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Assembly
California Legislature

EDWARD M. GAFFNEY
MEMBER OF ASSEMBLY, TWENTY-SIXTH DISTRICT

Vice Chairman
COMMITTEE ON INDUSTRIAL RELATIONS

COMMITTEES
Civil Service and State Personnel
Education
Industrial Relations
Public Health
Transportation and Commerce

Sacramento, Calif
Feb 4th
1947

Mrs. Eleanor Roosevelt
Hyde Park, N.Y.

Dear Friend: Having been raised at Newburgh on Hudson I feel a former neighbor can address you as friend.

I am mailing the Calif Assembly Journals of Jan 30 and 31 containing resolution and statement in commemoration of the birthday of your loved husband and our great leader.

You will later on receive an engrossed copy of the resolution bespeaking the sentiments of the members of the Assembly.

I am writing in a similar vein to Jaime whom I have the good fortune of knowing, admiring and cherishing.

When you are again in San Francisco (my home since 1915) Mary and I and the six children would be honored to have you visit us for a few precious moments as would my 87 yr old dad. Calif Legislature

Sincerely with deep appreciation of your tireless work for humanity

Ed Gaffney

see pp. 40 and 41

CALIFORNIA LEGISLATURE

FIFTY-SEVENTH (GENERAL) SESSION

ASSEMBLY DAILY JOURNAL

NINETEENTH LEGISLATIVE DAY

TWENTY-FIFTH CALENDAR DAY

IN ASSEMBLY

ASSEMBLY CHAMBER, SACRAMENTO
Thursday, January 30, 1947

The Assembly met at 10 a.m.
Hon. Sam L. Collins, Speaker of the Assembly, presiding.
Chief Clerk Arthur A. Ohnimus at the desk.

ROLL CALL

The roll was called, and the following answered to their names:

Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Lester T. Davis, M. Philip Davis, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Lowrey, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, O'Day, Price, Robertson, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—78.

Quorum present.

PRAYER

The following prayer was offered by the Chaplain, Rev. Raymond Renwald:

We humbly ask Thee, O Almighty God, that we who in the past have been refreshed by Thy grace and Thy mercy, may serve Thee worthily today by a life well-pleasing to Thee, through Christ Our Lord—AMEN.

READING OF THE JOURNAL DISPENSED WITH

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

LEAVES OF ABSENCE FOR THE DAY

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

Mr. McMillan, on motion of Mr. Debs.

COMMUNICATIONS

By Speaker Collins:

The following communication was received, read, and ordered printed in the Journal:

NEVADA CITY, January 29, 1947

Hon. Sam L. Collins
The Capitol, Sacramento, California

MY DEAR MR. SPEAKER: Three beautiful copies of the resolution honoring the memory of my late husband, Harry L. Englebright, have been received by me.

Would you be so kind as to convey to the Members of the Assembly the deep appreciation and thanks of my family and myself for this fine tribute to the memory of my late husband.

Thanking you for this courtesy and with kindest regards.

Sincerely,

GRACE ENGLEBRIGHT

INTRODUCTION, FIRST READING, AND REFERENCE OF ASSEMBLY BILLS

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

Assembly Constitutional Amendment No. 19: By Messrs. James, Allen, and McCollister—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by adding Section 1d to Article XIII, relating to exemption from taxation.

Referred to Committee on Constitutional Amendments.

Assembly Bill No. 1450: By Mr. Knight—An act to amend Sections 2 and 3.5 of the Property Acquisition Act, relating to the acquisition by the State of real property for use in furtherance of the postwar construction program, abolishing the Property Acquisition Board and transferring its powers, duties, purposes, responsibilities, and jurisdiction to the State Public Works Board.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1451: By Mr. James—An act to amend Section 4733 of the Health and Safety Code, relative to compensation of members of the governing bodies of county sanitation districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1452: By Mr. James—An act to add Section 9115 to the Public Resources Code, to permit an increase in the number of directors of soil conservation districts from three to five.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1453: By Mr. James—An act to add Section 103p to the Code of Civil Procedure, to permit counties of the ninth class to provide for more than one justice of the peace in certain townships of Class A jurisdiction dependent upon the population thereof and prescribing their powers and duties.

Referred to Committee on Judiciary.

Assembly Bill No. 1454: By Mr. James—An act to amend Section 403b of the Civil Code, and Sections 4804 and 4807 of the Corporations Code, relating to corporations in winding up and dissolution.

Referred to Committee on Judiciary.

Assembly Bill No. 1455: By Messrs. James, Allen, and McCollister—An act to provide for housing facilities, for the completion by the State of California of housing projects initiated by the United States and the agencies thereof, for the carrying out of other housing projects needed to provide adequate residences for the people of the State, and for the administration of this act, to make an appropriation.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1456: By Messrs. James, Allen, and McCollister—An act to provide for housing, to aid and encourage the construction of housing by private enterprise, and for that purpose establishing a system of state guarantees of a minimum rate of return to builders of, and investors in, housing constructed in conformity with this act.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1457: By Messrs. James, Allen, and McCollister—An act to provide for the construction of housing by the State of California and for making such housing available to veterans and others.

Referred to Committee on Military Affairs.

Assembly Bill No. 1458: By Mr. Erwin—An act to add Section 1015.5 to the Fish and Game Code, relating to fish, establishing a Marine Research Committee and making an appropriation.

Referred to Committee on Fish and Game.

Assembly Bill No. 1459: By Mr. Hollibaugh—An act to amend Section 31 of the Public Utilities Act, relating to power and jurisdiction of the Railroad Commission.

Referred to Committee on Public Utilities and Corporations.

Assembly Bill No. 1460: By Mr. Waters—An act to amend Section 1120 of the Probate Code, relating to the administration of trusts.

Referred to Committee on Judiciary.

Assembly Bill No. 1461: By Mr. Waters—An act to amend Section 12550 of the Government Code, relating to the powers and duties of the Attorney General.

Referred to Committee on Judiciary.

Assembly Bill No. 1462: By Mr. Waters—An act to amend Section 17051 of the Government Code, relating to warrants drawn for invalid claims.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1463: By Messrs. Allen and McCollister—An act to add Chapter 3 to Division 1 of the Military and Veterans Code, relating to veterans housing, creating a Division of Veterans Housing, a Veterans Housing Commission, and providing for housing facilities, and making an appropriation.

Referred to Committee on Military Affairs.

Assembly Bill No. 1464: By Mr. Allen—An act to amend Section 19433 of the Business and Professions Code, relating to the salary of the secretary of the California Horse Racing Board, and making an appropriation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1465: By Mr. Allen—An act to amend Section 13051 of the Education Code, relating to supervisory employees of school districts.

Referred to Committee on Education.

Assembly Bill No. 1466: By Mr. McCollister—An act to amend Section 84 of the Agricultural Code, relating to district agricultural associations and the duties and charges of the Attorney General with respect thereto.

Referred to Committee on Agriculture.

Assembly Bill No. 1467: By Mr. Stewart—An act to amend Section 5.1 of an act entitled "An act authorizing the incurring of indebtedness by cities, towns, and municipal corporations, for municipal improvements, and regulating the acquisition, construction, or completion thereof," Statutes 1901, page 27, as amended, relating to the call and redemption prior to maturity of city bonds.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1468: By Messrs. Price, Burke, and Stewart—An act to repeal Section 1203b of the Penal Code, relating to summary probation.

Referred to Committee on Judiciary.

Assembly Bill No. 1469: By Messrs. Price, Anderson, Clarke, Cooke, Grant, Hinton, Lyons, and Robertson—An act to add Section 1752.8 to the Welfare and Institutions Code, relating to the custody, deposit, and investment of funds in the possession of the Director of the Youth Authority and belonging to persons committed to the Youth Authority and other disposition of the increment thereof.

Referred to Committee on Crime and Correction.

Assembly Bill No. 1470: By Messrs. Thorp, McCollister, Crowley, Stephenson, Clarke, Crichton, James, Price, Thompson, and Weber—An act making an appropriation to the University of California for the construction and equipment of a viticultural building.

Referred to Committee on Education.

REQUEST FOR UNANIMOUS CONSENT THAT MINORITY REPORT BE PRINTED IN THE JOURNAL

Mr. Debs asked for, and was granted, unanimous consent that the Minority Report, by Assemblyman Frank J. Waters, a Member of the Joint Interim Committee on Aviation, be ordered printed in the Journal.

(Above report appears before the motion to adjourn.)

CONSIDERATION OF DAILY FILE

SECOND READING OF ASSEMBLY BILLS

Assembly Bill No. 747—An act to add Section 2042 to the Penal Code, relating to escapes from the California Vocational Institution, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered engrossed.

Assembly Bill No. 811—An act relating to the employment of prisoners confined in the California State Prison at San Quentin, and declaring the urgency thereof.

Bill read second time, and ordered engrossed.

SECOND READING OF SENATE BILLS

Senate Bill No. 191—An act to amend Section 963 of the Agricultural Code, relating to seed potato test plats, declaring the urgency of this act, to take effect immediately.

Bill read second time, and ordered to third reading.

Senate Bill No. 31—An act to amend Section 1187 of the Code of Civil Procedure, relating to mechanics' liens.

Bill read second time, and ordered to third reading.

Senate Bill No. 56—An act to validate the organization, boundaries, governing officers or boards, acts, proceedings, and bonds of public bodies, to take effect immediately.

Bill read second time, and ordered to third reading.

THIRD READING OF ASSEMBLY BILLS

Assembly Concurrent Resolution No. 28—Relative to Pepperdine College.

Resolution read.

Motion to Amend

Mr. Debs moved the adoption of the following amendments:

Amendment No. 1

In the title of the printed measure, as amended in the Assembly on January 27, 1947, strike out "Pepperdine", and insert "Los Angeles City".

Amendment No. 2

On page 1, line 1, of said measure, strike out "Pepperdine", and insert "Los Angeles City".

Amendment No. 3

On page 1, line 6, of said measure, strike out "Pepperdine", and insert "Los Angeles City".

Amendment No. 4

On page 2, line 6, of said measure, strike out "Pepperdine", and insert "Los Angeles City".

Amendment No. 5

On page 2, lines 13 and 14, of said measure, strike out "Pepperdine College and to its founder George Pepperdine.", and insert "Los Angeles City College."

Amendments read, and refused adoption.

The question being on the adoption of Assembly Concurrent Resolution No. 28.

Motion to Amend

Mr. Ralph C. Dills moved the adoption of the following amendment:

Amendment No. 1

On page 2, lines 2 and 3, of the printed measure, as amended in the Assembly on January 27, 1947, strike out "now, therefore, be it", and insert "and

WHEREAS, It is desired to make all statements herein applicable also to Compton College, winner of the National Small College Football Championship in the "Little Rose Bowl" game December 7, 1945, by a score of 19 to 0 over Kilgore Junior College of Texas; now, therefore, be it".

Amendment read, and refused adoption.

The question being on the adoption of Assembly Concurrent Resolution No. 28.

Resolution adopted unanimously.

Resolution ordered transmitted to the Senate.

Hon. Michael J. Burns Presiding

At 10.34 a.m., Hon. Michael J. Burns, Member of the Assembly from the First District, presiding.

MOTION TO PRINT REMARKS BY MR. HAHN IN JOURNAL

Mr. Crowley moved that the following remarks, by Mr. Hahn, relative to Mr. George Pepperdine, be reduced to writing, and ordered printed in the Journal.

Motion carried.

Remarks by Mr. Hahn

At the turn of the century a young man and his brother founded what is now known as the Western Auto Supply Company. This young man, George Pepperdine, never had the opportunity for a college education.

In 1937, he sold the company and to his foundation, which was already supporting an orphans' home, summer camps, and a home for underprivileged girls, he added by founding the now famous George Pepperdine College. He did this to allow young people of good character to have an education partly paid by his endowment which supports this college. The students are allowed to work off the rest of their expenses on the campus. The college stresses Christian character, the Church of Christ being the main body of faith behind the college. Mr. Pepperdine wants to send out good citizens of high character into the community and the State.

Speaker Presiding

At 10.38 a.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

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

Assembly Bill No. 418—An act to add Sections 22252.1 and 22252.2 to the Water Code, relating to irrigation districts and the distribution of water in irrigation districts, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

The roll was called.

Call of the Assembly

Pending the announcement of the vote, Mr. Clarke moved a call of the Assembly.

Motion carried. Time 11.55 a.m.

The Speaker directed the Sergeant-at-Arms to close the doors, and to bring in the absent members.

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

Mr. Ralph C. Dills asked for, and was granted, unanimous consent that Assembly Rule No. 33 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

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

Senate Bill No. 55—An act to amend Sections 11 and 44.2 of the Unemployment Insurance Act, relating to unemployment insurance, declaring the urgency thereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burns, Caldecott, Carey, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Lester T. Davis, M. Philip Davis, Dickey, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Lowrey, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, Price, Robertson, Sheridan, Sherwin, Stanley, Stephenson, Thomas, Thompson, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—65.

NOES—None.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burns, Caldecott, Carey, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Lester T. Davis, M. Philip Davis, Dickey, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Lowrey, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, Price, Robertson, Sheridan, Sherwin, Stanley, Stephenson, Thomas, Thompson, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—65.

NOES—None.

Bill ordered transmitted to the Senate.

Senate Bill No. 227—An act to amend the Health and Safety Code by repealing Sections 32127, 32202, 32204, 32205, 32303, 32308, 32312, 32313; by amending Sections 32003, 32100, 32203, 32305, 32309, 32310; and by adding new sections numbered 32127, 32202, 32203, 32204, 32303, 32308, 32312, all relating to local hospital districts; and declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read.

Further action temporarily delayed, by unanimous consent.

