permitted to avoid termination procedure by sending out "stop work" orders without previously giving termination notice; and, furthermore, that if stoppage continues for an unreasonable time contractors should have the right to invoke termination procedure, and as a part of this legislation that provision be made for suitable action to define basic policies for termination procedure.

(3) To provide that in fixing allowable costs in the termination procedure, reasonable consideration should be given to postwar conversion costs where the manufacturer has not been otherwise compensated; and that on general termination, losses on one contract shall be an offset to profits on another.

(4) To provide for a delegation of clear-cut authority to contracting agencies to make final settlements with contractors within the framework of policies established by the organization created by Congress for that purpose, subject to review by the Comptroller General, only in cases of suspected fraud.

(5) To enact legislation to establish a clear and simple avenue for appeals to courts by contractors for settlement of disputed claims, and to establish adequate legal machinery to expedite the handling of such cases.

(6) To provide that every contractor and subcontractor be granted the right, under proper safeguards, to obtain mandatory loans from the government equal to a substantial proportion of reasonable settlement claims to be based upon a formula to be established; and be it further

*Resolved*, That copies of this resolution be transmitted by the Chief Clerk of the Assembly to each Senator and Member of the House of Representatives from California in the Congress of the United States.

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## CHAPTER 15

### *Senate Concurrent Resolution No. 1—Relative to Joint Rules of the Legislature.*

[Filed with Secretary of State February 1, 1944]

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, That the following Rules be adopted as the Joint Rules of the Senate and Assembly for the Fifty fifth (Third Extraordinary) Session of the California Legislature. Joint Rules



## JOINT RULES OF THE SENATE AND ASSEMBLY COMMITTEES AND COMMITTEE MEETINGS

### Standing Committees

Standing  
committees

1. Each house shall appoint such standing committees as the business of the house may require, the committees, the number of members and the manner of selection to be determined by the Rules of each house.

### Joint Committees

Committee  
on Joint  
Rules

2. The Rules Committees of each house shall constitute the Joint Standing Committee on Joint Rules of the Senate and the Assembly.

### Joint Meeting of Committees

3. Whenever any bill has been referred by the Senate to one of its committees, and the same or a like bill has been referred by the Assembly to one of its committees, the chairmen of the respective committees, when in their judgment the interests of legislation or the expedition of business will be better served thereby, shall arrange for a joint meeting of their committees for the consideration of such bill.

## BILLS AND RESOLUTIONS

### Definition of Word Bill

“Bill”

4. Whenever the word “bill” is used in these Rules, it shall include constitutional amendments, concurrent and joint resolutions.

### Concurrent and Joint Resolutions

Concurrent  
resolutions

5. Concurrent resolutions relate to matters to be treated by both houses of the Legislature.

Joint  
resolutions

Joint resolutions are those which relate to matters connected with the Federal Government.

### Resolutions Treated as Bills

Resolutions,  
etc., as bills

6. Constitutional amendments, concurrent and joint resolutions shall be treated in all respects as bills; except that they shall be given only one formal reading in each house and that they shall not be deemed bills within the meaning of Section 2 of Article IV of the Constitution, and shall not be referred to the Committee on Introduction of Bills, and shall not require a vote to authorize their introduction, except as provided in Rule 24. As in the case of bills, they shall be engrossed in the house in which they originate before being voted upon.

## PREPARATION AND INTRODUCTION OF BILLS

## Title of Bill

7. The title of every bill introduced shall convey an accurate <sup>Title</sup> idea of the contents of the bill and shall be indicative of the scope of the act and the object to be accomplished. In amending a code section, the mere reference to the section by number shall not be deemed sufficient.

## Division of Bill Into Sections

8. A bill amending more than one section of an existing law <sup>Sections</sup> shall contain a separate section for each section amended.

Bills which are not amendatory of existing laws shall be divided into short sections, where this can be done without destroying the sense of any particular section, to the end that future amendments may be made without the necessity of setting forth and repeating sections of unnecessary length.

## Restrictions as to Amendments

9. A substitute or amendment must relate to the same subject <sup>Amendments</sup> as the original bill, constitutional amendment or resolution under consideration.

## Changes in Existing Law to Be Marked by Author

10. In a bill amending a code section or a general law, any <sup>"Strikeout" and italic type</sup> new matter shall be underlined and any matter to be omitted shall be in type bearing a horizontal line through the center and commonly known as "strikeout" type. When printed the new matter shall be printed in italics, and the matter to be omitted shall be printed in "strikeout" type.

In any amendment to a bill which sets out for the first time <sup>New matter, etc</sup> a section being amended, any new matter to be added and any matter to be omitted shall be indicated by the author and shall be printed in the same manner as though the section as amended were a part of the original bill and was being printed for the first time.

## Printing of Amendments

11. All bills amended by either house shall be immediately <sup>Printing of amendments</sup> reprinted; in the case new matter is added by the amendment such new matter shall be printed in italics in the printed bill, and in the case of matter being omitted, the matter to be omitted shall be printed in strikeout type. When a bill is amended in either house, the first or previous markings shall be omitted.

### Printing and Distribution of Bills—Manner of Printing Bills

Printing  
of bills

12. The State Printer shall observe the following directions in printing all bills, constitutional amendments, concurrent and joint resolutions:

(a) The body of such bills shall be printed in solid unspaced form in 10-point roman type so that the same type shall be used both before and after enrollment. Concurrent resolutions approving city or county charters or amendments thereto may be set in smaller type.

(b) All titles of bills shall be set in italics, statute form and the length of the lines used in the titles shall not exceed that of the body of the bill.

(c) The lines of all printed bills shall be numbered by page and not by sections, and amendments shall be identified by reference to title, page and line only.

### Distribution of Legislative Publications

Legislative  
publications

13. All requests for mailing or distribution of bills and legislative publications shall be filed with the Secretary of the Senate or the Chief Clerk of the Assembly. Each Member of the Senate and Assembly shall be permitted to submit a list of 10 libraries, chambers of commerce or individuals. The Secretary of the Senate and the Chief Clerk of the Assembly shall order a sufficient number of bills and legislative publications to supply this list together with such number as may be necessary for legislative requirements.

Except as hereinabove provided, no complete list of bills shall be delivered except upon payment therefor of the sum of fifty dollars (\$50), nor shall more than two copies of bills or other legislative publications be distributed free to any person, office or organization except to Members of the Legislature, the Secretary of the Senate and the Chief Clerk of the Assembly for the proper functioning of their respective houses; the Legislative Counsel Bureau; Attorney General's Office; Secretary of State's Office; Controller's Office; Governor's Office; the Clerk of the Supreme Court; the clerk of the district court of appeal for each district; the Library of Congress and to libraries of the University of California at Berkeley and at Los Angeles; and accredited members of the press. The State Printer shall fix the cost of such bills and publications, including postage, and such moneys as may be received by him shall, after deducting the cost of handling and mailing, be remitted on the first day of each month, one-half each to the Secretary of the Senate and the Chief Clerk of the Assembly for credit to legislative printing. Legislative publications heretofore distributed through the Bureau of Documents shall be distributed through the Bill Room. Unless otherwise provided for, the total number of each bill to be printed shall be not more than 2,500.

## OTHER LEGISLATIVE PRINTING

## Printing of the Daily Journal

14. The State Printer shall print in such quantity as directed <sup>Journals</sup> by the Secretary of the Senate and the Chief Clerk of the Assembly, copies of the Journal of each day's proceedings of each house. At the end of the session he shall also print, as directed by the Secretary of the Senate and the Chief Clerk of the Assembly a sufficient number of copies properly paged after being corrected and indexed by the Secretary of the Senate and the Chief Clerk of the Assembly, to bind in book form as the Journal of the respective houses of the Legislature.

## What Shall Be Printed in the Journal

15. The following shall always be printed in the Journal of <sup>Contents</sup> each house:

(a) Messages from the Governor and messages from the other house, and the titles of all bills, joint and concurrent resolutions and constitutional amendments when introduced in, offered to, or acted upon by the house.

(b) Every vote taken in the house, and a statement of the contents of each petition, memorial or paper presented to the house.

(c) A true and accurate account of the proceedings of the house, when not acting as a Committee of the Whole.

## Printing of the Daily File

16. A daily File of bills ready for consideration shall be <sup>Daily files</sup> printed each legislative day for each house.

The material to be printed in the File and the form and arrangement shall be determined by the respective houses.

## Printing of History

17. Each house shall cause to be printed once each week, <sup>HISTORIES</sup> during the session, a complete History of all bills, constitutional amendments, concurrent, joint and house resolutions originating in or acted upon by the respective houses. A regular form shall be prescribed by the Secretary of the Senate and the Chief Clerk of the Assembly. Such History shall show the action taken upon each measure up to and including the legislative day preceding its issuance. For each legislative day intervening there shall be printed a Supplementary History showing the action taken upon any measure since the issuance of the complete History.

Immediately following the adjournment for the constitutional recess, the History shall be compiled and printed to date of recess by the Secretary of the Senate and the Chief Clerk of the Assembly.

### Authority for Printing Orders

Printing  
orders

18. The Superintendent of State Printing shall not print for use of either house nor charge to legislative printing any matter other than provided by law or by the Rules, except upon a written order signed by the Secretary of the Senate or the Chief Clerk of the Assembly. The Secretary of the Senate and the Chief Clerk of the Assembly may, when necessity requires it, order certain matter printed in advance of the regular order, by the issuance of a rush order.

The Secretary of the Senate and the Chief Clerk of the Assembly are hereby authorized and directed between sessions to order and distribute for the members stationery and legislative publications for which there is a demand, and, subject to the Rules of their respective houses, to approve the bills covering such orders. All bills for printing must be presented by the State Printer within 30 days after the completion of said printing.

### RECORD OF BILLS

#### Secretary and Chief Clerk to Keep Records

Register  
of bills

19. The Secretary of the Senate and the Chief Clerk of the Assembly shall keep a complete and accurate record of every action taken by the Senate and Assembly on every bill.

#### Secretary and Chief Clerk Shall Indorse Bills

Indorsement

20. The Secretary of the Senate and the Chief Clerk of the Assembly shall indorse on every original or engrossed bill a statement of any action taken by the Senate or Assembly concerning such bill.

### ACTION IN ONE HOUSE ON BILL TRANSMITTED FROM THE OTHER

#### After a Bill Has Been Passed by the Senate or Assembly

Bills passed  
by other  
house

21. When a bill has been passed by either house it shall be transmitted promptly to the other unless a motion to reconsider or a notice of motion to reconsider has been made or it is held pursuant to some rule or order of the house.

The procedure of referring bills to committees shall be determined by the respective houses.

#### Messages to Be in Writing Under Proper Signatures

Messages

22. Notice of the action of either house to the other shall be in writing and under the signature of the Secretary of the Senate or the Chief Clerk of the Assembly from which such message is to be conveyed. A receipt shall be taken from the officer to whom such message is delivered.

## PASSAGE AND ENROLLING OF BILLS

### Passage of Bills Preceding Final Adjournment

23. No Senate bill shall be passed by the Senate, and no Assembly bill shall be passed by the Assembly within the time specified in the resolution prior to the adjournment sine die of the two houses of the Legislature at a regular session, unless permission to vote on such bill shall be granted by a three-fourths vote of the house of its origin after being recommended by the Committee on Rules (if it be a Senate bill) or by the Speaker of the Assembly (if it be an Assembly bill). Passage  
before final  
adjournment

### Enrollment of Bill After Passage

24. After a bill has passed both houses it shall be printed in enrolled form, omitting symbols indicating amendments, and shall be compared by the Engrossing and Enrolling Clerk and the proper committee of the house where it originated to determine that it is in the form approved by the houses. The enrolled bill shall thereupon be signed by the presiding officers of both houses and the Secretary of the Senate and Chief Clerk of the Assembly and presented without delay to the Governor. The committee shall report the time of presentation of the bill to the Governor to the house and the record shall be entered in the Journal. After enrollment and signature by the officers of the Legislature, constitutional amendments, concurrent and joint resolutions shall be filed without delay in the office of the Secretary of State and the time of filing shall be reported to the house and the record entered in the Journal. Enrollment

## AMENDMENTS AND CONFERENCES

### Amendments to Amended Bills Must Be Attached

25. Whenever a bill or resolution which shall have been passed in one house shall be amended in the other, it shall immediately be reprinted as amended by the house making such amendment or amendments. Such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "adopted" and such amendment or amendments, if concurred in by the house in which such bill or resolution originated, shall be indorsed "concurred in," and such indorsement shall be signed by the Secretary or Assistant Secretary of the Senate, or the Chief Clerk or Assistant Clerk of the Assembly as the case may be; provided, however, that an amendment to the title of a bill adopted after the passage of such bill shall not necessitate reprinting, but such amendment must be concurred in by the house in which such bill originated. Amendments

### To Concur or Refuse to Concur in Amendments

26. In case the Senate amend and pass an Assembly bill, or the Assembly amend and pass a Senate bill, the Senate (if it Concurrence  
in amend-  
ments

be a Senate bill) or the Assembly (if it be an Assembly bill) must either "concur" or "refuse to concur" in the amendments. If the Senate concur (if it be a Senate bill), or the Assembly concur (if it be an Assembly bill), the Secretary or Chief Clerk shall notify the house making the amendments and the bill shall be ordered to enrollment.

#### Concurring in Amendments Adding Urgency Section

Same  
Urgency  
clause

27. When a bill which has been passed in one house is amended in the other by the addition of a section providing that the act shall take effect immediately as an urgency measure, and is returned to the house in which it originated for concurrence in the amendment or amendments thereto, the procedure and vote thereon shall be as follows:

The presiding officer shall first direct that the urgency section be read and put to a vote. If two-thirds of the members elected to the house vote in the affirmative the presiding officer shall then direct that the question of whether the house shall concur in the amendment or amendments shall be put to a vote. If two-thirds of all the members elected to the house vote in the affirmative, concurrence in the amendments shall be effective.

If the affirmative vote on either of such questions is less than two-thirds of all the members elected to such house, the effect is a refusal to concur in the amendment or amendments, and the procedure thereupon shall be as provided in Joint Rule No. 28.

#### When Senate or Assembly Refuse to Concur

Conference  
Committee

28. If the Senate or the Assembly refuse to concur in the amendments, the Committee on Rules (if it be a Senate bill) or the Speaker of the Assembly (if it be an Assembly bill) shall appoint a Committee of Three (3) on Conference and the Secretary or the Chief Clerk shall immediately notify the other house of the action taken and request the appointment of a like committee. Two of the members comprising such committee from each house shall be selected from those voting with the majority on the point about which the difference has arisen, and the other member from each house of such committee shall be selected from the minority, in the event there is a minority vote. The first Senator named on the Conference Committee shall act as chairman of the committee from the Senate, and the first Assemblyman named on such committee shall act as chairman of the committee from the Assembly and the chairmen thus selected shall arrange the time and place of all meetings and prepare or direct the preparation of reports. The Committee on Conference shall report to both the Senate and Assembly.

#### Report of Committee on Conference

Same  
Report

29. The report of the Committee on Conference shall not be subject to amendment, and if either house refuse to adopt such report the conferees may be discharged and other conferees

appointed; provided, however, that no more than three different Conference Committees shall be appointed on any one bill.

It shall require the affirmative vote of not less than four of the members constituting the committee to agree upon a report. No member who has served on a Committee on Conference shall be appointed a member of another Committee on Conference on the same bill.

#### When Conference Committee Report Is in Order

30. The presentation of the report of a Committee on Conference shall always be in order, except when a question of order or a motion to adjourn is pending, or during roll call, and, when received, the question of proceeding to the consideration of the report, if raised, shall be immediately passed upon, and shall be determined without debate. Same

### MISCELLANEOUS PROVISIONS

#### Authority When Rules Do Not Govern

31. All relations between the houses which are not covered by these Rules shall be governed by Mason's Manual. Mason's Manual

#### Press Rules

32. (a) Persons desiring privileges of accredited press representatives shall make application to the Speaker of the Assembly, as required by Rule 94 of Assembly Rules, and to the Committee on Rules of the Senate, as required by Rule 13 of Senate Rules; and shall state in writing the names of the daily newspapers or news associations by which they are employed, and what other occupation or employment they may have, if any; and they shall further declare that they are not employed, directly or indirectly, to assist in the prosecution of the legislative business of any person, corporation or association, and will not become so employed while retaining the privileges of accredited press representatives. Press rules

(b) The applications required by the above rule shall be authenticated in a manner that shall be satisfactory to the standing committee of the Capitol Correspondents Association which shall see that occupation of seats and desks in the Senate and the Assembly chambers is confined to bona fide correspondents of reputable standing in their business, who represent daily newspapers requiring a daily file of legislative news, or who represent news associations requiring daily telegraphic or radio service on legislative news. It shall be the duty of the standing committee at their discretion, to report violation of accredited press privileges to the Speaker of the Assembly, or to the Senate Committee on Rules, and pending action thereon the offending correspondent may be suspended by the standing committee.

(c) Persons engaged in other occupations whose chief attention is not given to newspaper correspondence or to newspaper



associations requiring telegraphic service shall not be entitled to the privileges accorded accredited press representatives; and the press list in the Handbook of the California Legislature and the Senate and Assembly Histories shall be a list only of persons authenticated by the standing committee of correspondents.