RESOLUTIONS

The following resolution was offered:

By Messrs. Ralph C. Dills and Stewart:

House Resolution No. 75

Relative to Compton Junior College

WHEREAS, Compton Junior College, in addition to its academic and civic achievements, has carried on an active program of competitive sports, and has developed a

football team which won the first annual Little Rose Bowl game on December 7, 1946, by a score of 19 to 0; and

WHEREAS, Football Coach Tay Brown and Director of Athletics Goldie Holmes rendered outstanding services in making possible these athletic achievements; and

WHEREAS, Coach Tay Brown has been named the outstanding junior college football coach for 1946 upon the balloting of 126 junior college coaches, thus bringing credit to himself, to Compton Junior College, and to the State; and

WHEREAS, The Pasadena Junior Chamber of Commerce is to be commended for making possible the Little Rose Bowl game, and for making it a community interest shared by the junior college, parents of the students, and the entire State; now therefore, be it

Resolved, That the Assembly of the State of California hereby commends Compton Junior College, its faculty and students, Coach Tay Brown, Director of Athletics Goldie Holmes, and the Pasadena Junior Chamber of Commerce upon the honors they have achieved and have shared with the State of California, and which they won by their fine sportsmanship and successful participation in athletic events, and, be it further

Resolved, That the Chief Clerk of the Assembly is directed to send suitably prepared copies of this resolution to the President of the Compton Junior College, to Coach Tay Brown and Director of Athletics Goldie Holmes, and to the President of the Junior Chamber of Commerce of Pasadena, California.

Request for Unanimous Consent

Mr. Ralph C. Dills asked for, and was granted, unanimous consent to take up House Resolution No. 75, at this time, without reference to committee or file.

Resolution read, and adopted unanimously.

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

Senate Bill No. 23—An act to amend Section 752 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to elections of boards of education in cities of the fifth class, declaring the urgency hereof, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Lester T. Davis, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Lowrey, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, O'Day, Price, Robertson, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Thomas, Thompson, Thorp, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—71.

NOES—None.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Lester T. Davis, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Lowrey, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, O'Day, Price, Robertson, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Thomas, Thompson, Thorp, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—71.

NOES—None.

Bill ordered transmitted to the Senate.

REQUEST FOR UNANIMOUS CONSENT TO SPEAK UPON THE CONDITION OF THE FILE

Mr. Ralph C. Dills asked for, and was granted, unanimous consent that he be permitted to speak upon the condition of the file, and to make, publicly, two recommendations to the Committee on Rules.

RESOLUTIONS

The following resolution was offered:

By Messrs. Debs, Geddes, Clayton A. Dills, and Hinton:

House Resolution No. 76

Relative to meetings of the Assembly Committee on Public Health and Safety

WHEREAS, The Standing Committee of the Assembly on Public Health and Safety at the Fifty-seventh Session of the Legislature is again confronted with a number of bills proposing far reaching changes in existing laws and new functions to be performed by the State in providing for health care for the people of California; and

WHEREAS, During the constitutional recess several of these bills should be carefully studied in order to determine the possible costs of providing health service; and

WHEREAS, Testimony to be valid and of worth to the Legislature should be received from interested parties in an orderly manner and, where required, witnesses should testify under oath; and

WHEREAS, The interim committee of the Assembly created by House Resolution No. 295 at the last session ceased to function last year by the terms of said resolution; and

WHEREAS, It is not expedient to create an interim committee to perform duties which can more properly be conducted by the Standing Committee on Public Health and Safety; now, therefore, be it

Resolved by the Assembly of the State of California, That the Assembly Standing Committee on Public Health and Safety is hereby authorized to meet during any recess of the Regular Session of the Fifty-seventh Legislature at the State Capitol, or elsewhere in the State, and to ascertain, study and analyze all facts relating to any or all bills referred to it for consideration at this session, and to report thereon to the Assembly not later than April 1, 1947; and be it further

Resolved, That except as otherwise provided in this resolution the committee shall have the powers granted to investigate committees by the Joint Rules of the Senate and Assembly, as such rules are adopted, and as such rules are from time to time amended; and be it further

Resolved, That the committee or chairman thereof may create subcommittees from the membership of the committee, assigning to the subcommittee any study, inquiry, investigation, or hearing which the committee itself has authority to make or hold, and the subcommittee for the purpose of this assignment shall have and exercise all the powers conferred upon the committee, limited only by the resolution of the committee or order of the chairman defining the powers and duties of the subcommittee, which powers may be withdrawn or terminated at any time by the committee or the chairman thereof; and be it further

Resolved, That the sum of ten thousand dollars ($10,000) is hereby made available to the committee from the Contingent Fund of the Assembly for the expenses of the committee and its members in connection with its duties and for any charges, expenses or claims it may incur under this resolution, to be paid from the said contingent fund and disbursed, after certification by the chairman of the committee, upon warrants drawn by the State Controller upon the State Treasurer.

Resolution read, and referred to the Committee on Rules.

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

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

Assembly Constitutional Amendment No. 20: By Mr. Debs—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 1¼ of Article XIII, relating to veterans' exemptions from taxation.

Referred to Committee on Constitutional Amendments.

Assembly Bill No. 1471: By Messrs. Huyck and Waters—An act to amend Section 11 of the Unemployment Insurance Act, relating to unemployment insurance and the definition of wages thereunder.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1472: By Mr. Dickey—An act to amend Section 20019 of the Government Code, relating to local safety members.

Referred to Committee on Municipal and County Government.

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY BILLS NOS. 973 AND 974 BE WITHDRAWN FROM THE COMMITTEE ON WAYS AND MEANS, AND PLACED UPON THE FILE

Mr. Wollenberg asked for, and was granted, unanimous consent, that Assembly Bills Nos. 973 and 974 be withdrawn from the Committee on Ways and Means, and placed upon the file, for consideration, at this time.

RECOMMENDATION OF THE GOVERNOR

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 973.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 28, 1947

To the Honorable Members of the Assembly
Sacramento, California

GENTLEMEN:

Assembly Bill No. 973—"An act making an appropriation in augmentation of the appropriation in Item 79.5 of the Budget Act of 1945, for publishing, purchasing, and shipping free textbooks, Department of Education, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 973 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor

CONSIDERATION OF ASSEMBLY BILL NO. 973 (BY UNANIMOUS CONSENT)

Assembly Bill No. 973—An act making an appropriation in augmentation of the appropriation in Item 79.5 of the Budget Act of 1945, for publishing, purchasing, and shipping free textbooks, Department of Education, to take effect immediately.

Bill read second time.

Motion to Amend

Mr. Wollenberg moved the adoption of the following amendment:

Amendment No. 1

On page 1, lines 2 and 3, of the printed bill, strike out "six hundred sixty-two thousand six hundred eighty-four dollars ($662,684)", and insert "one million, sixteen thousand six hundred forty-eight dollars ($1,016,648)".

Amendment read, and adopted.

Request for Unanimous Consent

Mr. Wollenberg asked for, and was granted, unanimous consent to take up Assembly Bill No. 973, as amended, at this time, without reference to print, or file, and that the same be considered engrossed.

Consideration of Assembly Bill No. 973, as Amended

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Wollenberg:

Resolved, That Assembly Bill No. 973 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, M. Philip Davis, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kirkwood, Knight, Lowrey, Luckel, Lyons, Maloney, Miller, Niehouse, O'Day, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—70.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 973—An act making an appropriation in augmentation of the appropriation in Item 79.5 of the Budget Act of 1945, for publishing, purchasing, and shipping free textbooks, Department of Education, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, M. Philip Davis, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kirkwood, Knight, Lowrey, Luckel, Lyons, Maloney, Miller, Niehouse, O'Day, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—70.

NOES—None.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, M. Philip Davis, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Field, Fletcher, Gaffney, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Loomis, Lowrey, Luckel, Lyons, Maloney, Miller, Niehouse, O'Day, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Weber, Wollenberg, and Mr. Speaker—70.

NOES—None.

Bill ordered printed, and transmitted to the Senate.

Motion to Place Rush Order on Printing of Assembly Bill No. 973

Mr. Wollenberg moved that a rush order be placed upon the printing of Assembly Bill No. 973.

Motion carried.

RECOMMENDATION OF THE GOVERNOR

In accordance with Article IV, Section 34, of the Constitution, the Governor presented the following communication recommending the passage of Assembly Bill No. 974:

STATE OF CALIFORNIA, GOVERNOR'S OFFICE
SACRAMENTO, January 28, 1947

To the Honorable Members of the Assembly
Sacramento, California

GENTLEMEN:

Assembly Bill No. 974—"An act to add Section 3090 to the Labor Code, relating to occupational training, making an appropriation in augmentation of the appropriation in Item 138 of the Budget Act of 1945, for support of the Division of Apprenticeship Standards, Department of Industrial Relations, to take effect immediately,"

in my opinion constitutes an emergency bill within the meaning of that term as used in Section 34 of Article IV of the Constitution of the State of California, the consideration of which should not await the final enactment of the Budget Bill.

I therefore recommend consideration of Assembly Bill No. 974 as necessary for the immediate preservation of the public peace, health or safety and as an emergency measure.

Respectfully submitted.

EARL WARREN, Governor

CONSIDERATION OF ASSEMBLY BILL NO. 974 (BY UNANIMOUS CONSENT)

Assembly Bill No. 974—An act to add Section 3090 to the Labor Code, relating to occupational training, making an appropriation in augmentation of the appropriation in Item 138 of the Budget Act of 1945, for support of the Division of Apprenticeship Standards, Department of Industrial Relations, to take effect immediately.

Bill read second time.

Resolution to Suspend Constitutional Provision

The following resolution was offered:

By Mr. Wollenberg:

Resolved, That Assembly Bill No. 974 presents a case of urgency, as that term is used in Article IV, Section 15, of the Constitution, and the provision of that section requiring that the bill be read on three several days in each house is hereby dispensed with, and it is ordered that said bill be read the third time, considered engrossed, and placed upon its passage.

Resolution read.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, M. Philip Davis, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, Miller, Niehouse, O'Day, Price, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—72.

NOES—None.

Article IV, Section 15, of the Constitution was declared suspended.

Assembly Bill No. 974—An act to add Section 3090 to the Labor Code, relating to occupational training, making an appropriation in augmentation of the appropriation in Item 138 of the Budget Act of 1945, for support of the Division of Apprenticeship Standards, Department of Industrial Relations, to take effect immediately.

Bill read third time.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, M. Philip Davis, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, Miller, Niehouse, O'Day, Price, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—72.

NOES—None.

Bill ordered transmitted to the Senate.

FURTHER PROCEEDINGS UNDER CALL OF THE ASSEMBLY DISPENSED WITH ON THE URGENCY CLAUSE TO ASSEMBLY BILL NO. 418

At 11.45 a.m., on motion of Mr. Loomis, further proceedings under the call of the Assembly were dispensed with.

The names of the absentees were called, and the urgency clause to Assembly Bill No. 418 adopted by the following vote:

AYES—Allen, Anderson, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Caldecott, Carey, Clarke, Collier, Conrad, Cramer, Crichton, Debs, Dickey, Clayton A. Dills, Dolwig, Dunn, Erwin, Evans, Field, Gaffney, Gannon, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kirkwood, Knight, Loomis, Luckel, Maloney, McCollister, Niehouse, O'Day, Price, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—58.

NOES—Beck, Butters, Cooke, Lester T. Davis, M. Philip Davis, Ralph C. Dills, Doyle, Fletcher, Geddes, Heisinger, Lowrey, Miller, and Robertson—13.

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

AYES—Allen, Anderson, Berry, Boyd, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, Conrad, Cramer, Crichton, M. Philip Davis, Debs, Dickey, Clayton A. Dills, Dolwig, Erwin, Evans, Field, Fletcher, Gannon, Grant, Grunsky, Hahn, Hawkins, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, O'Day, Price, Rosenthal, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—60.

NOES—Beck, George D. Collins, Lester T. Davis, Ralph C. Dills, Doyle, Dunn, Gaffney, Geddes, Heisinger, Kilpatrick, and Robertson—11.

Notice of Motion to Reconsider Assembly Bill No. 418

Mr. Beck gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 418 was this day passed.

Motion That Vote Be Reconsidered at This Time

Mr. Thomas moved that the vote whereby Assembly Bill No. 418 was this day passed be reconsidered, at this time.

Point of Order

Mr. Doyle arose to the following point of order: That because the Rules have not been suspended, the motion by Mr. Thomas is out of order.

Ruling by Speaker

The Speaker ruled the point of order well taken.

Motion to Suspend the Rules

Mr. Thomas moved to suspend the Rules for the purpose of reconsidering, at this time, the vote whereby Assembly Bill No. 418 was this day passed.

Ruling by Speaker

Speaker Collins ruled the motion out of order.

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

Assembly Bill No. 419—An act to add Sections 29a and 29b to the California Water District Act, relating to California Water Districts and the distribution of water in such districts, declaring the urgency of this act, to take effect immediately.

Bill read third time.

Urgency Clause

Urgency clause read, and adopted by the following vote:

AYES—Allen, Anderson, Bennett, Berry, Blosser, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Debs, Dickey, Clayton A. Dills, Dolwig, Doyle, Erwin, Evans, Field, Fletcher, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Lowrey, Luckel, Lyons, Maloney, McCollister, Niehouse, O'Day, Rosenthal, Sheridan, Sherwin, Stanley, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—65.
NOES—Beck—1.

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

AYES—Allen, Anderson, Bennett, Berry, Blosser, Brady, Brown, Burke, Burns, Butters, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Crowley, Debs, Dickey, Clayton A. Dills, Dolwig, Doyle, Erwin, Evans, Field, Fletcher, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Lowrey, Luckel, Lyons, Maloney, McCollister, Niehouse, O'Day, Rosenthal, Sheridan, Sherwin, Stanley, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—65.
NOES—Beck—1.

Bill ordered transmitted to the Senate.

FURTHER CONSIDERATION OF SENATE BILL NO. 227

Senate Bill No. 227—An act to amend the Health and Safety Code by repealing Sections 32127, 32202, 32204, 32205, 32303, 32308, 32312, 32313; by amending Sections 32003, 32100, 32203, 32305, 32309, 32310; and by adding new sections numbered 32127, 32202, 32203, 32204, 32303, 32308, 32312, all relating to local hospital districts; and declaring the urgency of this act, to take effect immediately.

The question being on the adoption of the urgency clause.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Crichton, Crowley, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, McCollister, Miller,

Niehouse, O'Day, Sheridan, Sherwin, Stanley, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—67.
NOES—None.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Crichton, Crowley, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, O'Day, Sheridan, Sherwin, Stanley, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—67.
NOES—None.

Bill ordered transmitted to the Senate.