(d) The press seats and desks in the Senate and Assembly Chambers shall be under the control of the standing committee of correspondents, subject to the approval and supervision of the Speaker of the Assembly and the Senate Committee on Rules. Press cards shall be issued by the President of the Senate and the Speaker of the Assembly only to correspondents properly accredited in accordance with the provisions of this rule.

(e) One or more rooms shall be assigned for the exclusive use of correspondents during the legislative session, which rooms shall be known as the press room. The press room shall be under the control of the Chief of the Bureau of Buildings and Grounds; provided, that all rules and regulations shall be approved by the Senate Committee on Rules and the Speaker of the Assembly.

#### Adjournment

Adjournment 33. Adjournment for the constitutional recess and adjournment sine die shall be made only by concurrent resolution.

#### Dispensing With Joint Rules

Dispensing with Rules 34. No joint rule shall be dispensed with except by a vote of two-thirds of each house; and Joint Rule No. 23 can be dispensed with only in the manner provided for in said joint rule. If either house shall violate a joint rule a question of order may be raised in the other house and decided in the same manner as in the case of the violation of the Rules of such house; and if it shall be decided that the Joint Rules have been violated, the bill involving such violations shall be returned to the house in which it originated, and such disputed matter be considered in like manner as in Conference Committee.

#### Investigating Committees

Investigating committees 35. In order to expedite the work of the Legislature either house, or both houses jointly may by resolution provide for the appointment of committees to ascertain facts and to make recommendations as to any subject within the scope of legislative regulation or control.

The resolution providing for the appointment of a committee shall state the purpose of the committee, and the scope of the subject with which it is to act and may authorize it to act either during sessions of the Legislature or after final adjournment.

In the exercise of the power granted by this rule, each committee may appoint a secretary and adopt such rules as may appear necessary and proper to carry out the powers granted and duties imposed under this rule. It may employ such clerical, legal and technical assistants as may appear necessary when money has been made available therefor.

Each such committee is authorized and empowered to sum- <sup>Powers</sup> mon and subpoena witnesses, require the production of papers, books, accounts, reports, documents, records and papers of every kind and description, to issue subpoenas and to take all necessary means to compel the attendance of witnesses and to procure testimony, oral and documentary.

The members of such committees are, and each of them is, authorized and empowered to administer oaths, and all of the provisions of Article 8, Chapter 2, Title 1, Part 3 of the Political Code, relating to the attendance and examination of witnesses before the Legislature and the committees thereof, shall apply to such committees.

The Sergeant-at-Arms of the Senate or Assembly, or other person designated by such Sergeant-at-Arms or by the committee, shall serve any and all subpoenas, orders and other process that may be issued by the committee, when directed to do so by the chairman or by a majority of the membership of the committee.

All officers of the State, including the Legislative Counsel <sup>Assistance</sup> and the heads of each department, agency and subdivision thereof, and all employees of such departments, agencies and subdivisions, and all other persons whether connected with the State Government or not, shall give and furnish to these committees upon request such information, records and documents as the committees deem necessary or proper for the achievement of the purposes for which each such committee was created.

Each such committee may either during the session or during the constitutional recess, meet at the State Capitol or at any other place in the State of California and do any and all things necessary or convenient to enable it to exercise the powers and perform the duties herein granted to it and may expend such money as may be made available to it for such purpose; but no committee shall incur any indebtedness unless money shall have been first made available therefor.

Members shall not be entitled to any salary because of membership on any such committee but shall be allowed mileage at the rate of five and one-half cents (\$0.05½) per mile each way incurred in connection with their services upon the committee and actual and necessary expenses for living accommodations and meals incurred in connection with their services upon the committee, or in lieu thereof an allowance of ten dollars (\$10) <sup>Expenses</sup> per day for accommodations and meals. The chairman of each committee shall audit and approve the expense claims of the members of the committee and shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman.

## Legislative Budget Committee

Budget  
Committee

36. In addition to any other committee provided for by these Rules, there shall be a Joint Committee to be known and called the Legislative Budget Committee.

It shall be the duty of the committee to ascertain facts and make recommendations to the Legislature and to the houses thereof concerning the State Budget, the revenues and expenditures of the State, and of the organization and functions of the State, its departments, subdivisions and agencies, with a view of reducing the cost of the State Government, and securing greater efficiency and economy.

The committee shall consist of five Members of the Senate and five Members of the Assembly. The Senate members of the committee shall be the President pro tempore of the Senate and one member each from the Committees on Finance, Revenue and Taxation, Governmental Efficiency and Judiciary, selected by the respective committees. The Assembly members of the committee shall consist of the Speaker and four other Members of the Assembly appointed by the Speaker. The committee shall select its own chairman.

The committee shall have the authority to make rules to govern its own proceedings and its employees. It may also create subcommittees from its membership, assigning to its subcommittees any study, inquiry, investigation or hearing which the committee itself has authority, to undertake or hold, and the subcommittee for the purpose of this assignment shall have and may exercise all the powers conferred upon the committee, limited only by the expressed terms of any rule or resolution of the committee defining the powers and duties of the subcommittee. Such powers may be withdrawn or terminated at any time by the committee.

The provisions of Joint Rule 35 above shall apply to the Legislative Budget Committee, and it shall have all the authority provided in such rule or in Article IV, Section 37, of the Constitution.

The committee shall have authority to appoint a Legislative Auditor, to fix his compensation and to prescribe his duties, and to appoint such other clerical and technical employees as may appear necessary. The committee may meet either during sessions of the Legislature, any recess thereof, or after final adjournment, and may meet or conduct business at any place within the State of California.

The members of the committee shall serve without compensation but shall be entitled to actual and necessary expenses including expenses for living accommodations and meals incurred in connection with their services on the committee, or in lieu of such expenses for accommodations and meals they shall be entitled to an allowance of ten dollars (\$10) per day and travel expenses which shall be deemed to be five and one-

half cents (\$0.05½) per mile. The chairman of the committee shall audit and approve the expenses of members of the committee or salaries of the employees, and all other expenses incurred in connection with the performance of its duties by the committee, and the chairman shall certify the amount approved to the Controller, and the Controller shall draw his warrants upon the certification of the chairman, and the Treasurer shall pay the same to the chairman of the committee to be disbursed by him.

On and after the commencement of a succeeding regular session those members of the committee who continue to be Members of the Senate and Assembly, respectively, continue as members of the committee until their successors are appointed, and the committee continues with all its powers, duties, authority, records, papers, personnel and staff, and all funds theretofore made available for its use.

### Opinions of Legislative Counsel

37. Whenever the Legislative Counsel issues, to a person other than the author, an opinion as to the constitutionality, operation or effect of a pending bill, constitutional amendment, resolution or other legislative measure, he is hereby authorized and instructed to deliver a copy of the opinion to the author of such measure.

Legislative  
Counsel  
opinions

### Delivery of Documents to Budget Committee

38. Upon the conclusion of its work, any Assembly, Senate, or joint committee (other than a standing committee) shall deliver to the Legislative Budget Committee for use and custody, available to the members of the Legislature, all documents, data, reports and other materials that have come into the possession of such committee and which are not included within the final report of such committee to the Assembly, Senate, or the Legislature, as the case may be.

Delivery of  
documents

## CHAPTER 16

*Senate Concurrent Resolution No. 5—Approving an amendment to the charter of the City of Santa Barbara, State of California, voted for and ratified by the electors of such city at a general municipal election held therein on May 4, 1943.*

[Filed with Secretary of State February 1, 1944.]

WHEREAS, Proceedings have been taken and had for the proposal, adoption and ratification of a certain amendment, hereinafter set forth, to the charter of the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara,

City of Santa  
Barbara  
Charter  
amendments

State of California, as hereinafter set forth in the certificate of the mayor and city clerk of said city, as follows, to wit:

STATE OF CALIFORNIA  
 COUNTY OF SANTA BARBARA } SS.  
 CITY OF SANTA BARBARA }

Certificate

We, the undersigned, PATRICK J. MAHER, Mayor and presiding officer of the City Council of the City of Santa Barbara, and FAYE CANFJELD, City Clerk and ex-officio clerk of the Council of said city, do hereby certify as follows:

That the City of Santa Barbara, a municipal corporation, in the County of Santa Barbara, State of California, now is and at all times herein mentioned was, a city containing a population of more than 3500 inhabitants and less than 50,000 inhabitants, and ever since the year 1927 has been and now is organized, existing and acting under a freeholders charter adopted under and by virtue of Section 8 of Article XI of the Constitution of the State of California, which charter was duly ratified by a majority of the qualified electors of such city at a special election held for that purpose on the 16th day of November, 1926, and approved by the Legislature of the State of California by concurrent resolution filed with the Secretary of State January 19, 1927 (Stats. 1927, p. 2061).

That the City Council of said city, being its legislative body, pursuant to petitions circulated in accordance with Section 8 of Article XI of the Constitution of the State of California, duly and regularly submitted to the qualified electors of the City of Santa Barbara a certain proposal for the amendment of the charter of said city to be voted upon by said qualified electors at the general municipal election called and held in said City on Tuesday, the 4th day of May, 1943.

That said proposed amendment was duly and regularly published and advertised on March 16-1943 in accordance with Section 8 of Article XI of the Constitution of the State of California, in the "Santa Barbara News-Press", a daily newspaper of general circulation, printed, published and circulated in said city, there being no official paper of said city.

That copies of said proposed amendment were printed in convenient pamphlet form and in type of not less than ten point, and until the date fixed for the election hereinafter described, and as required by law, a notice was published in said "Santa Barbara News-Press" that such copies could be had upon application therefor at the office of the City Clerk of the City of Santa Barbara.

That such copies could be had upon application therefor at the office of the City Clerk of said city until the date fixed for the election hereinafter described. That copies thereof were duly mailed to each of the qualified electors of said city.

That said City Council did by Ordinance No. 1956 order the holding of a general municipal election in said City of Santa Barbara on May 4th, 1943, for the purpose of electing officers

of said city and for the purpose of submitting to a vote of the electors of said city, said proposed charter amendment, and which date of election was not less than forty days nor more than sixty days after the completion of the publication of the said proposed charter amendment as aforesaid, and at said election a majority of the qualified electors voting thereon voted for the ratification of and did ratify said proposed amendment to the charter of said city.

That the City Council of the City of Santa Barbara, in accordance with the law in such cases made and provided did meet on the 11th day of May, 1943, at a special adjourned meeting of such Council, and duly canvassed the returns of said election as certified by the election boards, and duly found and determined and declared that said proposed amendment to the charter of the City of Santa Barbara hereinafter set forth was ratified by a majority of the electors of said city voting thereon.

That said amendment to the charter so ratified by the electors of the City of Santa Barbara is in words and figures as follows, to-wit:

#### CHARTER AMENDMENT

That Section 41 of Article III of the Charter of the City of Santa Barbara shall be amended to read as follows:

SECTION 41. At the time of fixing the tax levy, the Council shall, by Ordinance, establish a general fund and the various funds as provided for by the budget, including a Water Department Fund, and no transfer of any money shall be made from any other fund to another until the end of the fiscal year, at which time, after all demands have been paid out of the various funds, the auditor shall transfer any remaining balance in any of such funds, except the Water Department Fund, to the general fund; and the Council may then authorize a transfer from the general fund to any other including the Water Department Fund, in which there is an overdraft created by an actual emergency in the Department, but under no other conditions may such transfer be made. All revenues of every nature from the Water Department of the city, and from the furnishing of water to the citizens of Santa Barbara and adjacent territories, shall be placed in the Water Department Fund as so established, and all monies in the said Water Department Fund shall be used exclusively for the purposes of the Water Department, and for the furnishing of water to the citizens of Santa Barbara and adjacent territories, including operation, maintenance, repair, extension and development of a water system, sinking fund and interest on bonded indebtedness incurred for Water Department purposes, whether now or in the future to be incurred, and all other needs and uses connected with the furnishing of water as aforesaid, and no moneys from said Water Department Fund shall ever be placed in, or transferred to, the general or any other fund of the City.

Use of certain funds

Water department fund

Certificate

We further certify that we have compared the foregoing proposed and ratified amendment to the Charter of the City of Santa Barbara with the original proposal submitting the same to the electors of said city and find that the foregoing is a full, true, correct and exact copy thereof.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the seal of the City of Santa Barbara to be affixed hereto this 29th day of July, 1943.

[SEAL]

PATRICK J. MAHER

Mayor of the City of Santa Barbara.

FAYE CANFIELD

City Clerk and ex-officio clerk of the  
Council of the City of Santa Barbara

WHEREAS, The said proposed charter amendment as ratified as hereinbefore set forth, has been and is now duly presented and submitted to the Legislature of the State of California for approval or rejection as a whole without power of alteration, in accordance with Section 8 of Article XI of the Constitution of the State of California: now, therefore, be it

Approval

*Resolved by the Senate of the State of California, the Assembly thereof concurring*, a majority of all the members elected to each house voting therefor and concurring therein, that the aforementioned amendment to the charter of the City of Santa Barbara as proposed to, and adopted and ratified by, the electors of said city, as hereinbefore fully set forth be and the same is hereby approved as a whole without amendment or alteration, for and as an amendment to and as part of the charter of the City of Santa Barbara.

## CHAPTER 17

*Senate Concurrent Resolution No. 6—Relative to Harry Lane Englebright.*

[Filed with Secretary of State February 1, 1944.]

Death of  
Harry Lane  
Englebright

WHEREAS, The marriage of Kittie Holland of Massachusetts and William F. Englebright of California, was on the second day of January, 1884, blessed by a son, Harry Lane Englebright, who in later life exemplified the qualities that were promised by this union of the culture of the east with the vigor of the west; and

WHEREAS, Harry Lane Englebright received his preliminary education and grew to young manhood in Nevada City in the high Sierras and entered the University of California in 1904, to follow in the footsteps of his father and prepare himself to continue the traditional career of a mining engineer; and

WHEREAS, In following this pursuit so important to the district from which he was ultimately to enter Congress, he became

United States Mineral Inspector in California for the period 1911 to 1914, and, after broadening his mining experience in other States, returned to Nevada to become consulting engineer with the Excelsior Water and Mining Company in the States of California and Nevada; and

WHEREAS, He was in 1926 chosen by the people of the largest Congressional district in the United States, comprising 18 counties including Alpine, Amador, Calaveras, El Dorado Inyo, Lassen, Mariposa, Modoc, Mono, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Tehama, Trinity and Tuolumne, to represent it in Congress, and was ever alert to foster the industry in which his district has always had a vital interest; and

WHEREAS, He was as successful in discharging his public trust as he was in pursuing his profession and attained the position of ranking minority committeeman on the public lands, mines and mining, and flood control committees, and served as Republican whip in the House for many years; and

WHEREAS, He was as keenly aware of his responsibility to the State at large as he was to his Congressional district and was a staunch supporter of the Boulder Dam and Central Valley Projects, and of other legislation and appropriations for the control of debris and in procuring the resumption of hydraulic mining under proper conditions; and

WHEREAS, With all these activities he found time to mingle with his fellowmen as a member of the American Mining Congress, the Elks Lodge, and the Improved Order of Red Men for California; and

WHEREAS, In recognition of his enviable reputation as a statesman of wide knowledge and experience and as a public servant of unusual ability and unblemished integrity, on his untimely death in harness on May 13, 1943, the Congress of the United States charged a representative group of Congressmen to accompany his body to Nevada City and to its final resting place in the family plot at Pine Grove Cemetery; now, therefore, be it

*Resolved, That the Legislature of the State of California does hereby express its deep sense of loss on the passing of Harry Lane Englebright and its appreciation for a life devoted to the interests of the State and Country of his birth; and be it further*

*Resolved, That Assemblymen Allen G. Thurman, Lloyd W. Lowrey and Paul Denny, and Senators Jerrold L. Seawell, Harold J. Powers, Randolph Collier, Charles Brown, H. E. Dillinger, Oliver J. Carter, and Jesse Mayo, representing districts included within the Congressional district served by Harry Lane Englebright be and they are hereby appointed a select committee of this Legislature to convey to the family of Harry Lane Englebright its unbounded sympathy for them in their personal loss; and be it further*

*Resolved, That the Secretary of the Senate shall cause to be prepared, under the direction of the select committee herein appointed, a suitably embossed copy of this resolution for transmission by said committee to the family of Harry Lane Englebright.*



## CHAPTER 18

*Senate Joint Resolution No. 1—Relative to memorializing the Bureau of Reclamation, Secretary of Interior, and Secretary of War to take immediate action to protect Needles, California, and vicinity, from further damage and dangers resulting from the filling in of the Colorado River bed and the rise of the river since the completion of Federal projects upon that river.*

[Filed with Secretary of State February 1, 1944]

Colorado  
River

WHEREAS, The Colorado River is a navigable stream and as such is under the complete control and domination of the Federal Government; and

WHEREAS, Pursuant to Federal plans for the control and development of the river, various Federal dams and projects have been constructed along and in the bed of said stream including Boulder Dam and Parker Dam; and

WHEREAS, Since the construction of these two last mentioned projects, great quantities of debris, detritus and silt have been carried down by the river and deposited in and along the bed of the stream in the vicinity of Needles, thereby causing the water level in that vicinity to rise and to overflow and submerge parts of the City of Needles, and the installations of various public utilities; and

WHEREAS, It appears from the report of a Senate committee this day filed that the situation is becoming more hazardous and the damage therefrom more threatening; and

WHEREAS, One of the engineers of the Bureau of Reclamation has prepared plans and specifications and has recommended certain work along the bed of said river in the vicinity of Needles for protection and to prevent further damage to that vicinity; and

WHEREAS, All of the various agencies and interested parties agree that this work should be prosecuted immediately by the Federal Government under the direction of the Bureau of Reclamation so as to prevent possible interruption of traffic both on the railway and on the National highway, which passes through the City of Needles; 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 calls the attention of the Federal Government, and of the appropriate bureaus and officials thereof, to the deplorable and dangerous condition along the Colorado River, in the vicinity of Needles, and respectfully urge the Secretary of the Interior, the Bureau of Reclamation, and the Secretary of War to immediately construct adequate and proper protection works along the bank of the Colorado River in the vicinity of Needles as recommended in and by the engineer of the Bureau of Reclamation, or in such other manner as may be necessary, to afford complete and full protection from further encroachments of said stream

upon the City of Needles and the various public utilities and private properties in that vicinity; and be it further

*Resolved*, That the Secretary of the Senate be and he is hereby directed to forthwith transmit this resolution, together with copies of the report of the Senate committee hereinbefore referred to, to the Secretary of the Interior, the Bureau of Reclamation, the Secretary of War and to each member of the Congress from California, and that such members be urged to assist in bringing about prompt action on the part of the proper bureaus.