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

The following resolution was offered:

Assembly Concurrent Resolution No. 41: By Mr. Thurman—Relative to approving certain amendments to the charter of the City of Roseville, in the County of Placer, State of California, voted for and ratified by the electors of the city at a general municipal election held therein on the ninth day of April, 1946.

Request for Unanimous Consent

Mr. Thurman asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 41, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 41

Assembly Concurrent Resolution No. 41—Relative to approving certain amendments to the charter of the City of Roseville, in the County of Placer, State of California, voted for and ratified by the electors of the city at a general municipal election held therein on the ninth day of April, 1946.

Resolution read.

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

AYES—Allen, Anderson, Beck, Bennett, Berry, Blosser, Boyd, Brady, Brown, Burke, Burns, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Crichton, Crowley, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hahn, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Kilpatrick, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, McCollister, Miller, Niehouse, O'Day, Sheridan, Sherwin, Stanley, Stewart, Thomas, Thompson, Thorp, Thurman, Waters, Wollenberg, and Mr. Speaker—67.
NOES—None.

Resolution ordered transmitted to the Senate.

NOTICE OF MOTION TO RECONSIDER ASSEMBLY BILL NO. 418 WAIVED

Mr. Beck waived his notice of motion to reconsider the vote whereby Assembly Bill No. 418 was passed.

Assembly Bill No. 418 ordered transmitted to the Senate.

REPORTS

By Mr. Robertson:

A report from the Assembly Committee on Elections and Reapportionment, relative to the Elections Code, was received, and ordered referred to the Committee on Rules.

RECESS

At 12 m., on motion of Mr. Dickey, the Assembly recessed until 2.30 p.m.

REASSEMBLED

At 2.30 p.m., the Assembly reconvened.

Hon. Thomas A. Maloney, Speaker pro Tempore of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

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

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

Assembly Bill No. 1473: By Mr. Dickey—An act to amend Section 20492 of the Government Code, relating to inclusion and exclusions from State Retirement System.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1474: By Mr. Dickey—An act to add Section 20021.5 to the Government Code, relating to county peace officers.

Referred to Committee on Judiciary.

Assembly Bill No. 1475: By Mr. Dickey—An act to amend Section 20606 of the Government Code, relating to contributions to State Retirement System.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1476: By Mr. Dickey—An act to amend Section 20607 of the Government Code, relating to contributions to State Retirement System.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1477: By Mr. Dickey—An act to amend Section 20306 of the Government Code, relating to local safety members and members of the California Highway Patrol.

Referred to Committee on Civil Service and State Personnel.

Hon. Albert C. Wollenberg Presiding

At 2.40 p.m., Hon. Albert C. Wollenberg, member of the Assembly from the Twenty-first District, presiding.

Assembly Bill No. 1478: By Mr. Dickey—An act to amend Section 20457 of the Government Code, relating to method of adoption of State Retirement System.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1479: By Mr. Dickey—An act to amend Section 20608 of the Government Code, relating to contributions to State Retirement System.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1480: By Mr. Dickey—An act to amend Section 20803 of the Government Code, relating to State Retirement System prior service.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1481: By Messrs. Boyd, Geddes, Sherwin, Thomas, Beck, Bennett, Caldecott, Carey, Cooke, Crowley, M. Philip Davis, Dolwig, Erwin, Fletcher, Gannon, Grant, Hahn, Hinckley, Hinton, Kilpatrick, Knight, Maloney, McCollister, Robertson, Silliman, Stephenson, Waters, Weber, and Wollenberg—An act to add Chapter 3, comprising Sections 430 to 435.7, inclusive, to Part 1 of Division 1 of the Health and Safety Code, and to repeal Chapter 56 of the Statutes of the Fifty-sixth (First Extraordinary) Session of the Legislature, providing for a program of surveying hospital and health center facilities and of construction of additional hospital and health center facilities to be administered by the State Department of Public Health, implementing the Federal Hospital Survey and Construction Act, establishing the Advisory Hospital Council, and providing for state assistance to public agencies for the construction of hospitals and health centers.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1482: By Messrs. Boyd, Hinton, Grant, and Stewart—An act to add Section 16104 to, and to amend Sections 16100, 16101, and 16102 of the Business and Professions Code, relating to licensing of business by counties.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1483: By Messrs. Boyd, Hinton, Anderson, and Robertson—An act to amend Sections 5 and 37 of the Alcoholic Beverage Control Act, relating to license fees and the disposition thereof.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1484: By Mr. Dickey—An act to amend Section 1402 of the Streets and Highways Code, relating to bridges across navigable streams in cities.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1485: By Mr. Dickey—An act to add Section 1437 to the Streets and Highways Code, relating to subways, and providing for the expense of operating, maintaining and repairing subways under navigable waters between cities.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1486: By Mr. Dickey—An act to amend Section 4232 of the Political Code, relating to compensation for public service in counties of the third class.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1487: By Messrs. Berry and Thomas—An act to amend Section 788 of the Fish and Game Code, relating to crabs.

Referred to Committee on Fish and Game.

Assembly Bill No. 1488: By Messrs. Huyck, Dunn, and Waters—An act to amend Section 199 of, and to add Sections 1625.1, 1625.2, and 1685 to, the Streets and Highways Code, relating to contracts for public highway construction.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1489: By Messrs. Huyck, Dunn, and Waters—An act to amend Sections 1073 and 1075 of, and to add Section 1076 to, the Streets and Highways Code, relating to county highway contracts.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1490: By Messrs. Huyck, Dunn, and Waters—An act to amend Section 640 of the Vehicle Code, relating to lights on vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1491: By Messrs. Huyck, Dunn, and Waters—An act to amend Sections 4102, 4103, 4104, and 4105 of the Government Code, relating to bidding on public work.

Referred to Committee on Judiciary.

Assembly Bill No. 1492: By Messrs. Robertson, M. Philip Davis, Caldecott, Lowrey, and Dunn—An act to add Section 6.5 to "An act to provide unified program of construction, improvement, and equipment for state agencies, creating a State Public Works Board, and making an appropriation to carry out the provisions of this act," approved March 13, 1946, making an additional appropriation for allocation to the University of California to carry out the provisions of said act.

Referred to Committee on Education.

Assembly Bill No. 1493: By Mr. Gannon—An act to amend Sections 20019, 20306, 20457, 20458, 20492, 20606, 20607, 20608, and 20803 of, and to add Section 20021.5 to, the Government Code, relating to the State Employees' Retirement System, and providing for the inclusion of county peace officers therein.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1494: By Mr. Miller—An act to amend Section 12.8½ of the County Water District Act, relating to powers of county water districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1495: By Messrs. Miller and Dunn—An act to amend Section 13099.2 of the Education Code, relating to school district employees.

Referred to Committee on Education.

Assembly Bill No. 1496: By Mr. Debs—An act establishing a state college in the City of Los Angeles, County of Los Angeles, to be known as the Los Angeles State College, and making an appropriation therefor.

Referred to Committee on Education.

Assembly Bill No. 1497: By Mr. Debs—An act establishing a state college in the City of Los Angeles, County of Los Angeles, to be known as the Los Angeles State College, and making an appropriation therefor.

Referred to Committee on Education.

Assembly Bill No. 1498: By Messrs. Debs, McMillan, Allen, Geddes, Anderson, Clayton A. Dills, Doyle, Evans, Fletcher, Hawkins, Mrs. Niehouse, Messrs. Robertson, and Rosenthal—An act to provide for the purchase of a site for the erection, equipment and furnishing of a building or buildings, and for the improvement of grounds for the use of the Los Angeles State College; and making an appropriation therefor.

Referred to Committee on Education.

Assembly Bill No. 1499: By Mr. Debs—An act to add Sections 13656 and 14703 to the Education Code of the State of California, to protect rights of employment and retirement of employees, in positions requiring certification qualifications, of junior college school districts containing one million or more inhabitants, who teach in state colleges pursuant to contracts entered into between the State Director of Education and said districts.

Referred to Committee on Education.

Assembly Bill No. 1500: By Messrs. Wollenberg and George D. Collins—An act to create and provide for a prepaid health service system for the people of the State of California, and making an appropriation therefor.

Referred to Committee on Public Health.

Assembly Bill No. 1501: By Mr. Ralph C. Dills—An act to amend Section 454.2 of the Vehicle Code, relating to the operation of vehicles owned by licensed physicians and chiropractors when traveling in response to emergency calls.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1502: By Mr. Debs—An act to add Article 6 to Chapter 6 of Division 4 of the Education Code, relating to advanced instructional programs in public educational institutions other than state colleges, defining the powers and duties of the State Board of Education, the State Department of Education and the governing boards of junior college districts in connection therewith, making an appropriation therefor and providing that this act shall take effect immediately.

Referred to Committee on Education.

Assembly Bill No. 1503: By Messrs. Debs, Allen, and Clayton A. Dills—An act to amend Sections 5225, 5226, and 5241 of the Business and Professions Code, relating to outdoor advertising.

Referred to Committee on Judiciary.

Assembly Bill No. 1504: By Mr. Boyd—An act to amend Section 57 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1505: By Mr. Boyd—An act to add Section 59 to the Unemployment Insurance Act, relating to seasonal employments.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1506: By Mr. Boyd—An act to amend Section 13 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1507: By Messrs. Boyd, Sherwin, Erwin, and Stewart—An act to add Section 422 to the Penal Code, relating to obstruction of free passage.

Referred to Committee on Judiciary.

Assembly Bill No. 1508: By Messrs. Boyd, Sherwin, Erwin, and Stewart—An act to add Title 11-A to Part 1 of the Penal Code, relating to interference with freedom of movement.

Referred to Committee on Judiciary.

Assembly Bill No. 1509: By Messrs. Butters, Erwin, Clarke, Loomis, and Stanley—An act to add Chapter 9, comprising Sections 1140 and 1142, inclusive, to Part 3, Division 2 of the Labor Code, relating to labor affiliations.

Referred to Committee on Industrial Relations.

Assembly Bill No. 1510: By Messrs. M. Philip Davis, Hinton, and Silliman—An act to amend Section 1126, and to add Sections 1127, 1128, and 1129 to Chapter 7.5 of Part 3, Division 2 of the Labor Code, relating to collective bargaining agreements.

Referred to Committee on Industrial Relations.

Assembly Bill No. 1511: By Messrs. M. Philip Davis, Hinton, Erwin, Field, Gannon, Robertson, Silliman, and Stewart—An act to add Sections 1127, 1128, and 1129 to the Labor Code, relating to collective bargaining.

Referred to Committee on Industrial Relations.

Assembly Bill No. 1512: By Messrs. Huyck, Grant, Stanley, and Waters—An act to amend Section 209 of the Labor Code, relating to unpaid wages of striking employees.

Referred to Committee on Industrial Relations.

Assembly Bill No. 1513: By Messrs. Waters and Maloney—An act to amend Section 7.5 of the Bank and Corporation Franchise Tax Act, and Section 5.5 of the Corporation Income Tax Act, relating to state taxation and providing for rates and exemptions, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1514: By Messrs. M. Philip Davis, Geddes, Debs, Dunn, Caldecott, Crichton, Robertson, and Thompson—An act establishing an Educational Radio Facilities Commission and making an appropriation for the construction of a radio broadcasting system for educational purposes with radio relay facilities for network operations.

Referred to Committee on Education.

Assembly Bill No. 1515: By Mr. Geddes—An act to add Article 3, comprising Section 17600, to Chapter 1 of Part 3 of Division VII of the Business and Professions Code, relating to life memberships in clubs.

Referred to Committee on Judiciary.

Assembly Bill No. 1516: By Mr. Geddes (By request)—An act to amend Sections 5260, 6650 and 7012 and to repeal Sections 7009, 7010, 7011, and 7015 of the Welfare and Institutions Code, relating to mentally deficient persons.

Referred to Committee on Social Welfare.

Assembly Bill No. 1517: By Messrs. Grant, Thomas, Erwin, and Fletcher—An act to amend Section 492 of the Fish and Game Code, relating to mutilation of fish.

Referred to Committee on Fish and Game.

Assembly Bill No. 1518: By Messrs. Grant, Fletcher, and Erwin—An act to amend Section 1106 of the Fish and Game Code, relating to vessel registration.

Referred to Committee on Fish and Game.

Assembly Bill No. 1519: By Messrs. Field and Stewart—An act to amend Section 6015 of, and to add Section 6367 to, the Revenue and Taxation Code, relating to the taxation of the privilege of selling and of storing, using, or otherwise consuming tangible personal property and to certain exemptions from said taxation, and providing that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1520: By Messrs. Kilpatrick, Bennett, Debs, and Mrs. Niehouse—An act amending Section 2163 of the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 1521: By Mr. Ralph C. Dills—An act to add Section 98 to the County Employees Retirement Act of 1937 and Section 31653 to the Government Code, relating to retirement system for county employees.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1522: By Mr. Ralph C. Dills—An act to add Section 5.1 to the act entitled "An act to authorize the counties of the State of California to establish retirement systems for their employees," approved May 20, 1919, and to add Section 31326.1 to the Government Code, relating to funds of the system.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1523: By Mr. Sherwin—An act to amend Sections 4102, 4149, and 4653.1 of the Revenue and Taxation Code, relating to real property taxation, and declaring that this act shall take effect immediately.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1524: By Mr. Sherwin—An act to amend Sections 12500, 12503, 12504, 12507, 12508, and 12509 of the Health and Safety Code, and to add Section 12509a thereto, all relating to the regulation and display of fireworks.

Referred to Committee on Manufacturing, Oil, and Mining Industry.

Assembly Bill No. 1525: By Mr. Hawkins—An act to add Part 7a, comprising Sections 15501 to 15521 inclusive, to Title 2 of Division 3 of the Government Code, relative to creating a Department of Commerce, defining its functions, powers and duties, and making an appropriation.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1526: By Mr. Hawkins—An act relating to hatred conspiracies and the dissemination of hatred or fear by reason of race, color, or religion.

Referred to Committee on Judiciary.

Assembly Bill No. 1527: By Mr. Sherwin—An act to add Section 2186.1 to the Welfare and Institutions Code, relating to aid to the aged.

Referred to Committee on Social Welfare.