## CHAPTER 19

*Senate Joint Resolution No. 5—Relative to substitution of United States Army for War Relocation Authority in the administration of Tule Lake Japanese Center and other internment camps.*

[Filed with Secretary of State February 1, 1944.]

WHEREAS, The State Senate Fact-Finding Committee on Japanese Resettlement has held numerous hearings and a particularly exhaustive hearing at the Tule Lake Japanese Center, and has filed with the State Legislature its partial report containing its conclusions and findings, supported by facts and the sworn testimony of many reliable witnesses; evidence which conclusively proves that a series of riots, demonstrations, beatings, threats, sabotage, unwarranted demands, strikes, stealing and destruction of large quantities of valuable material and supplies, took place, which finally ended in the Japanese internees taking over the entire center and imprisoning all the white personnel of the center, including National Director Dillon Myer, Western Regional Director Robert B. Cozzens and Tule Lake Center Director R. Best, for a period of four hours, on November 1, 1943, and in further rioting on November 4, 1943, with the result that the War Relocation Authority had to call in the United States armed forces to restore order, protect lives and property and to take over the policing, control and administration of said center; and

Japanese  
Resettlement  
Center

WHEREAS, It is an admitted fact that the Japanese interned in the Tule Lake Center are nearly all, with the exception of the children, disloyal, and that many of them belong to dangerous subversive groups and would, if they had the opportunity, by every possible means aid and abet the enemy; that these Japanese have been well housed, fed, and cared for in every respect; that these Japanese have made a long series of unwarranted and entirely unjustified demands, which have been indisputably proven to have been without merit; that the Japanese internees at Tule Lake have demonstrated, by their acts and their attitude their disloyalty; and that their policy is to make trouble, sabotage, cause embarrassment to our Government and aid the enemy wherever possible; and

WHEREAS, The admitted facts are that the War Relocation Authority has developed no definite or practical policy of handling the Japanese internees, particularly the disloyal; has developed no adequate police force, nor internal security in the Tule Lake Japanese Center; has no means of handling uprisings, riotings, and mass demonstrations, or of preventing destruction of property, or of enforcing camp regulations, or of preventing internees from leaving the center, or of enforcing any program which may be inaugurated; that it has been proven beyond all doubt that the War Relocation Authority has not the personnel or equipment, and is too conciliatory in its policies, and is not competent to handle and maintain peace and order at the Tule Lake Center; and that the attempt of the War Relocation Authority to handle this center has been thwarted by the internees, and has caused harmful and unnecessary publicity which could and would all have been avoided under Army control; and

WHEREAS, It has come to the attention of this Legislature that the United States Army has withdrawn or is threatening to withdraw its troops from the management and control of the Tule Lake Center; and

WHEREAS, Any such withdrawal would be dangerous and hazardous to the peace and security of the people of California and an extreme war hazard to our National war effort; and

WHEREAS, National Director Dillon Myer has stated that the internal police force will be increased 66 times, which would mean a police force of approximately 400 men; that armed forces would be retained outside the fence to patrol the center; that patrol cars equipped with radio will be on duty 24 hours a day; all of which is an admission by the National Director of the extremely dangerous condition of this camp and that extraordinary measures must be adopted to maintain peace, order and security and is a further admission that in resuming control of the center the War Relocation Authority requires the assistance of United States armed forces which must be maintained just outside of the external fence to prevent any attempted outbreak by the internees similar to that staged by them just prior to their taking over the center on November 1, 1943; and

WHEREAS, Lieutenant General J. L. DeWitt, former Commanding General of the Western Defense Command, who while in such command ordered the evacuation of the Japanese from the Pacific Coast areas, in a report to General George C. Marshall, Chief of Staff, dated June 5, 1943, stated:

“That evacuation (after Pearl Harbor) was impelled by military necessity, . . . The security of the Pacific Coast continues to require the exclusion of the Japanese from that area, now prohibited to them, and will so continue as long as that military necessity exists.”

“That hundreds of Japanese organizations existed in California, Washington, Oregon and Arizona prior to December 7,

1941, and were actively engaged in advancing Japanese war aims."

"These records also disclosed, that thousands of American-born Japanese had gone to Japan to receive their education and indoctrination there and had become rabidly pro-Japanese and then returned to the United States. Emperor-worshipping ceremonies were commonly held and millions of dollars had flowed into the Japanese Imperial war chest from the contributions freely made by Japanese here."

and,

WHEREAS, Subsequently abundant and convincing evidence was presented to the Senate Fact-Finding Committee substantiating and proving correct the findings and report of Lieutenant General J. L. DeWitt, beyond all question of doubt, and proving that these conditions still exist, that these organizations still brazenly function at Tule Lake, that undoubtedly these organizations and pro-Japanese are operating underground in all Japanese centers, and that there is no way or means of distinguishing between the loyal and disloyal Japanese; and

WHEREAS, The people of California are unalterably opposed to the return of any Japanese internees to California and the Pacific Coast areas for the duration of the war; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* convened in Extraordinary Session, That the War Relocation Authority be removed from the administration and control of the Tule Lake Japanese Center and that in the event that the United States Army does not take over, that the Tule Lake Center be placed under the control and management of the Federal Bureau of Investigation of the Department of Justice; and be it further

*Resolved,* That all Japanese relocation centers throughout the Nation be placed under the jurisdiction and control of the Federal Bureau of Investigation of the Department of Justice; and be it further

*Resolved,* That no Japanese internees be released from any of the centers throughout the Nation for the duration and that any that may have been released be not allowed to return to the State of California or to the Pacific Coast for the duration; and be it further

*Resolved,* That the Secretary of the Senate be instructed to send copies of this Resolution to the President and Vice President, the Speaker of the House of Representatives, the Senate and House of Representatives of the United States, the Secretary of War, Lieutenant General J. L. DeWitt, General Delos C. Emmons, Commander of the Western Division, all members of the California Congressional Delegation, and Dillon Myer, National Director of the War Relocation Authority.

## CHAPTER 20

*Senate Constitutional Amendment No. 2—A resolution to propose to the people of the State of California an amendment to the Constitution of said State, by amending Section 1 of Article XIII thereof, relating to revenue and taxation.*

[Filed with Secretary of State February 1, 1944]

Constitution,  
Article XIII,  
Sec 1

*Resolved by the Senate, the Assembly concurring,* That the Legislature of the State of California, in Extraordinary Session commencing on the twenty-seventh day of January, 1944, two-thirds of the members elected to each of the two houses of the Legislature voting therefor, hereby proposes to the people of the State of California that Section 1 of Article XIII of the Constitution of the State be amended to read:

Ad valorem  
taxes

SECTION 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The

"Property"

word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; provided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; and further provided, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; provided, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the State Board of Equalization. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State.

Exemptions

Validation

Every act heretofore done and proceeding heretofore taken by this State or any taxing agency in the State in respect to the taxation of property belonging to the United States, is hereby validated and made legally effective from the date thereof, to

the extent it would have been valid and legally effective if done or taken after the adoption of this amendment.