Assembly Bill No. 1528: By Messrs. Waters and Maloney—An act to revert to surplus the reserve for administrative expenses of the Franchise Tax Commissioner in the Personal Income Tax Fund, and to authorize the transfer of said amount to the General Fund.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1529: By Mrs. Niehouse—An act to add Chapter 3, comprising Sections 1500 to 1517, inclusive, to Division 2 of the Health and Safety Code, relating to establishments rendering services to handicapped persons, providing for the licensing, inspection, and regulation of such establishments by the State Department of Public Health, and making an appropriation therefor.

Referred to Committee on Education.

Assembly Bill No. 1530: By Mrs. Niehouse, Messrs. Luckel, and Cramer—An act to amend Section 20301 of the Education Code, relating to the objects of the state colleges.

Referred to Committee on Education.

Assembly Bill No. 1531: By Mrs. Niehouse, Messrs. Luckel, and Cramer—An act to amend Section 20343.1 of the Education Code, relating to the refund of state college student fees.

Referred to Committee on Education.

Assembly Bill No. 1532: By Mrs. Niehouse—An act to amend Sections 8, 9, and 13 of and to add Sections 13.1 and 13.2 to Chapter 339 of the Statutes of 1923, relating to the possession, sale, and use of pistols,

revolvers, and other firearms capable of being concealed upon the person, the registering of sales of such firearms, and the granting of licenses or permits to carry the same concealed upon the person.

Referred to Committee on Judiciary.

Speaker Presiding

At 2.55 p.m., Hon. Sam L. Collins, Speaker of the Assembly, presiding.

REQUEST FOR UNANIMOUS CONSENT TO SPEAK UPON THE CONDITION OF THE FILE

Mr. Field asked for, and was granted, unanimous consent that he be permitted to speak upon the condition of the file.

REQUEST FOR UNANIMOUS CONSENT TO CONSIDER ASSEMBLY CONCURRENT RESOLUTION NO. 40

Mr. Field asked for, and was granted, unanimous consent that Assembly Concurrent Resolution No. 40 be considered, at this time, out of order.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Concurrent Resolution No. 40
House Resolution No. 73
House Resolution No. 54

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

DICKEY, Chairman

Above reported resolutions ordered on file for adoption.

CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 40 (BY UNANIMOUS CONSENT)

Assembly Concurrent Resolution No. 40—Relative to adjournment of the Legislature for the constitutional recess.

Resolution read.

Consideration of Committee Amendments

The following amendment was proposed by the Committee on Rules:

Amendment No. 1

On page 1, line 9, of the printed bill, after "March", strike out "10", and insert "3".

Amendment read, and adopted.

Request for Unanimous Consent

Mr. Field asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 40, as amended, at this time, without reference to reprint or file, and that the same be considered engrossed.

Consideration of Assembly Concurrent Resolution No. 40, as Amended

Assembly Concurrent Resolution No. 40—Relative to adjournment of the Legislature for the constitutional recess, and to the reassembling

of the Legislature after said recess, and fixing the date for said adjournment and said reassembling.

Resolution read, as amended.

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

AYES—Anderson, Beck, Bennett, Berry, Boyd, Brady, Brown, Burke, Caldecott, Carey, Clarke, Collier, George D. Collins, Conrad, Cooke, Cramer, Crichton, Lester T. Davis, M. Philip Davis, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Doyle, Erwin, Field, Fletcher, Gaffney, Gannon, Geddes, Grant, Grunsky, Hawkins, Heisinger, Hinckley, Hinton, Hollibaugh, Huyck, James, Johnson, Knight, Loomis, Lowrey, Luckel, Lyons, Maloney, Niehouse, O'Day, Price, Rosenthal, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thompson, Thorp, Waters, Weber, and Wollenberg—60.

NOES—Allen, Burns, Crowley, Debs, Evans, and Miller—6.

Resolution ordered transmitted to the Senate.

RECESS

At 3 p.m., on motion of Mr. Dickey, the Assembly recessed until 3.10 p.m.

REASSEMBLED

At 3.10 p.m., the Assembly reconvened.

Hon. Sam L. Collins, Speaker of the Assembly, presiding.

Chief Clerk Arthur A. Ohnimus at the desk.

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Bill No. 173—An act to amend Section 252 of the Unemployment Insurance Act, relating to claims for unemployment compensation disability benefits, declaring the urgency thereof to take effect immediately;

Assembly Bill No. 360—An act making an appropriation for the support of child care centers, and declaring the urgency thereof, to take effect immediately;

And reports that the same have been correctly enrolled, and presented to the Governor on the thirtieth day of January, 1947, at 4 p.m.

WEBER, Chairman

REQUEST FOR UNANIMOUS CONSENT THAT ASSEMBLY JOINT RESOLUTION NO. 17 BE WITHDRAWN FROM THE COMMITTEE ON MILITARY AFFAIRS AND PLACED UPON THE FILE

Mr. Allen asked for, and was granted, unanimous consent that Assembly Joint Resolution No. 17 be withdrawn from the Committee on Military Affairs, and placed upon the file.

COMMUNICATIONS

By Speaker Collins:

The following communication was received, read, and ordered printed in the Journal:

January 24, 1947

Mr. Rollin L. McNitt
824 Chamber of Commerce Building, 1151 South Broadway
Los Angeles 15, California

DEAR MR. MCNITT: Your communication addressed to the Speaker of the Assembly, Sam L. Collins, regarding state acquisition of the Black Building at Fourth and Hill Streets, Los Angeles, has been referred to the Governmental Efficiency and Economy Committee, of which I am chairman.

We have held a preliminary meeting on this subject at which Mr. James Dean, Director of Finance for the State of California, appeared and testified. It is the opinion of the committee that you have been misinformed. The building was not sold for $350,000, but only the remaining portion of the life of a master lease.

The committee has evidence to prove that the price paid by the State of California in leasing this building was comparable to the rents of other buildings, and in

some instances this building is actually being rented at a much cheaper rate per square foot per year.

The unfortunate part of your letter is the fact that you charge the State with leasing a building which had just been purchased for $350,000. Again I want to reiterate, this is not a correct statement of facts. The building was not purchased, but merely the balance of the master lease was acquired. There is no provision in the state law to permit the Director of Finance to purchase a state building without legislative action. The Legislature has authorized the construction of a state building in the Civic Center in Los Angeles, and this will be done as soon as construction is possible.

The committee is of the opinion that nothing was done in connection with the acquiring of this building by the State that was in any way foreign to the best interests of the State of California.

In view of the foregoing facts, the committee feels that there is nothing further that can be done unless you have some concrete evidence to the effect that something irregular transpired in the leasing of the Black Building. If you have such evidence, I assure you the chairman of this committee will be very happy to receive them.

Yours very truly,

C. DON FIELD, Chairman
Governmental Efficiency and Economy Committee

cc: SAM L. COLLINS, Speaker
JAMES DEAN, Director of Finance
ROLLAND A VANDEGRIFT

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

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

Assembly Bill No. 1533: By Messrs. Allen, Huyck, McCollister, Mrs. Niehouse, Messrs. Fletcher, and Thomas—An act creating a State Crime Committee, defining its duties and making an appropriation for its expenses.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1534: By Mr. McCollister—An act to amend Section 1 of "An act authorizing any municipal corporation, using the word 'town' in its corporate name, to change such word to 'city' and providing the procedure therefor," approved February 28, 1911, relating to change of corporate name from "town" to "city" and validating proceedings heretofore taken to change such corporate name.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1535: By Mr. McCollister—An act to amend Sections 11103, 11106, and 11680 of the Health and Safety Code, relating to the Division of Narcotic Enforcement, Department of Justice, and the powers and duties of the Attorney General relating thereto.

Referred to Committee on Judiciary.

Assembly Bill No. 1536: By Mr. Stephenson—An act to amend Section 372 of the Vehicle Code, relating to weight fees for commercial vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1537: By Messrs. Kirkwood and Thompson—An act to amend Sections 46 and 55 of the Vehicle Parking District Act of 1943, relating to vehicle parking districts.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1538: By Messrs. Kirkwood and Thompson—An act to provide for the creation of administrative housing authorities in cities or counties, defining the powers of such authorities, and author-

izing cooperation between the state and governmental agencies in the operation and maintenance of property acquired by such authorities, providing for the issuance of revenue bonds for the acquisition and construction of buildings, and providing for the payment of the bonds.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1539: By Mr. Erwin—An act to amend Sections 427 and 428 of the Fish and Game Code, relating to hunting and fishing, and the issuance of licenses therefor.

Referred to Committee on Fish and Game.

Assembly Bill No. 1540: By Mr. Debs—An act to repeal Section 19480 of the Business and Professions Code, relating to horse racing.

Referred to Committee on Public Morals.

Assembly Bill No. 1541: By Mr. Debs—An act to amend Sections 19485, 19597, and 19627 of, and to add Section 19629 to, the Business and Professions Code, relating to the regulation and licensing of horse racing and horse race meetings, wagering on the results thereof, and the disposition of state revenues therefrom.

Referred to Committee on Public Morals.

Assembly Bill No. 1542: By Mr. Dolwig—An act to add Section 66f to the Code of Civil Procedure, relating to superior court judges in the County of San Mateo.

Referred to Committee on Judiciary.

Assembly Bill No. 1543: By Mr. Doyle—An act adding Section 14487 to the Health and Safety Code, relating to county fire protection districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1544: By Messrs. Hollibaugh, Allen, Evans, Kilpatrick, Lyons, Anderson, Beck, Bennett, Brady, Burke, Collier, Conrad, Cooke, M. Philip Davis, Debs, Clayton A. Dills, Ralph C. Dills, Doyle, Erwin, Field, Fletcher, Geddes, Grant, Hahn, Hawkins, Hinton, Huyck, Knight, McCollister, Robertson, Rosenthal, Stanley, Stewart, Thomas, and Waters—An act to make an appropriation to the Sixth District Agricultural Association for the acquisition of land and the construction of facilities for the purposes of said association.

Referred to Committee on Agriculture.

Assembly Bill No. 1545: By Messrs. Allen, Beck, Doyle, Wollenberg, Anderson, Bennett, Berry, Brown, Burns, Clarke, George D. Collins, Cooke, Crichton, Crowley, Debs, Dickey, Clayton A. Dills, Ralph C. Dills, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Hawkins, Heisinger, Hollibaugh, Kilpatrick, Knight, Lowrey, Lyons, Maloney, McCollister, Mrs. Niehouse, Messrs. O'Day, Robertson, Rosenthal, Sheridan, Stewart, Thomas, Thompson, and Thurman—An act to make an appropriation to pay the claim of the Estate of Arthur David McHenry against the State of California.

Referred to Committee on Ways and Means.

Assembly Bill No. 1546: By Messrs. Carey, Brown, Caldecott, Crowley, and Sheridan—An act to amend Section 18709 of the Government Code, relating to state civil service rights of employees of functions taken over by the State.

Referred to Committee on Civil Service and State Personnel.

MEMBERS EXCUSED TO HOLD MEETING

At 4.15 p.m., Mr. Wollenberg, asked for, and was granted, unanimous consent that the members of the Committee on Ways and Means be excused, at this time, for the purpose of holding a meeting upstairs, in their committee room.

ANNOUNCEMENTS

Mr. Cooke announced that a dinner meeting for members of the Democratic Delegation will be held tonight, at 6 p.m., in the upstairs dining room, at Bedell's restaurant, and urged attendance.

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

The following resolution was offered:

Assembly Joint Resolution No. 19: By Messrs. Brady, Rosenthal, Luckel, Sam L. Collins, Gaffney, Hinton, Hollibaugh, Price, and Sherwin—Relative to requesting President Harry S. Truman to appoint a resident of California to the United States Maritime Commission.

Request for Unanimous Consent That Names of All Members Be Added as Co-authors of Resolution

Mr. Brady asked for unanimous consent that the names of all Members of the Assembly be added, as co-authors, of Assembly Joint Resolution No. 19.

Ruling by Speaker

Speaker Collins ruled the request out of order due to the absence of the members of the Committee on Ways and Means.

Request for Unanimous Consent

Mr. Brady asked for, and was granted, unanimous consent to take up Assembly Joint Resolution No. 19, at this time, without reference to committee, print, or file, and that the same be considered engrossed.

CONSIDERATION OF ASSEMBLY JOINT RESOLUTION NO. 19

Assembly Joint Resolution No. 19—Relative to requesting President Harry S. Truman to appoint a resident of California to the United States Maritime Commission.

Resolution read.

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

AYES—Allen, Anderson, Beck, Berry, Blosser, Brady, Brown, Burke, Burns, Caldecott, Carey, Clarke, George D. Collins, Conrad, Cooke, Cramer, Crichton, Dickey, Clayton A. Dills, Ralph C. Dills, Dolwig, Dunn, Erwin, Evans, Field, Fletcher, Gaffney, Gannon, Grant, Grunsky, Hawkins, Heisinger, Hinton, Hollibaugh, Huyck, James, Johnson, Kirkwood, Knight, Loomis, Luckel, Lyons, Maloney, McCollister,

Miller, Niehouse, O'Day, Price, Rosenthal, Sheridan, Sherwin, Silliman, Stanley, Stephenson, Stewart, Thomas, Thompson, Thorp, Waters, Wollenberg, and Mr. Speaker—61.

NOES—None.

Resolution ordered transmitted to the Senate.

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

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

Assembly Bill No. 1547: By Messrs. Maloney, Gaffney, O'Day, Brady, Blosser, Berry, George D. Collins, and Wollenberg—An act to add to the Insurance Code a new section to be numbered Section 10972.1, providing that any state, district or local branch or unit of any fraternal benefit society shall not be restricted from furnishing to its members and their beneficiaries and dependents, or to any group of such members, hospitalization or physicians' services when the same are furnished by the state, district or local branch or unit independently of its affiliation with the supreme or governing lodge and by means of its own funds and without regard to any funds in the possession or control of such supreme or governing lodge.

Referred to Committee on Public Health.

Assembly Bill No. 1548: By Messrs. Carey, Maloney, Crichton, Thompson, and Wollenberg—An act to amend Sections 11020 and 11021 of the Government Code, relating to operation of state offices on Saturdays.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1549: By Messrs. Gaffney and George D. Collins—An act to amend Sections 151, 155, 160, and 676 of the Vehicle Code, relating to vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1550: By Messrs. Gaffney, George D. Collins, Dunn, and Berry—An act to amend Sections 13031 and 13831 of the Education Code, and to add Section 13031.1 to said code, all relating to positions in the public school system requiring certification qualifications.

Referred to Committee on Education.

Assembly Bill No. 1551: By Messrs. Gaffney and George D. Collins—An act to amend Section 4271 of the Education Code, relating to the public school system.

Referred to Committee on Education.

Assembly Bill No. 1552: By Messrs. Gaffney and George D. Collins—An act to amend Section 12002 of the Education Code, relating to the public school system.

Referred to Committee on Education.

Assembly Bill No. 1553: By Mr. Anderson—An act to amend Section 852a of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved

March 13, 1883, relating to the council-manager form of government in cities of the sixth class.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1554: By Mr. Bennett—An act to amend Section 19182 of the Streets and Highways Code, relating to highway lighting districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1555: By Mr. Lyons—An act amending Section 57 of the Labor Code.

Referred to Committee on Industrial Relations.

Assembly Bill No. 1556: By Mr. Lyons—An act adding Section 145 to the Labor Code, fixing a minimum salary for the office of Chief of the Division of Industrial Safety.

Referred to Committee on Industrial Relations.

Assembly Bill No. 1557: By Mr. Lyons—An act to amend Section 10 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1558: By Mr. Lyons—An act to amend Section 83 of the Unemployment Insurance Act, relating to unemployment insurance.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1559: By Mr. Doyle—An act to add Section 12.5 to the County Peace Officers' Retirement Law and Section 32051.5 to the Government Code, relating to retirement benefits.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1560: By Mr. Silliman—An act to amend Section 1010 of the Fish and Game Code, relating to dealing in mollusks or crustaceans.

Referred to Committee on Fish and Game.

Assembly Bill No. 1561: By Mr. Erwin—An act to add Section 954 to the Fish and Game Code, relating to trawl nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1562: By Mr. Debs—An act to amend Section 7406 of the Health and Safety Code, relating to interment.

Referred to Committee on Public Health.

Assembly Bill No. 1563: By Mr. Doyle—An act amending Sections 4, 11, and 12 of the County Peace Officers' Retirement Law, relating to county peace officers' retirement systems.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1564: By Messrs. Rosenthal and Debs—An act to amend the title and to add Section 6½ to the California Air Navigation Act, relating to air navigation.

Referred to Committee on Public Utilities and Corporations.

Assembly Bill No. 1565: By Mr. Rosenthal—An act to amend Section 888 of the Penal Code, relating to indictments.

Referred to Committee on Judiciary.

Assembly Bill No. 1566: By Mr. Rosenthal—An act to amend Section 613 of the Code of Civil Procedure, relating to conduct of jury trials.

Referred to Committee on Judiciary.

Assembly Bill No. 1567: By Mr. Rosenthal—An act to add Section 555 to the Welfare and Institutions Code, relating to juveniles.

Referred to Committee on Crime and Correction.

Assembly Bill No. 1568: By Mr. Rosenthal—An act to amend Section 450 of the Unemployment Insurance Act, relating to voluntary plans.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1569: By Messrs. Allen and Evans—An act amending the title and Section 1 of Chapter 744, Statutes of 1943, entitled, "An act authorizing any city, county, or city and county to acquire property and to construct, operate and maintain parking facilities in connection with any stadium or coliseum maintained by such city, county, or city and county, and to make such parking facilities available to use of the public and to make a charge therefor," approved May 25, 1943, relating to the acquiring of parking facilities in connection with any stadium or coliseum by a city, county, city and county or district agricultural association.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1570: By Messrs. Allen and Evans—An act authorizing certain indebtedness to be incurred in connection with the joint exercise of powers by public agencies.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1571: By Messrs. Allen and Evans—An act to amend Section 91.5 of the Agricultural Code, relating to the uses of Sixth District Agricultural Association Fund.

Referred to Committee on Agriculture.

Assembly Bill No. 1572: By Messrs. Allen and Evans—An act relating to the disposition of moneys in the Fair and Exposition Fund, making an appropriation to the Sixth District Agricultural Association.

Referred to Committee on Agriculture.

Assembly Bill No. 1573: By Messrs. Allen and Evans—An act to amend Sections 1 and 3 of, and adding Section 3.1 to, an act entitled "An act providing for the joint exercise of powers by public agencies," approved May 20, 1921, as amended, relating to the joint exercise of powers by public agencies and any agency provided to exercise such powers.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1574: By Mr. Allen—An act to add Section 28004 to the Health and Safety Code, relating to horse meat.

Referred to Committee on Public Health.

Assembly Bill No. 1575: By Mr. Butters—An act to add Section 960 to the Fish and Game Code, relating to bait nets.

Referred to Committee on Fish and Game.

Assembly Bill No. 1576: By Mr. Butters—An act to add Section 342 to the Fish and Game Code, relating to domestic animals on lands under the control of the Fish and Game Commission.

Referred to Committee on Fish and Game.

Assembly Bill No. 1577: By Mr. Stephenson—An act to amend Sections 582, 583, and 585.2 of the Vehicle Code, relating to parking of vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1578: By Messrs. Stanley and Lowrey—An act to amend Section 752 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to elections of boards of trustees in cities of the fifth class.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1579: By Mr. Evans—An act adding Section 403 to the Penal Code, relating to tattooing.

Referred to Committee on Public Health.

Assembly Bill No. 1580: By Messrs. Clayton A. Dills and Hollibaugh—An act to amend Section 2135 of the Business and Professions Code, relating to certificates issued by the Board of Medical Examiners.

Referred to Committee on Public Health.

Assembly Bill No. 1581: By Messrs. Debs and Geddes—An act to provide for an inventory of existing hospitals, for a survey of the need for additional hospital facilities, and for the development and administration of a hospital construction program which will, in conjunction with existing facilities, afford hospitals adequate to serve all people of the State; and appropriating money, establishing methods of administration and control, providing for compliance with the requirements of the Federal Hospital Survey and Construction Act and regulations thereunder, authorizing the acceptance and expenditure of federal funds in accordance with such requirements.

Referred to Committee on Public Health.

Assembly Bill No. 1582: By Mr. Rosenthal—An act to require cooks, bus boys, waiters, waitresses, dishwashers, dish-dryers, domestic servants, and all persons handling raw, cooked, or processed foods for human consumption to obtain certificates that they are free from communicable diseases.

Referred to Committee on Public Health.

Assembly Bill No. 1583: By Mr. Rosenthal—An act to add Section 604.5 to the Code of Civil Procedure, relating to jurors.

Referred to Committee on Judiciary.

Assembly Bill No. 1584: By Mr. Rosenthal—An act to amend Section 6549 of the Business and Professions Code, relating to barbers' examinations.

Referred to Committee on Public Health.

Assembly Bill No. 1585: By Mr. Rosenthal—An act to add Section 9540.5 to the Business and Professions Code, relating to cleaners and dyers.

Referred to Committee on Public Health.

REQUEST FOR UNANIMOUS CONSENT THAT ADDITIONAL COPIES OF ASSEMBLY BILL NO. 753 BE PRINTED

Mr. Rosenthal asked for, and was granted, unanimous consent that 500 additional copies of Assembly Bill No. 753 be ordered printed.

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

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

Assembly Bill No. 1586: By Mr. Ralph C. Dills—An act to amend Section 20060 of, and to add Section 20985 to, the Government Code, relating to the State Employees' Retirement System, authorizing the employment by contracting agencies of retired members to render consulting services and authorizing the retention in service after otherwise mandatory retirement age of certain qualified local miscellaneous members.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1587: By Messrs. Thompson, Crichton, and Brady—An act to amend Section 6512 of the Business and Professions Code, relating to the salary of the Board of Barber Examiners.

Referred to Committee on Public Health.

Assembly Bill No. 1588: By Messrs. George D. Collins, Gaffney, Berry, Brady, Maloney, O'Day, and Wollenberg—An act to add Section 262 to the Code of Civil Procedure, relating to the retirement of employees and attaches of the superior court.

Referred to Committee on Judiciary.

Assembly Bill No. 1589: By Messrs. George D. Collins, Gaffney, Berry, Brady, Maloney, O'Day, and Wollenberg—An act to amend Section 20012 of the Government Code, relating to the retirement of employees and attaches of the superior court.

Referred to Committee on Judiciary.

Assembly Bill No. 1590: By Mr. Butters—An act to amend Section 1425 of the Penal Code, relating to the jurisdiction of justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1591: By Mr. Rosenthal—An act to add Section 3355.5 to the Labor Code, relating to workmen's compensation.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1592: By Messrs. Wollenberg, O'Day, Berry, Blosser, Brady, George D. Collins, Gaffney, and Maloney—An act to relinquish to the City and County of San Francisco any and all right, title and interest of the State of California in and to the present and former street areas within the exterior boundaries of salt marsh and tidelands donated by the State to Southern Pacific Railroad Company and Western Pacific Railroad Company by an act entitled "An act to survey and dispose of certain salt marsh and tidelands belonging to the State of California," affirmed March 30, 1868, and adjacent streets, and to remove all restrictions as to the use or disposition thereof by said City and County of San Francisco, and repealing all acts and parts of acts in conflict herewith.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1593: By Messrs. Wollenberg, O'Day, Berry, Blosser, Brady, George D. Collins, Gaffney, and Maloney—An act to add Section 1238.2 to the Code of Civil Procedure, relating to farmers' free market.

Referred to Committee on Judiciary.

Assembly Bill No. 1594: By Messrs. Wollenberg, O'Day, Berry, Blosser, Brady, George D. Collins, Gaffney, and Maloney—An act making an appropriation to the Board of State Harbor Commissioners for maintenance of fire boats, to take effect immediately.

Referred to Committee on Ways and Means.

Assembly Bill No. 1595: By Messrs. Wollenberg, O'Day, Berry, Blosser, Brady, George D. Collins, Gaffney, and Maloney—An act to amend Section 957 of the Welfare and Institutions Code, and to add Section 957.1 to Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, relating to county juvenile homes, providing for state aid for the maintenance, alteration, remodeling and construction of such homes, and making an appropriation of $_____.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1596: By Mr. Sherwin—An act to add Section 12424 to the Government Code, relating to furnishing of services by the Controller to political subdivisions and districts.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1597: By Messrs. Burns, Berry, and Thomas—An act to amend Sections 375 and 383 of the Vehicle Code, relating to the registration of vehicles and the issuance of license plates.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1598: By Messrs. Burns, Berry, and Thomas—An act to amend Section 156.5 of the Vehicle Code, relating to the registration of vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1599: By Messrs. Burns, Berry, and Thomas—An act to add Section 132.1 to the Vehicle Code, relating to the registration of vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1600: By Messrs. Burns, Berry, and Thomas—An act to amend Chapter 788, Statutes of 1937, as amended, relating to the caravanning of vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1601: By Messrs. Price, Brady, Crichton, Crowley, Dolwig, Stanley, and Thompson—An act to amend Section 4023 of the Political Code, relating to qualifications for the office of constable.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1602: By Messrs. Price, Brady, Crichton, Crowley, Stanley, and Thompson—An act to create a state justices' and constables' examination board and prescribe its duties and powers, to provide for the examination of applicants and issuance of certificates to persons qualifying who desire to file nomination papers for election to the office of justice of the peace of the Class B justices' court or township constable, and to maintain a register of qualified persons from which appointments may be made; and making appropriations therefor.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1603: By Messrs. Price, Brady, Crichton, Crowley, Stanley, and Thompson—An act to create a state justices' and constables' examination board and prescribe its duties and powers, to provide for the examination of applicants and issuance of certificates to persons qualifying who desire to file nomination papers for election to the office of justice of the peace of the Class B justices' court or township constable and to maintain a register of qualified persons from which appointments may be made; and to amend Section 159 of the Code of Civil Procedure; and to amend Section 1425 of the Penal Code; and to amend Sections 4015 and 4015a of the Political Code, and making appropriations therefor.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1604: By Messrs. Price, Brady, Crichton, Crowley, Dolwig, Stanley, and Thompson—An act to amend Section 1425 of the Penal Code, relating to the jurisdiction of Class B justices' courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1605: By Messrs. Price, Brady, Crichton, Crowley, Dolwig, Stanley, and Thompson—An act to amend Section 4015a of the Political Code, relating to justices' court equipment.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1606: By Messrs. Price, Brady, Crichton, Crowley, Stanley, and Thompson—An act to amend Section 117 of the Code of Civil Procedure, relating to the jurisdiction of the small claims court.

Referred to Committee on Judiciary.

Assembly Bill No. 1607: By Messrs. Price, Brady, Crichton, Crowley, Dolwig, Stanley, and Thompson—An act to amend Section 4015 of the Political Code, relating to the consolidation of judicial townships.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1608: By Messrs. Price, Brady, Crichton, Crowley, Stanley, and Thompson—An act to amend Section 4056d of the Political Code, relating to regulation of compensation of justices of the peace and constables.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1609: By Messrs. Price, Brady, Crichton, Crowley, Stanley, and Thompson—An act to amend Section 159 of the Code of Civil Procedure, relating to the qualifications of justices of the peace.

Referred to Committee on Judiciary.

Assembly Bill No. 1610: By Mr. O'Day—An act to amend Section 4659 of the Labor Code, relating to computation of payment for disabilities under the Workmen's Compensation Act.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1611: By Mr. O'Day—An act to amend Section 4658 of the Labor Code, relating to computation of payment for permanent disability under the Workmen's Compensation Act.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1612: By Mr. O'Day—An act to add Section 131.5 to the Labor Code, relating to witnesses' fees under the Workmen's Compensation Act.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1613: By Mr. O'Day—An act to amend Section 4656 of the Labor Code, relating to payments for temporary disability under the Workmen's Compensation Act.

Referred to Committee on Finance and Insurance.