## CHAPTER 21

### *Assembly Concurrent Resolution No. 10—Relative to pay scales of State employees.*

[Filed with Secretary of State February 2, 1944 ]

WHEREAS, The effective functioning of the State Govern- Pay scales  
of State  
employees  
ment is periled by its inability to obtain competent employees because the present pay scales established during the depression, even after giving due consideration to the temporary increases allowed to meet the higher cost of living, are insufficient to attract to the State service the caliber of employees necessary to an efficient administration; and

WHEREAS, The effect of the gross inadequacy in compensation now received by State employees compared to that received in war industries and in other occupations seriously affects the morale of those employees who are striving loyally to discharge the increased burden thrust upon them by the dwindling in ranks caused not only by draft by the military and Federal agencies, but by competing employers; and

WHEREAS, The loss of personnel has resulted in substantial saving in the amounts allotted to the various State agencies for salaries which are or would be available for equitable adjustment in salaries of those employees remaining in service; and

WHEREAS, Equitable adjustment of present salaries from the funds so available would not only stimulate the morale of those employees who are carrying a greater load, but would attract to the State civil service additional employees or at least stem the tide of departures; and

WHEREAS, The State Personnel Board is charged by law with the power to fix minimum and maximum salary ranges within which the various appointing powers, with the approval of the Director of Finance, may fix the salaries of the employees under their jurisdiction; now, therefore, be it

*Resolved by the Assembly of the State of California, the Senate thereof concurring,* That the State Personnel Board be and it is hereby requested to take immediate steps to provide equitable adjustments in the salary ranges for all State employees, and the several appointing powers and the Director of Finance are requested to make equitable adjustments within such salary ranges, giving due consideration to the increased responsibilities borne by those employees remaining in service and to the wages and salaries that might be earned by such employees in other employment; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to transmit a copy of this resolution to the Governor, the Director of Finance, and to each member of the Personnel Board forthwith.

CHAPTER 22

*Assembly Concurrent Resolution No. 12—Relative to encouraging industry to mobilize its resources and capacities to build the west and its empire.*

[Filed with Secretary of State February 2, 1944 ]

Mobilizing resources of industry

WHEREAS, Upon the termination of the present war conflict California will be confronted with the problem of maintaining full employment of men and women discharged from the armed forces as well as the thousands of workers who are now engaged in war production; and

WHEREAS, Immediately following the declaration of peace many industries will require a period of several months for reconversion from operation geared for war purposes to peacetime production; and

WHEREAS, During this reconversion period certain industries, such as the construction industry, will be peculiarly equipped to step in and bridge the employment gap by reason of the fact that a reserve shelf of blueprints and plans is now available and ready for immediate use; and

WHEREAS, Both private industry and public agencies are now making their plans and preparing for postwar reconversion to peacetime production on a basis that will provide maximum employment; and

WHEREAS, It is of utmost importance to the welfare of the State of California that all such planning be on as broad a basis as possible, and particularly that industry mobilize its resources and unlimited capacities on a western regional basis so as to encourage the building of the west and its vast empire; now, therefore, be it

*Resolved, by the Assembly of the State of California, the Senate thereof concurring.* That we encourage and call upon all public bodies and industrial organizations, particularly those such as the construction industry, which are prepared to bridge immediately the employment gap during the post-war reconversion period, to formulate their plans, wherever possible, upon the regional basis so as to make possible the building of our western empire, and the protection and development of western industry.

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CHAPTER 23

*Assembly Joint Resolution No. 2—Relative to memorializing Congress to enact legislation providing a bill of rights for veterans of World War II.*

[Filed with Secretary of State February 2, 1941 ]

Bill of rights for veterans

WHEREAS, There are now approximately 10,000,000 persons in the armed forces of the United States; and

WHEREAS, It would seem to be incumbent upon a grateful Nation to make some provision for those servicemen and service women; and

WHEREAS, This Nation owes an eternal debt of gratitude to the men and women in the armed forces of the United States which can never be repaid, but the Government can, however inadequately, evidence its appreciation of their services by making the transition period less difficult; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the Congress of the United States be memorialized to enact that program for benefit to veterans of World War II proposed by S. 1617, by Senator Clark and others, and H. R. 3917, by Representative Rankin and others, now pending in the Congress of the United States, which bills embody the program of the American Legion, known as the "Bill of Rights" for men and women now in the armed services; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby instructed to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of War, to the Secretary of the Navy, to the Secretary of the Treasury, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States

## CHAPTER 24

*Assembly Joint Resolution No. 5—Relative to memorializing Congress to enact legislation to provide for the disposal by the United States Government of certain military vehicles and other equipments suitable for civilian use to United States veterans of the present conflict, to cities and counties and to the State Departments of Education at the lowest possible price, and also to enact legislation for the financing of such purchases whenever necessary.*

[Filed with Secretary of State February 2, 1941]

WHEREAS, Upon the cessation of all the wars in which the United States is now engaged, the Government of the United States will have on hand an enormous quantity of military vehicles, such as tractors, jeeps, trucks, and such other equipments suitable for civilian use; and

WHEREAS, Many men released from the armed forces of the United States and returning to civilian life could utilize such military equipments in their respective endeavors; and

WHEREAS, It would be desirable that the United States' veterans be permitted to purchase this equipment directly from the Government; and

WHEREAS, The Government of the United States should dispose of this equipment to the veterans at the lowest possible price, and provide means for the financing of such purchases whenever necessary; and

Disposal of  
military  
vehicles



WHEREAS, It would be to the welfare of the people of this Nation that preference in the purchasing of this equipment be given to the United States' veterans over offers of purchase from foreign countries; and

WHEREAS, A certain portion of such released military equipment could also be highly serviceable to the cities and counties throughout the Nation; and

WHEREAS, It would be of great benefit for the vocational training of the youths of this Nation to have surplus lathes and other ordnance machineries made available to the various State Departments of Education for use in vocational training schools; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly.* That the Congress of the United States is hereby memorialized to enact legislation to provide for the disposal of military equipments suitable for civilian use to veterans of the United States and to cities and counties throughout the Nation at the lowest possible price; to provide for the financing of such purchases whenever necessary; to permit United States' veterans to purchase directly from the United States Government with preference over offers of purchase from foreign countries; and also to make available to the various State Departments of Education all surplus lathes and other ordnance equipment for use in vocational training schools; and be it further

*Resolved,* That the Chief Clerk of the Assembly is directed to forward copies of this resolution to the President, Vice President, the Speaker of the House of Representatives, the Secretary of War, the Secretary of the Navy, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

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## CHAPTER 25

*Assembly Joint Resolution No. 11—Memorializing the President, the Secretary of War, the Secretary of the Navy, and the Office of War Information, relative to the prompt release of war news.*

[Filed with Secretary of State February 2, 1944]

Release of  
war news

WHEREAS, This Nation is now engaged in a global war to maintain our form of government; and

WHEREAS, Approximately 10,000,000 of its citizens are in the military personnel and auxiliary services; and

WHEREAS, The American people have the character and stamina to receive the unadulterated news of defeats, reverses and enemy atrocities as they occur; and

WHEREAS, Such news will only stimulate them to a grimmer determination to "see it through" to victory; and

WHEREAS, The American people are entitled to the prompt release of news pertaining to the progress of the war and to National defense, unless it be of such nature as to imperil military operations or jeopardize the National security; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States, the Secretary of War, the Secretary of the Navy, and the Office of War Information be hereby memorialized to release to the American public prompt, full, accurate news of war operations from our world-wide battle fronts, and authentic reports relating to the progress of the war or to the National defense, unless they be of a nature to impede the war effort or to jeopardize our National security; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby instructed to forward copies of this resolution to the President and Vice President of the United States, to the Secretary of War, to the Secretary of the Navy, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

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## CHAPTER 26

*Assembly Joint Resolution No. 15—Relative to memorializing the Congress of the United States regarding the matter of additional legislation to end the general uncertainty under which producers of agricultural commodities are now laboring.*

[Filed with Secretary of State February 2, 1944]

WHEREAS, The Congress of the United States, in the Emergency Price Control Act approved January 30, 1942, and in the Stabilization Act approved October 2, 1942, and also in the War Agencies Appropriation Act approved July 12, 1943, provided methods by which maximum prices on agricultural products should be established by the Office of Price Administration; and

WHEREAS, In the aforesaid statutes the Congress established certain standards by which maximum prices on agricultural commodities should be determined and specifically provided that such prices should be adjusted when they did not reflect increased "labor and other costs" incurred by the producers of such agricultural commodities; and

WHEREAS, By enacting the aforesaid legislation the Congress recognized the vicissitudes and uncertainties attendant upon farming operation and clearly foresaw the danger of any attempts which might be made to freeze or establish rigid prices on agricultural commodities; and

WHEREAS, The Office of Price Administration in establishing maximum prices on many agricultural commodities produced in California has failed, neglected and refused to comply with the aforesaid provisions of law relative to such prices received by the producers thereof; and

WHEREAS, Such failure, neglect and refusal by the Office of Price Administration has resulted in California farmers having in many instances, to sell their products at less than cost of production; and

WHEREAS, Such policy has caused great and unnecessary losses to the producers of such agricultural commodities, and as a result and by reason of the uncertainty thereby created has retarded and curtailed the production of food vital to the war effort; now, therefore, be it

*Resolved by the Assembly and the Senate of the State of California, jointly,* That Congress is respectfully memorialized to enact such additional legislation as will correct the now existing situation, and make effective the provisions relative to the pricing of agricultural commodities as provided in the statutes heretofore enumerated: and be it further

*Resolved,* That Congress is respectfully memorialized to end the general uncertainty under which agricultural producers must now labor, which will make effective a definite program upon which they can rely and plan their future farm operation, which should provide

1. Centralization in one agency responsible to the Congress of all control over the pricing of agricultural commodities and production thereof.