Assembly Bill No. 1614: By Mr. Thompson—An act to amend Sections 9201, 9203, 9205, 9206, 9216, and 9218 of, and to add a new Section 9202 to, the Public Resources Code, relating to soil conservation districts.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1615: By Messrs. O'Day, George D. Collins, Berry, Blosser, Brady, Gaffney, Maloney, and Wollenberg—An act to add Section 6B to an act entitled "An act authorizing the establishment of municipal courts, prescribing their constitution, regulation, government, procedure and jurisdiction, and providing for the election and appointment of the judges, clerks, and other attaches of such courts, their terms of office, qualification and compensation and for the selection of jurors therein," approved May 23, 1925, relating to municipal courts.

Referred to Committee on Judiciary.

Assembly Bill No. 1616: By Mr. Thomas (By request)—An act to amend Section 79 of the Civil Code, relating to marriage without a license.

Referred to Committee on Judiciary.

Assembly Bill No. 1617: By Mr. Thomas (By request)—An act to amend Section 83 of the Civil Code, relating to actions for annulment of marriage.

Referred to Committee on Judiciary.

Assembly Bill No. 1618: By Mr. Thomas (By request)—An act to amend Section 82 of the Civil Code, relating to annulment of marriage.

Referred to Committee on Judiciary.

Assembly Bill No. 1619: By Mr. Thomas (By request)—An act to amend Section 69 of the Civil Code, relating to marriage licenses and applications therefor.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1620: By Mr. Clayton A. Dills—An act to add Section 605 to the Business and Professions Code, relating to advertising as it pertains to Division 2 of the Business and Professions Code.

Referred to Committee on Public Health.

Assembly Bill No. 1621: By Mr. McCollister—An act to amend Section 12 of the Municipal Water District Act of 1911, relating to municipal water districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1622: By Mr. McCollister—An act to amend Section 12 of the Municipal Water District Act of 1911, relating to municipal water districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1623: By Mr. McCollister—An act to amend Section 12 of the Municipal Water District Act of 1911, relating to municipal water districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1624: By Mr. McCollister—An act to amend Section 9 of the Municipal Water District Act of 1911, relating to boards of directors of municipal water districts.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1625: By Messrs. Ralph C. Dills, Lyons, Thomas, Geddes, Allen, Berry, Brown, Debs, Clayton A. Dills, Dolwig, Dunn, Grant, Hinton, Hollibaugh, Kilpatrick, McCollister, Mrs. Niehouse, Messrs. Price, Thompson, and Waters—An act to amend Sections 14479, 14602, 14632, 14635, 14636, and 14640 of the Education Code, to repeal Section 14631 of said code, to add Section 14631 to said code, and to add Article 10.5 to Chapter 14 of Division 7 of said code, all relating to the retirement of teachers and other persons connected with the educational system of the State.

Referred to Committee on Education.

Assembly Bill No. 1626: By Messrs. Kirkwood, Thompson, and Grunsky—An act to add Section 829.6 to the Agricultural Code, relating to sale of fruits and nuts in "consumer packages."

Referred to Committee on Agriculture.

Assembly Bill No. 1627: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend Section 27300 of the Streets and Highways Code, relating to revenues of bridge and highway districts.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1628: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend Section 302 of the Streets and Highways Code, relating to state highway routes.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1629: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend Section 27149 of the Streets and Highways Code, relating to bridge and highway districts.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1630: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to provide for the operation and maintenance by the State of the Golden Gate Bridge, and for the incorporation thereof into the State Highway System.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1631: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend Sections 27146 and 27154 and to repeal Section 27246 of the Streets and Highways Code, relating to bridge and highway districts.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1632: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend Section 27020 of the Streets and Highways Code, relating to bridge and highway districts.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1633: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act to provide for the construction of a road in Marin County, and including its incorporation into the State Highway System, and making an appropriation," approved July 18, 1945, relating to the purposes of expenditure of said appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1634: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to provide for the transfer of title and easement to the highway known as Sausalito Lateral by the State Highway Commission from Golden Gate Bridge and Highway District,

and to provide for the incorporation of such highway in the State Highway System of the State of California.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1635: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act relating to the acquisition of the toll bridge across the Bay of San Francisco to the County of Marin, and defining the powers and duties of the California Toll Bridge Authority and of the State Department of Public Works in connection therewith.

Referred to Committee on Governmental Efficiency and Economy.

Assembly Bill No. 1636: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to provide for the realignment and reconstruction of State Highway Route 8 and making an appropriation therefor.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1637: By Messrs. O'Day, McCollister, Berry, Blosser, Brady, Burns, George D. Collins, Crowley, Dolwig, Gaffney, Maloney, and Wollenberg—An act to amend the title of, and to add Section 1.5 to, an act entitled "An act to provide for the construction of a road in Marin County, and including its incorporation into the State Highway System, and making an appropriation," approved July 18, 1945, relating to the purposes of expenditure of said appropriation, declaring the urgency thereof, to take effect immediately.

Referred to Committee on Conservation and Planning.

Assembly Bill No. 1638: By Mr. Brown—An act to amend Sections 21654 and 21655 of the Water Code, relating to notice of election in irrigation districts.

Referred to Committee on Elections and Reapportionment.

Assembly Bill No. 1639: By Mr. Brown—An act to add Section 21655.1 to the Water Code, relating to notice of election in irrigation districts.

Referred to Committee on Elections and Reapportionment.

Assembly Bill No. 1640: By Mr. Brown—An act to amend Section 322 of the Revenue and Taxation Code, relating to description of land for assessment purposes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1641: By Mr. Brown—An act to amend Sections 322 and 327 of the Revenue and Taxation Code, relating to description of land for assessment purposes.

Referred to Committee on Revenue and Taxation.

Assembly Bill No. 1642: By Mr. Brown—An act to add Section 14645 to the Education Code, relating to annuities upon retirement for service.

Referred to Committee on Education.

Assembly Bill No. 1643: By Mr. Brown—An act to amend Section 861 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to the taking effect of ordinances in cities of the sixth class.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1644: By Mr. Brown—An act to amend Section 878 of an act entitled "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, relating to powers of city councils in cities of the sixth class.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1645: By Mr. Brown—An act to amend Section 853 of "An act to provide for the organization, incorporation, and government of municipal corporations," approved March 13, 1883, and Sections 1483 and 1652 of the Government Code, relating to official bonds.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1646: By Mr. Evans—An act appropriating money to pay the claim of Claudia Walker against the State of California.

Referred to Committee on Ways and Means.

Assembly Bill No. 1647: By Mr. O'Day—An act to amend Section 697 of the Vehicle Code, relating to the length of vehicles.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1648: By Mr. O'Day—An act to regulate the period for filing claims against cities and cities and counties.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1649: By Mr. O'Day—An act to amend Section 673.7 of the Vehicle Code, relating to vehicle exhaust systems.

Referred to Committee on Transportation and Commerce.

Assembly Bill No. 1650: By Mr. Brady—An act to amend Sections 18020 and 18853 of the Government Code, relating to compensation of state employees, and to the establishment of normal work weeks for the purposes thereof.

Referred to Committee on Civil Service and State Personnel.

Assembly Bill No. 1651: By Mr. Brady—An act to amend the title and Section 1 of an act entitled "An act authorizing and requiring boards or commissions having the management and control of paid fire departments, to grant the members thereof yearly vacations," approved March 26, 1895, relating to vacations and hours on duty of members of fire departments.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1652: By Mr. Brady—An act to add Section 20450.5 to the Government Code, relating to inclusion of city firemen within the State Employees' Retirement System.

Referred to Committee on Municipal and County Government.

Assembly Bill No. 1653: By Mr. Brady—An act to amend Section 6908 of the Labor Code, relating to operation personnel on common carriers.

Referred to Committee on Public Utilities and Corporations.

Assembly Bill No. 1654: By Mr. Brady—An act to add Sections 20391.1 and 20391.2 to the Education Code, relating to state college employees.

Referred to Committee on Education.

Assembly Bill No. 1655: By Mr. Brady—An act to add paragraph 18.5 to Act 3796 of the General Laws, relating to intoxicating liquors.

Referred to Committee on Public Morals.

Assembly Bill No. 1656: By Mr. Brady—An act to add Section 11117.5 to the Insurance Code, relating to issuance of policies of insurance.

Referred to Committee on Finance and Insurance.

Assembly Constitutional Amendment No. 21: By Messrs. Cramer, Geddes, and Rosenthal—A resolution to propose to the people of the State of California an amendment to the Constitution of the State by amending Section 23 of Article IV thereof, relating to the compensation and mileage of Members of the Legislature.

Referred to Committee on Constitutional Amendments.

Assembly Constitutional Amendment No. 22: By Messrs. Price, Brady, Crichton, Crowley, Stanley, and Thompson—A resolution to propose to the people of the State of California an amendment to the Constitution of said State by amending Section 5 of Article XI thereof, relating to compensation of officers.

Referred to Committee on Constitutional Amendments.

RESOLUTIONS

The following resolution was offered:

By Messrs. Gaffney, Heisinger, Ralph C. Dills, and Maloney:

House Resolution No. 77

Relative to commemorating the birthday anniversary of Franklin Delano Roosevelt

WHEREAS, January 30, 1947 marks the sixty-fifth anniversary of the birth of Franklin Delano Roosevelt, late great President of the United States, who took the helm of the ship of state when the Nation was foundering upon the shoals of depression and wisely and courageously set the course through all the stormy war years; and

WHEREAS, His courage as a public leader and militant fighter for his ideals, was matched by an equal courage in the face of personal disaster, exemplified by his refusal to be defeated or daunted when he was stricken in the prime of manhood by the dread and terrible disease commonly called infantile paralysis; and

WHEREAS, His magnificent courage and triumph in the face of this disaster made him an example to bring hope, courage, and faith to others so stricken; and

WHEREAS, This great personality inspired the national tradition of *The March of Dimes* for the collection of funds to study and combat the ravages of poliomyelitis, through which funds there have been established the National Society for the Prevention of Infantile Paralysis, the Warm Springs Foundation in Georgia, and increased support for many local institutions such as the Shrine Hospital for Crippled Children in San Francisco; and

WHEREAS, Franklin Delano Roosevelt, although the recipient of innumerable honors and paid great homage throughout the world, cherished most deeply the tribute

PROCEEDINGS UNDER CALL OF THE ASSEMBLY BY UNANIMOUS CONSENT

TEMPORARY SUSPENSION OF ASSEMBLY RULE NO. 33

Mr. Dickey asked for, and was granted, unanimous consent that Assembly Rule No. 33 be temporarily suspended for the purpose of placing a call of the Assembly on any matter on file.

REQUEST FOR UNANIMOUS CONSENT THAT OPINION BE PRINTED IN THE JOURNAL

Mr. Thomas asked for, and was granted, unanimous consent that the following opinion from the Office of Legislative Counsel be ordered printed in the Journal.

Opinion of Legislative Counsel

OFFICE OF LEGISLATIVE COUNSEL
SACRAMENTO, January 28, 1947

Honorable Vincent Thomas
Assembly Chamber

Punishment for Second Escape from the California Vocational Institution Under Assembly Bill No. 747—No. 2215

Question

DEAR MR. THOMAS: You have asked us, assuming that Assembly Bill No. 747 is enacted as introduced, what the punishment will be for a second escape, or attempted escape, from the California Vocational Institution.

Assembly Bill No. 747 adds Section 2042 to the Penal Code, to read:

"2042. Every person confined in the California Vocational Institution who escapes or attempts to escape therefrom is guilty of a felony."

Penal Code Sections 18 and 18a prescribe a punishment of imprisonment in a state prison not exceeding five years and not less than six months, respectively, for offenses declared to be felonies, except in cases where a different punishment, or a different minimum punishment is prescribed by law.

However, subdivision (a) of Section 644 of the Penal Code provides that every person convicted in this State of certain enumerated crimes, *including "escape from a state prison by use of force or dangerous or deadly weapons"* who has been *previously twice convicted* upon separate charges of, and has *served* separate *terms "in any state prison* and/or federal penal institution" for, certain enumerated crimes, *including "escape from a state prison"* shall be adjudged an habitual criminal and shall be punished by imprisonment in the state prison for life. Subdivision (c) of Pen. C. 644 make similar provision concerning persons three times similarly convicted. Subdivision (d) permits the court, in exceptional cases, not later than 60 days after the commencement of the imprisonment, to provide that the defendant is not an habitual criminal, and in that case the defendant is not subject to the provisions of Section 644.

It should be noted that the penalty of life imprisonment attaches to the third offense of which the person is convicted (i.e., he must have been twice previously convicted of one of the enumerated offenses), and that, with reference to escapes from the California Vocational Institution, the offense enumerated is not only escape from a state prison, but also "by use of force or dangerous or deadly weapons."

The persons confined in the California Vocational Institution are, under Pen. C. 2037, persons subject to the custody, control, and discipline of the Director of Corrections or the Youth Authority, and hence, with the exception of juvenile court commitments under subdivision (e) of Welfare and Institutions Code Section 740, they are persons already convicted of crime (see W. & I. C. 1731.5 and Pen. C. 1202a). Assuming that the crime of which such a person was originally convicted was one of the crimes enumerated in Pen. C. 644 and that his second escape from the California Vocational Institution was by use of force or dangerous or deadly weapons so as to bring him within the terms of Section 644, whether or not he is punishable under that section depends upon whether or not the California Vocational Institution is "a state prison" within the meaning of that term as used in the three places where it appears in subdivision (a) of Penal Code Section 644.

Opinion

If Assembly Bill No. 747 is enacted as introduced, we believe that a second escape from the California Vocational Institution by a person transferred thereto by the Adult Authority would be punishable by imprisonment for life under Penal Code Section 644 in a case within the terms of that section, but that a second escape therefrom by a person transferred thereto by the Youth Authority after commitment to the authority by a juvenile court could not be punishable under that section, but would be punishable by not more than five years imprisonment. As to persons transferred by the

Youth Authority other than those committed to the authority by the juvenile court, the law is uncertain, but we incline to the view that they also would not be punishable under Penal Code Section 644.

Analysis

The California Vocational Institution is established pursuant to Sections 2035 to 2041, inclusive, of the Penal Code, as added thereto by Chapter 1454 of the Statutes of 1945. Although these sections are placed in the portion of the code dealing with prisons and prisoners, the establishment is consistently referred to as an "institution," and the word prison is nowhere applied to it.