2. That adequate supplies of feeds and seeds are made available where needed without further delays.

3. Continued classification of experienced farm labor as essential to the war effort.

4. Assurance to farmers of the necessary machinery and supplies when and as same are needed without the complicated priority procedure and long delays now existing.

5. Immediate increases in the prices paid producers for their agricultural commodities where same are now below the cost of production thereof as already determined by official survey, studies and records in the several States where such official data is available; and be it further

*Resolved,* That the Chief Clerk of the Assembly be hereby instructed to forward copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the United States Senate, the House of Representatives, to each Senator and Representative from the State of California, and to the Governors of each State.

## CHAPTER 27

*Assembly Joint Resolution No. 16—Relative to the hospitalization of veterans.*

[Filed with Secretary of State February 2, 1944 ]

WHEREAS, Our Nation has been engaged in this greatest of wars for more than two years, and great numbers of veterans are being discharged from the armed services because of disability incurred in the service of our country; and Disabled veterans

WHEREAS, Adequate facilities are not available at the veterans administration hospitals in California to care for discharged veterans in need of hospitalization; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly*, That our military authorities are hereby urged to retain in Army hospitals veterans disabled in the service and in need of medical care until sufficient additional hospital beds can be provided at veterans administration hospitals in California to give adequate medical care to veterans discharged for injuries and disabilities incurred in the service; and be it further

*Resolved*, That copies of this resolution be sent by the Chief Clerk of the Assembly to the President, the Secretary of War and the Secretary of the Navy, the Administrator of Veterans Affairs, and to each member of the Senate and House of Representatives from California.

## CHAPTER 28

*Assembly Joint Resolution No. 17—Relative to memorializing the President of the United States to exert his influence upon the Government of Great Britain to bring about the abrogation of the Chamberlain White Paper concerning Palestine.*

[Filed with Secretary of State February 2, 1944 ]

WHEREAS, The people of the Jewish Race now living in Axis occupied areas of Europe have been made the particular victims of excessive Nazi hatred and brutality; and Jewish refugees

WHEREAS, Countless thousands of Jews who have escaped from these Nazi dominated lands are now seeking for a refuge in some neutral territory; and

WHEREAS, The territory of Palestine, having already been colonized by Jewish people, should constitute the natural haven for these unfortunate refugees; and

WHEREAS, Palestine was conferred as a mandated territory to Great Britain by the League of Nations in 1922; and

WHEREAS, Under the Balfour Declaration of November 2, 1917, the Government of Great Britain agreed to aid in the establishment of a Jewish homeland in Palestine; and

WHEREAS, In May, 1939, the White Paper issued by the Chamberlain Government provided that the total immigration of Jews into Palestine shall be limited to 75,000 for the five-year period between April, 1939, and March 31, 1944, at which date all immigration of Jews to Palestine shall cease (except the balance of the 75,000 unable to get transportation by that time); and

WHEREAS, The effect of this freezing order contained in the White Paper would result in the inevitable annihilation of those who would otherwise find refuge in Palestine; and

WHEREAS, The provisions of the White Paper are in direct violation of the objectives set forth in the Balfour Declaration of 1917 and the Mandate agreed to by the League of Nations and the Congress of the United States; and

WHEREAS, In June, 1939, the Permanent Mandate Commission of the League of Nations refused to sanction the White Paper, declaring it not in accordance with the Palestine Mandate; and

WHEREAS, In the interest of humanity and the principles of equal justice and freedom for all mankind, there exists an imperative necessity to have the Chamberlain White Paper of 1939 abrogated before March 31, 1944; now, therefore, be it

*Resolved by the Assembly and Senate of the State of California, jointly,* That the President of the United States is hereby memorialized to exert his influence upon the Government of Great Britain to bring about the abrogation of the Chamberlain White Paper of 1939, concerning Palestine prior to March 31, 1944; and be it further

*Resolved,* That the Chief Clerk of the Assembly be directed to transmit copies 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.

## CHAPTER 29

### *Senate Concurrent Resolution No 7—Relative to salaries of State prison guards.*

[Filed with Secretary of State February 4, 1944]

State prison  
guards

WHEREAS, It appears from the discussions had upon the floor of the Legislature and before its committees that the quality of the guard personnel at the State prisons has been waning due to attractive employment at greater compensation elsewhere; and

WHEREAS, The compensation now paid to guard personnel at the State prisons is insufficient to adequately remunerate the men for the work they are doing; and

WHEREAS, An increase in compensation would assist in retaining and securing competent guard personnel; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the State Personnel Board and/or the State Board of Prison Directors or the Department of Corrections are hereby requested and directed to study the question of compensation for guards at the State prisons and to increase such compensation to at least the salary range now provided for present supervisors at the California Institution for Men at Chino.

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### CHAPTER 30

#### *Senate Concurrent Resolution No. 8—Relative to the death of Honorable Carl C. Baker.*

[Filed with Secretary of State February 4, 1944.]

WHEREAS, The Members of the Legislature of the State of California are this day shocked and grieved to learn of the death yesterday, Sunday, January 30, 1944, of the Honorable Carl C. Baker of Salinas; and

Death of  
Carl C  
Baker

WHEREAS, The Honorable Carl C. Baker who was a native of Oregon and a graduate of the University of Oregon, also attended Stanford University where he won the degree of Doctor of Jurisprudence; following which he enjoyed a long and distinguished career as a public servant of the State of California. He was elected to the Assembly in 1922, serving until 1923, being elected to the Senate in 1924, in which body he served to and including the year 1931. He was appointed to the Railroad Commission in 1938 and has since served as a member, and at one time, president of that body; and

WHEREAS, Senator Baker was a man well versed in the law, actively interested in revision of criminal law and procedure in California, a man of great dignity and of courteous and kindly demeanor, and one loved and esteemed by a host of friends; now, therefore, be it

*Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Legislature deeply regrets the passing of this distinguished barrister and statesman and desires by this resolution to convey to the bereaved members of his family its sincerest sympathy: and be it further

*Resolved,* That when the Legislature shall adjourn this day it shall do so out of respect to the memory of the Honorable Carl C. Baker; and be it further

*Resolved,* That the Secretary of the Senate be directed to send a suitably prepared copy of this resolution to his bereaved widow.

## CHAPTER 31

*Senate Concurrent Resolution No. 9—Relative to adjournment sine die of the Fifty-fifth (Third Extraordinary) Session of the Legislature of the State of California.*

[Filed with Secretary of State February 4, 1944 ]

*Adjournment*     *Resolved by the Senate of the State of California, the Assembly thereof concurring,* That the Third Extraordinary Session of the Fifty-fifth Legislature of the State of California, which convened at 10 o'clock on the twenty-seventh day of January, 1944, pursuant to a proclamation issued by the Governor of the State of California under date of January 20, 1944, shall adjourn sine die at 4.30 o'clock p. m. January 31, 1944.

## CHAPTER 32

*Senate Joint Resolution No. 2—Relative to increase of price of crude petroleum.*

[Filed with Secretary of State February 4, 1944 ]

*Price of  
crude oil*

WHEREAS, The supply of oil that can be currently produced in California and the amount of underground oil reserves in California for the immediate future, are matters of grave concern to the people of the State of California, as well as to the people of the entire Pacific Coast; and

WHEREAS, Discovery of new fields as reserves for future production has fallen behind for several years, to such extent that current consumption now exceeds new discoveries; and

WHEREAS, Current production costs of oil have increased; and

WHEREAS, The oil industry of the State of California is now selling its oil at less than replacement costs, and has insufficient returns from its operations to increase its reserves or maintain its current supply; and

WHEREAS, In the judgment of the Legislature of the State of California a price stimulus must be permitted which will enable the oil industry to make renewed and increased effort to discover new reserves, rehabilitate old wells, and fully develop proved areas; and

WHEREAS, It is the judgment of the Legislature of the State of California that a price stimulus should be given to the oil industry of the State of California, by substantially increasing the price of oil, crude oil, and crude oil products produced in California; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Office of Price Administration is hereby requested to raise the ceiling on prices which may be paid for crude oil and crude oil products produced in California; and be it further

*Resolved*, That the Secretary of the Senate is hereby directed to send copies of this resolution to the President and Vice President of the United States, the Director of the Office of Price Administration, the Petroleum Administrator for War, the Speaker of the House of Representatives and each of the Senators and Congressmen from California in the Congress of the United States.