Section 2037 provides that whenever by reason of any law governing the commitment of a person to the Youth Authority or to an institution under its jurisdiction the person is deemed not to be a person convicted of crime (see W. & I. C. 736, providing that an order adjudging a person to be a ward of the juvenile court shall not be deemed to be a conviction of crime), the placement of person in the vocational institution shall not affect his status or rights, and shall not be deemed a conviction of crime. On the other hand, Section 2037 expressly provides that Section 644 of the Penal Code shall apply to a person who has served a term in the vocational institution after transfer thereto by the Adult Authority.

Thus it appears to be the legislative intention that as to persons placed in the vocational institution by the Adult Authority, a person who has served a term in the institution is a person who has served a term "in any state prison." When reference is made in that same section to escape from "state prison" the identical words would appear to have the same meaning, and "escape from a state prison" to include escape from the vocational institution.

The fact that the vocational institution is not designated as a "prison" in sections governing it is not determining. In holding that a term served in a federal "reformatory" was a term served in a federal "penitentiary" within the meaning of Penal Code Section 644 (prior to the 1945 amendment) the Supreme Court of California said:

"Rather it is the character of the institution and its inmates together with the nature of the proceedings leading to confinement therein which determine its status in relation to the language of the code section under consideration." (In re Gilliam (1945), 26 C. 2d 860, 863; see also In re Loncaric (1945) 71 C. A. 2d 144, 145).

As to persons transferred to the vocational institution by the Adult Authority from state prisons, by this test the vocational institution seems clearly a prison. However, as to persons transferred thereto by the Youth Authority, to which young persons are committed in lieu of imprisonment in prison or in county jails, by this test the vocational institution is not a prison, but a facility for correction and rehabilitation of youthful offenders, similar in nature to the "educational institutions" "established and maintained in the State as correctional schools for the reception of wards of the juvenile court and other persons committed to the Youth Authority." (See W. & I. C. 1000).

Summary

To summarize: If Assembly Bill No. 747 is enacted, we believe that a second escape from the California Vocational Institution will be punishable by imprisonment for not more than five years, except in the case of persons transferred to the vocational institution by the Adult Authority who (1) were originally convicted of a crime enumerated in subdivision (a) of Penal Code Section 644, (2) escape by use of force or dangerous or deadly weapons, and (3) otherwise come within all the terms of Section 644.

Very truly yours,

FRED B. WOOD, Legislative Counsel
By HARRIETT R. BUHLER, Deputy

REQUEST FOR UNANIMOUS CONSENT TO PRINT STATEMENT IN JOURNAL

Mr. Gaffney asked for, and was granted, unanimous consent that the following statement be ordered printed in the Journal:

Statement by Mr. Gaffney

Mr. Speaker and Members of the Assembly:

I hope the few words I would like to say in support of this resolution may not be deemed impertinent in view of the appreciation of the life and reverence for the memory of Franklin Delano Roosevelt we all hold in common.

Franklin Delano Roosevelt was born January 30, 1882, and in the brief span of 63 years he left the impress of his character on the annals of history for all time.

Humanitarian—Warrior—Statesman—
Gentle in his solicitude for children and the poor—
Gallant battler against tyranny and wrong—
Wise captain of our ship of state through calm seas and storms of over 12 years.

May God reward him the company of Washington and Lincoln and may we ever hold him in the same reverence—first in war—first in peace—and first in the hearts of his countrymen.

expressed by the tradition of the President's Birthday Ball held in nearly every large city throughout the United States on the anniversary of his birth, as a part of the annual March of Dimes campaign which has done so much to develop a true community spirit of helpfulness throughout the Nation and has brought renewed hope and relief from pain to thousands upon thousands stricken, as he was stricken, by a dread disease which, terrible as it still is, has yet lost some of its terror through the victory scored over it by Franklin Delano Roosevelt; now, therefore, be it

Resolved by the Assembly of the State of California, That when this Assembly this day adjourns it do so in commemoration of the birthday anniversary of Franklin Delano Roosevelt, a great President and a great man; and be it further

Resolved, That copies of this resolution be sent to Mrs. Eleanor Roosevelt of Hyde Park, New York, and to Mr. James Roosevelt of Los Angeles, California.

Request for Unanimous Consent

Mr. Gaffney asked for, and was granted, unanimous consent to take up House Resolution No. 77, at this time, without reference to committee or file.

Resolution read, and adopted.

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

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

Assembly Bill No. 1657: By Messrs. Carey, Maloney, O'Day, Gaffney, and Sheridan—An act to amend Section 10 of the Political Code, relating to holidays.

Referred to Committee on Judiciary.

RESOLUTIONS

The following resolution was offered:

By Messrs. O'Day and Burns:

House Resolution No. 78

Relative to commending the State Division of Forestry upon their fire control work

WHEREAS, The fine forests of the State of California are such valuable assets of the State, both scenically and economically, that enormous damage results when even a small fire occurs in a forested area, which makes prevention of fires a great and important part of any fire control program in this State; and

WHEREAS, During the past year the fire control program of the Division of Forestry was so well carried out that there were 400 less fires than in other years; now, therefore, be it

Resolved by the Assembly of the State of California, That the Division of Forestry of the State of California is commended upon its excellent fire prevention program and the fine work of its field men which resulted in this splendid record of successful prevention of forest fires; and be it further

Resolved, That the Chief Clerk of this Assembly is requested to send copies of this resolution to the Director of Natural Resources and to the Division of Forestry of California.

Request for Unanimous Consent

Mr. O'Day asked for, and was granted, unanimous consent to take up House Resolution No. 78, at this time, without reference to committee or file.

Resolution read, and adopted.

REPORTS OF STANDING COMMITTEES

Committee on Rules

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

House Resolution No. 64
House Resolution No. 72

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

DICKEY, Chairman

Above reported resolutions ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Concurrent Resolution No. 31
Assembly Joint Resolution No. 16
House Resolution No. 46
Senate Concurrent Resolution No. 17

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

DICKEY, Chairman

Assembly Concurrent Resolution No. 31 and Assembly Joint Resolution No. 16 ordered engrossed.

House Resolution No. 46 and Senate Concurrent Resolution No. 17 ordered on file for adoption.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

House Resolution No. 59

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

DICKEY, Chairman

Above reported resolution ordered on file for adoption.

COMMUNICATIONS

By the Chief Clerk:

The following communication was received, read, and ordered printed in the Journal:

STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES

January 29, 1947

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

DEAR MR. OHNIMUS: This is to acknowledge the receipt from you of a copy of House Resolution No. 41, which was adopted by the Assembly on January 23, 1947.

You are at liberty to assure Members of the Assembly that it shall be my policy to make every effort to carry out the provisions of the resolution.

Thank you for calling this matter to my attention.

Respectfully yours,

EDGAR E. LAMPTON, Director

REPORTS OF STANDING COMMITTEES

Committee on Legislative Procedure

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Bill No. 811

And reports the same correctly engrossed.

WEBER, Chairman

Above reported bill ordered to third reading.

ASSEMBLY CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Bill No. 747

And reports the same correctly engrossed.

WEBER, Chairman

Above reported bill ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Bill No. 686
Assembly Bill No. 962

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above bills ordered enrolled.

SENATE CHAMBER, SACRAMENTO, January 30, 1947

MR. SPEAKER: I am directed to inform your honorable body that the Senate on this day concurred in Assembly amendments to:

Senate Bill No. 201

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

SENATE CHAMBER, SACRAMENTO, January 30, 1947

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

Assembly Concurrent Resolution No. 10
Assembly Concurrent Resolution No. 34
Assembly Concurrent Resolution No. 38

J. A. BEEK, Secretary of the Senate
By C. V. TAYLOR, Assistant Secretary

Above resolutions ordered enrolled.

ANNOUNCEMENT OF COMMITTEE MEETINGS

It was announced that the following committees would hold meetings:

At 8 p.m., tonight—

Revenue and Taxation.

At 9.30 a.m., Friday, January 31, 1947—

Rules.

REPORT OF ASSEMBLYMAN FRANK J. WATERS MEMBER OF JOINT INTERIM COMMITTEE ON AVIATION

CALIFORNIA LEGISLATURE, STATE CAPITOL
SACRAMENTO, January 28, 1947

Honorable Goodwin J. Knight
President of the Senate of California
State Capitol, Sacramento, California

Honorable Sam L. Collins
Speaker of the Assembly of California
State Capitol, Sacramento, California

Pursuant to provisions of Resolution Chapter 62 of the Statutes of the First Extraordinary Session of the Fifty-sixth Legislature (1946), the Joint Interim Committee on Aviation presented on date of January 23, 1947 the majority report to the Legislature.

Chapter 7 of the majority report (page 47, Assembly Daily Journal, January 23, 1947) comments upon a gross receipt tax on "passenger and freight revenues of interstate and interstate business," and "a 1 cent per gallon tax on aviation gasoline." It is to be emphasized that your committee rejected these forms of taxation.

It is to be further noted that the majority committee report cites on page 48 the recommendation of "the representative of the State Aviation Committee of the American Legion advocated on aviation gasoline tax." The record shows this witness did not appear officially on behalf of the American Legion.

If the Legislature determines that a State Aviation Commission is to be established, I have definite convictions on the form it should take in order that the best interests of the public, private flyers, local air transport operators, and interstate air carriers can be protected.

I believe that any state aviation agency developed should be strictly on a promotional and planning basis. Its functions could profitably include the fostering of air markers, aviation education, assistance to its subdivisions on airport development, and the preparation of aviation literature, maps, data, etc.

No need exists for any state regulation of the interstate air carrier's operations. All of their operations, including those wholly within California, are completely supervised and controlled by federal aviation agencies under the Civil Aeronautics Act of 1938. State regulation of any part of an interstate airline's activities at best can consist of merely rubber-stamping the federal procedures, but more probably will result in conflict between federal and state regulations which, by burdening the air carriers, will directly affect the public through increased fares or decreased service. Therefore, I would recommend that if any state aviation agency is created, *the basic law should definitely prohibit the agency from exercising any economic regulatory powers over federally certificated air carriers.*

Concerning financing, I note that generally where state aviation agencies have been established for the promotion of all phases of aviation, funds have been made available by appropriations from the general

funds of the states. The states act toward aviation as other forms of business in the state consistent with the fundamental principle that the states have a duty to foster and promote certain activities for the general welfare of their inhabitants. Note comments under I, re ($60,000).

Financing the commission by any method of directly taxing aviation activities is thought unwarranted when the broad benefits to the general public are considered. I can state definitely, that a tax on aviation gasoline, although appearing to be an expedient, easy way to raise the necessary funds, is the most inequitable, burdensome and undesirable method which could be adopted by the State of California for financing the commission. In other ways, such as landing fees, rentals and service charges, private flyers, local operators, and the airlines can and should reimburse the State and its subdivisions for the benefits rendered.

If it is determined that a separate aviation agency is not desired, my only suggestion is that care should be exercised to make sure that aviation is not placed in an existing state agency where its promotion will be subservient to the philosophy of other forms of transportation or modes of travel.

I. TAXATION

While a great deal has been written and said about airline taxation it occurs to me that the evidence discloses the air transport industry is subjected to the same federal, state and local taxes that any other interstate business is subjected to.

There are some who, in furtherance of their own bureaucratic power (at the expense of other administrators), would propose to change administrative powers at this time.

It is not clear to me whether they would also give the new administrator the power to assess other property of an air carrier. (Nonflight equipment.)

It has also been suggested that flight equipment be apportioned to California by an unrealistic formula composed of arrivals and departures, originating and terminating tonnage and originating receipts. *It is not clear to me whether the taxes collected are to be state or local revenue.*

The committee considered the imposition of an aviation gas tax to finance our share of the cost under the federal airport aid plan.

While I don't recall anyone specifically recommending this formula for franchise and corporation income taxes it is possible someone may have the same in mind.

The following is recommended in regard to these suggestions:

(a) Flight Equipment of Air Carriers

Such airline property (together with all other airline property) is presently taxed by local assessors throughout our State.

No one has submitted any proof to counteract the statements of airline representatives before our committee to the effect that those local assessors treat this property in the same manner that the property of other taxpayers is treated.

I personally feel that diffusion in government is essential to our democratic way of life. I am opposed to centralization of power (taxing or otherwise) in the hands of a few people where it means that power that rightfully has been placed at one level of government would be given to another level of government. (It appears there

is no difference between giving state power to the Federal Government or giving local power to the State Government.) We have seen this process at work since 1932 and we should not further encourage it.

It is my recommendation that local assessors not be shorn of their present prerogatives. No one has submitted any proof that they are not capable of assessing airline property or that some other administrator has some supernatural gifts or capabilities not possessed by local assessors. Let us proceed slowly in the process of centralizing the taxing power of this State.

(b) The Apportionment Formula for Property

No matter who assesses flight equipment the question arises as to what method should be used in apportioning a part of the unitary property to California.

This question is raised by the fact that no particular flight equipment is ever continuously in one city, county, state or country. On the other hand it appears that a part of an air carrier's fleet is at all times within the state or one of its political subdivisions.

A long line of cases by the United States Supreme Court has decided that:

(1) Moveable or unitary property of a railroad may be apportioned to the states, counties and cities wherein such company operates:

(2) A steamship fleet is only taxable at the port of registration unless it is proven that any particular ship is continuously in another port.

When a similar flight equipment problem was presented to the United States Supreme Court it seemed to adopt the steamship theory for airline taxation. *Northwest Case*. However, that may be, the airlines have not opposed the "apportionment" theory as long as no state has adopted the "steamship" theory.

However, in taking advantage of this "waiver" on the part of the airlines we should be constrained to act as though we are fully aware of the fact that it constitutes a "waiver" on their part and therefore not be ungrateful to the extent that we should attempt to tax a portion of the fleet that is at all times "located" outside of California regardless of whether it is located in another state or country or in "no man's land."

It is my belief that flight equipment cannot legally or logically be apportioned to California by a formula composed of arrivals and departures, originating and terminating tonnage and originating receipts. My belief is based upon the following:

Under the fourteenth amendment and Section 10 of Article XIII of our Constitution we can only tax property "situated" in California.