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### CHAPTER 33

*Senate Joint Resolution No. 3--Relative to memorializing Congress to enact legislation to make possible the 1944 sugar beet program recently announced by the Federal War Food Administration.*

[Filed with Secretary of State February 4, 1944.]

WHEREAS, The California beet sugar industry is important to the economic welfare of the State; and Sugar beet  
program

WHEREAS, Normally, 170,000 acres of sugar beets are harvested in the State each year by some 2,500 growers, and the annual farm value of these beets is from 20 to 27 million dollars, ranking high among all crops produced in the State; and

WHEREAS, From this acreage, normally, about eight hundred fifty million pounds of sugar, valued at fifty million dollars (\$50,000,000), is processed by the 10 large beet sugar plants located in the State; and

WHEREAS, In addition to this quantity of sugar, the by-products (beet tops, pulp and molasses) from these acres are extremely valuable as livestock and dairy feed; and

WHEREAS, This is an unusually important factor at the present time because of the existing shortage of livestock feeds, which is currently estimated by Federal officials to be at least 20 per cent; and

WHEREAS, These by-products are also used in the manufacture of yeast and citric acid, both of which are important to the war effort; and

WHEREAS, The industry employs thousands of skilled workers in 10 beet sugar factories, and farmers employ additional thousands on their ranches; and

WHEREAS, The beet sugar industry is an important customer of many other industries in the State because of the wide variety of materials and products it uses in its operations; and

WHEREAS, Due to the failure of Federal agencies to announce their 1943 sugar beet program in time to meet California's planting-time schedule, production dropped from a normal of 170,000 harvested acres to less than 70,000 acres, with the resultant loss of over 500,000,000 pounds of sugar, plus feed from by-products equivalent to the grain from 200,000 U. S. average acres of corn, not to mention the economic loss to farmers in the State as a whole; and



WHEREAS, When in an effort to avoid repetition of this disastrous experience in 1944, representatives of the California beet sugar industry contacted Federal officials as early as May, 1943, urging that the Federal Government announce its 1944 beet sugar program not later than October 1, 1943, and they were promised that this would be done; and

WHEREAS, It is now the end of January, 1944, and though the War Food Administration, months ago, announced a 1944 sugar beet acreage goal equal to that of 1942, which was 170,000 acres in California, its production program was only tentatively announced on January 26th, and then made contingent upon action by Congress in making provision for carrying out the support price program; and

WHEREAS, As a result of this refusal of Federal agencies to recognize these special California conditions and settle this program earlier, the beet sugar outlook in this State for 1944 is even worse than the disastrously low results in 1943; and

WHEREAS, Our Governor and all members of the California congressional delegation are aware of this situation, and many of them have consistently urged prompt and timely action in Washington, but to no avail; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Congress of the United States is hereby memorialized to immediately take the necessary action to assure the prompt effectuation of this sugar beet program; and be it further

*Resolved,* That full appreciation is expressed for the splendid work thus far done by California's congressional representatives in their collective effort to secure the needed action by Congress and the Federal officials, in the accomplishment of this purpose; and be it further

*Resolved,* That the Secretary of the Senate be and he is hereby directed to send copies of this resolution to the President and Vice President, the Federal War Food Administration, and to each Senator and Member of the House of Representatives from California in the Congress of the United States.

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## CHAPTER 34

*Senate Joint Resolution No. 4—Relative to memorializing the President and the Congress of the United States in relation to the restoration of ordinary standard time in the winter months.*

[Filed with Secretary of State February 4, 1944.]

Daylight  
saving time

WHEREAS, By the act of January 20, 1942, Congress advanced standard time by one hour for the apparent purpose of utilizing as many hours of daylight as possible for production essential to the war effort and to conserve electrical power; and

WHEREAS, So-called "daylight saving time" actually results in diminishing the available manpower supply in many occupations pursued out of doors in certain trades, because at 8 a. m., the accepted hour for commencing work in such occupations, it is too dark in the winter months to commence work; and

WHEREAS, Most farming operations can not be performed in the dark, and many farm operations can not be performed until some time after sunrise because of dew conditions, with the result that farm people go to work by sun time and quit by clock time, and this procedure under "daylight saving" results in a loss of at least 10 per cent in working time; and

WHEREAS, "Daylight saving time" compels a vast number of persons to arise in the morning before dawn, results in greater consumption of electrical power, materially increases street hazards to our civilian population particularly in the winter months, and jeopardizes the safety of our school children who are compelled during the winter to start their journeys to school in the dark; and

WHEREAS, The four States of Georgia, Michigan, Ohio and Arizona have abandoned so-called "daylight saving time" and reverted to ordinary standard time; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Congress of the United States is hereby memorialized to enact legislation providing that ordinary standard time shall be in effect during the winter months from October 1st to and including March 30th, and that the President of the United States is requested to approve such legislation; and, be it further

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

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## CHAPTER 35

*Senate Joint Resolution No. 6—Relative to memorializing the President and the Congress of the United States in relation to the discharge of disabled veterans from the armed forces.*

[Filed with Secretary of State February 4, 1914.]

WHEREAS, The care of the veterans of the wars of this Nation who have been maimed or otherwise disabled in the service of their Country has ever been a matter of first importance to the people of this Country; and

WHEREAS, The solicitude of the people for the welfare of disabled soldiers, sailors, and marines has been reflected in the acts of Congress providing for their rehabilitation and for compensation for the loss of earning capacity; and

Veterans'  
benefits

WHEREAS, Many veterans are being discharged from the armed forces by reason of wounds and other disabilities incurred while upon active service and their number is increasing daily as a result of the expanding war effort on the fighting fronts; and

WHEREAS, The Veterans Administration is charged with the duty of administering the provisions of law relating to the rehabilitation and compensation of disabled ex-service men and women; and

WHEREAS, It is reliably reported that in a great many instances there is a lapse of months between the date of discharge and the date of the first receipt by the veteran of any benefits made available to him by law; and

WHEREAS, Insofar as such delay may be attributable to delay in the transmission of the veterans' records from his organization, which may be in a theater of active combat, the hardship on the veteran can be eliminated by postponing his discharge until his records are available and in order; and

WHEREAS, Many veterans, in order to be able to return more quickly to their families and their homes, have waived all benefits to which they would be entitled on account of disabilities incurred in the service, with the result that they are later on deprived of benefits to which they are justly entitled and which they eminently deserve; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the President and the Congress of the United States are hereby memorialized and urged to take such steps as may be necessary in order that provision be made:

1. To provide veterans at the time of their discharge with all necessary records and proof required for Veteran Administration action on compensable disability incurred in service.

2. To expedite the handling of individual cases by the Veterans Administration in order that disabled veterans may be returned more speedily to civilian life and rehabilitate themselves as useful and productive members of their respective communities;

3. To abolish entirely any system or procedure whereby any person in the armed forces may, as a condition to his immediate discharge, waive the benefits which might accrue on account of any compensable disability incurred in the service; and be it further

*Resolved,* That the Secretary of the Senate is directed to transmit copies of this resolution to the President and Vice President of the United States, to the Chairman of the Military Affairs Committee of the Senate and of the House of Representatives, to the Secretaries of War and of the Navy, and to each Senator and Member of the House of Representatives from California.

## CHAPTER 36

*Senate Joint Resolution No. 9—Relative to memorializing Congress to provide for the deportation of alien and inimical Japanese at the conclusion of the present war.*

[Filed with Secretary of State February 4, 1944]

WHEREAS, There is now pending before the Congress of the United States, H. Con. Res. 29, which proposes the adoption of a policy of deporting at the conclusion of the present war all Japanese nationals in territory subject to the jurisdiction of the United States, all persons of Japanese descent in such territory who are determined by due process to have given aid or comfort to the enemy in the present war or to have advocated the overthrow by force or violence of the Government of the United States, or who, being persons owing allegiance to the United States, have avowed allegiance to a foreign state; and

Deportation  
of Japanese

WHEREAS, Honorable Leroy Johnson has introduced in the House of Representatives a bill known as H. R. 3012 providing for a creation of a commission to carry out and effectuate the above defined policy and conferring upon such commission judicial powers of examination and determination, amply protecting the rights of persons charged with the commission of any of the acts, defaults or conduct above described, and providing for a full hearing and for preview of the decision of such commission by an established judicial tribunal; now, therefore, be it

*Resolved by the Senate and Assembly of the State of California, jointly,* That the Legislature of California heartily approves of the principle of the above cited resolution and bill now pending before the Congress and memorializes Congress to adopt adequate measures to carry out the purposes thereof; and be it further

*Resolved,* That the Secretary of the Senate transmit copies 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 the Senators and Representatives in Congress from the State of California.