There isn't a single factor used in the proposed formula which has any correlation to the "situs" of an airplane (i.e.) arrivals and departures ignore the time that a plane may be on the ground or in the air—the other two factors (tonnage and receipts) are correlated to "value" and absolutely and undeniably are uncorrelated to "situs."

Anyone proposing such a formula presents absolute proof that he is a rank amateur in the field of taxation or that he is not intellectually honest.

To prove beyond peradventure of a doubt how illogical this formula is, allow me to present the following example:

Air Carrier X operates between State A and State B. During a tax year it has:

(a) 50 arrivals and 50 departures in each state.

(b) It has $100 of originating receipts in each state.

(c) It has 100 lbs. of originating and terminating tonnage in each state.

(d) Its planes spend 95 percent of their time in State A and 5 percent of their time in State B.

Under the proposed formula each state would tax 50 percent of X's fleet although the fleet is located 95 percent of the time in State A.

Have you any question but that State B would have little trouble in convincing any court how erroneous this is?

Just try to use such a "phony" formula on other transportation companies and see what happens.

Are we going to embarass the air transport industry by proposing such a ridiculous formula?

Other transportation companies have their moveable or unitary property apportioned by a mileage formula. Why should we treat the airlines any differently?

Let us be fair about this problem—not favoring or discriminating against any industry. Let us treat them all the same.

No legislation is needed at this time because the assessors are presently taxing flight equipment by a "plane hour" or "mileage" formula.

We must at all times remember that other states are also interested in this problem. They are going to apportion on a mileage or plane hour basis and logic and law is in their favor.

Let us not place this infant industry "in the middle" at this critical period while each state tries to make the biggest "grab."

Specific formulae are not for legislative provisions, they are for administration. The assessors can and are fairly taxing the airlines. I say, let us allow them to continue to so tax by their present allocation methods.

(c) Franchise Taxes and Corporation Income Taxes and the Airlines

The evidence presented to our committee by the Franchise Tax Commissioner's office and the airlines discloses that the airlines are presently paying franchise taxes on their net income which is apportioned by the Massachusetts formula—The formula that is used for ninety-nine percent (99%) of all interstate businesses.

In order to assure uniformity and the prevention of discrimination it is my recommendation that no legislation is needed under these acts. In any event the commissioner has all the power he needs under Section 10 of the Bank and Corporation Franchise Tax Act and a comparable provision of the Income Tax Act.

(d) Aviation Fuel Taxes

At the present time the airline industry pays a three-cent (3¢) motor fuel tax and gets a refund thereof (from the Controller) less sales tax of 2½ percent which was not collected at the time of purchase from a distributor. Actually this is equivalent to the payment of about $60,000 a year or ½-cent per gallon aviation fuel tax (based upon 1947 estimates).

If a 1-cent gasoline tax is imposed upon the industry it should be made clear that this ½-cent tax is to be eliminated by an appropriate amendment to the Sales Tax Act.

However, I believe that California should not impose any further tax on aviation gasoline for the following reasons:

(1) Historically and for the past 25 years it has always been properly recognized that motor fuel taxes are "user" taxes imposed for special benefits given to the highway users, while at the same time "landing fees" are "user" charges for special benefits given to air carriers. These two principles have logically developed together and should not be altered at this time;

(2) Any expenditures under the airport aid plan will give very little "special" benefits to scheduled interstate airlines and they will pay in "landing fees" or rentals, etc., for whatever special benefits they receive therefrom;

(3) Most of the money spent under the airport aid plan will be expended for facilities which scheduled interstate airlines will not and *cannot* use. The fundamental justification for this "special user's tax" is not applicable to these airlines as it is in the case of motor fuel taxes;

(4) "General" benefits which these airlines may receive from the plan are no different from benefits which "businesses generally" will receive. Airlines and other businesses pay for these "general" benefits by the payment of "general" taxes, i.e. property, franchise, sales, etc., taxes. Other businesses do not pay special "user" taxes for these "general" benefits and neither should the airlines;

(5) Every report that has considered the question of aviation fuel tax has recommended against the imposition of such taxes:

1. C. A. B. report of April, 1945.
2. Tax Magazine (February, 1946).
3. Terminal Airport Financing and Management (Aviation Research Staff of the Harvard Graduate School of Business).
4. XI Duke University Law Review, p. 594.
5. Cornell Law Review.
6. A number of other congressional reports (Senate Document No. 69, Seventy-eighth Congress, First Session, House Document No. 160, Seventy-ninth Congress, First Session).
7. Tax Magazine (December, 1946).

(Even the North American Gasoline Tax Conference was evenly divided on the question (see reports of 1945 and 1946));

(6) A gasoline tax on aviation gasoline is absolutely uncorrelated to any benefit or protection that may or could be given to an airline, i.e., X Airline purchases 4,000 gallons of gasoline at Mills Field in San Mateo County and uses the same on a trip to Honolulu—50 gallons used in California and 3,950 gallons outside its jurisdiction. Certainly there can be no correlation between this tax and any benefits or protection which California may give to scheduled interstate airlines. Let us be honest and recognize that the reasons justifying an automobile gasoline tax do not exist in the case of aviation use any more than it does in the case of farm use. This has been recognized in the past and no logical reason can be presented at this time for nonrecognition. Every study made on this subject has reached this conclusion;

(7) The Federal Government is now considering an additional 1½-cent gasoline tax to cover the cost of maintenance, etc.; of federal airway facilities and aids (states have participated to a very minute degree in this program up to this time). The imposition of arbitrary gasoline taxes by the states at this time would cripple the air transport industry;

(8) An equitable tax system cannot and will not discriminate against any particular industry. The imposition of "general" taxes and "special user" taxes against an industry which does not receive any "special use" from expenditures of the "special use" tax would constitute rank discrimination.

The question remains as to how California can finance its airport air program without an aviation gasoline tax program. While this presents a difficult problem, it is not insurmountable.

In the first place serious consideration should be given to ***how much*** is to be expended for airports and facilities and where it is going to be expended. Many thinking people question the maintenance of every airport that mushroomed in California during the war.

In the second place many of the airports (built during the war) have no justification except as emergency fields for military use. Why shouldn't the Federal Government maintain these fields for the benefit of all the people in the United States?

In the third place airfields properly built, maintained and located will be self-supporting from the landing fees, rentals, and operation of restaurants, concessions, etc.

The many little fields that may be built or maintained under the plan which will not be self-supporting should not be saddled upon the airlines which *cannot* and will not use the same. This also is true as to many facilities which may be maintained.

If their cost is justified it will be on the basis that it is for everyone in general. *Therefore the General Fund of the State should be used for this purpose.*

All taxpayers who will receive these "general benefits" will pay for the same in "general taxes" while those who receive "specific" benefits will pay "specific user" charges in the form of "landing fees," rentals, etc.

The $60,000 a year which is withheld from the motor fuel tax refund will be more than sufficient to cover the schedule airlines share of the cost of an aeronautical commission if one is established. Legally this

commission can have little jurisdiction, if any, over the scheduled interstate air carriers.

While I haven't mentioned constitutional limitations on the Legislature up to this point there are some who believe that a gasoline tax can only be levied for highway purposes—see Section 1 of Article XXVI and Section 25 (10) of Article IV of the State Constitution. As a lawyer, I find considerable force to this argument but have not relied upon the same because there are so many logical and compelling practical reasons why we shouldn't levy an aviation gasoline tax.

In concluding this phase of my recommendation on Airline Legislation I note the following:

(1) Airlines today pay federal income, transportation, gasoline, and excise taxes that are levied on other businesses in general, further, they pay every tax that is levied by the State of California and its counties and cities (i.e.), income, franchise, sale, use, property, etc., on businesses in general and at the same time they pay very substantial "special user" charges for special benefits rendered. In other words they pay every tax that is levied by any level government on businesses in general *and in the same manner.*

There is no logical reason why any type of legislation should be proposed at this time. To do so would constitute rank discrimination against the air transport industry.

(2) The air transport industry is presently going through its most critical period. While it must share its just share of the tax burden we should not, at this time, go out of our way to discriminate against it. *It is too essential to our national defense to be hindered by any ill-advised tax program.* We should move very, very, slowly in accepting any tax theories that would place the industry separate and apart from "industry in general." They are treated, at the present time, like every other taxpayer and should be continued to be so treated. No tax legislation is needed at this time to accomplish that purpose. We must bear in mind that the industry will lose between eight (8) and fifteen (15) million dollars this year and apparently prospects are not too good for the immediate future. Such a situation does not call for any radical action on the part of state legislators or administrators;

(3) There have been too many amateurish and unfounded statements bandied about in regard to airline taxation during the past several years. The fact is that airlines pay the same taxes (and in the same manner) that other businesses pay. Any change would discriminate in favor of or against them. Let us not be a party to or aid a small group of "theorists and dreamers" who are trying to use us to further their aim of treating the airline industry as a "guinea pig" for some new and startling theories of "national centralization" of state taxing power. The program they are presently urging you to adopt is *merely one phase of much broader one to have all interstate businesses subjected to the power of a federal central bureau. I say let us not be so used.*

Respectfully submitted.

ASSEMBLYMAN FRANK J. WATERS

Attached hereto and made a part hereof is testimony of Colonel Thomas M. Murphy, Chairman, State Governmental Affairs Committee, Air Transport Association (Pan American Airways, American Air Lines System, United Air Lines, Transcontinental & Western Air Inc., and Western Air Lines, Inc. Colonel Murphy testified before the committee on November 8, 1946, in San Francisco, California.

State Regulation of Interstate Air Carriers

"It is the position of the scheduled air transport industry that there is no need for economic regulation by the states of air carriers operating under certificates of public convenience and necessity issued by the Civil Aeronautics Board. The economic regulation imposed by the Federal Government upon the scheduled airlines of the United States is comprehensive and detailed. State economic regulation of airlines at best would

be duplicating, and inevitably, in conflict with federal regulation. Moreover, conflict would inevitably develop between the states themselves. Piling such duplicating and conflicting state regulations on top of that prescribed by federal law will not promote, but actually retard, sound economic conditions in the airline industry.

"The limits of this presentation permit only the barest summary of the federal economic regulations to which airlines are subject. Considering the field of federal economic regulation, it is to be noted that before an airline can start an operation it must prove the necessity for the operation to the Civil Aeronautics Board, and convince the board that it is fit, willing and able to conduct it. Thereafter, it is under constant supervision by the board, and its service may be terminated if it does not continue to meet the required standards. Tariffs must be filed, including the rates and regulations applicable to airline service, and these rates and regulations are subject to constant scrutiny by the board and may be investigated and changed by the board upon complaint or upon its own initiative. An air carrier's accounts are prescribed in the utmost of detail by the board, and its books are audited periodically to make sure that the prescribed accounting system is complied with. The carriers are forbidden by the Civil Aeronautics Act to maintain a system of accounts other than that prescribed by the board, without the board's permission. Almost all contracts entered into among carriers must be filed with and approved by the board. Any interlocking directorates in which an airline is involved must be approved by the board, and any consolidations, mergers, or acquisition of control affecting airlines must be likewise approved. The board has power to prevent unfair competitive practices, and generally to inquire into the management of any airline. The board may at any time demand and secure special reports from air carriers, and does require the submission of lengthy monthly and annual financial and operating reports. In addition to these specific requirements, airline operations are generally subject to prescribed economic regulations of the board.

"Federal economic regulations are imposed upon an airline as an entity, and no material differentiation is made between the operations of an airline involving the carriage of interstate and international traffic and those involving intrastate traffic. Any efforts to do this would be most difficult, since both types of traffic are carried in the same equipment, and the intrastate and interstate operations of the airline are completely integrated. Any attempt to disturb this integration would necessarily result in a dislocation of an air carrier's operations, and an impairment of the carrier's service, particularly to intrastate traffic. Thus, state regulation imposed upon interstate air carriers does not actually cover an area now devoid of regulation, but results, at best, in duplicating regulation already imposed.

"In considering any regulation applicable to airlines, a state legislature must bear in mind that it is legislating, not merely for that particular state, but may be setting a pattern for regulation in many other states through which the airlines concerned operate. This being the case, the effect of any regulation must be judged as if it were to be applied individually by the regulative bodies of each state through which the airlines concerned operate. It is self-evident that a particular regulation which might not be burdensome if imposed upon an air carrier by only one state

would, if repeated in 18 or 20 other states, soon become a burden which the air carrier would find it difficult to bear.

"It should always be kept in mind that because of the speed and long-range characteristics of airline operations, airlines operate in a great many more states than do surface carriers of corresponding size and strength. For example, statistics indicate that the large earning capacity of the Class I railroads is concentrated in a few states, while the relatively small earning capacity of the airlines is far more widespread. Consequently, any argument for state regulation of airlines based upon the contention that the railroads have been able to survive is not valid, because of the fundamental differences between these forms of transportation. It should be noted also that practically all intrastate traffic moves either by highway or rail; whereas the scheduled airlines are almost completely interstate carriers, state borders being crossed in a matter of minutes. In this connection the airline industry is comparable to the radio industry which is under the exclusive jurisdiction of the Federal Government through the Federal Communications Commission.

"In view of the above, it is the industry's position that the scheduled airlines operating in interstate and foreign commerce are comprehensively and in great detail regulated by the Federal Government; and that state regulation imposed upon such airlines does not cover an area now devoid of regulation, but results in duplicating regulation already imposed, the result of which is not to promote but to retard the development of sound economic conditions, in the scheduled air transport system.

Taxation

"The interstate air carriers recognize that they have obligations to the State of California and its municipalities; first, the obligation to pay fair and reasonable charges for the utilization of facilities provided by the municipalities, and second, the obligation to pay equitable taxes, for the privilege of doing business within the State.

"The State and the municipalities also have responsibilities. The municipality which collects its charges must guard against excessive charges. The State, when it collects its taxes, must make sure that they are equitable and fairly apportioned.

"Let us examine these obligations.

"An airplane operates principally in the air space. That operation, alone, adds nothing in the way of increased capital cost or maintenance to the state or municipal budget. The airways aids required in interstate commerce are provided principally by the Federal Government, in some part by the air carriers. Federal provision of airway aids is justified on the same premise which justifies the provision of maritime aids by the Federal Government; the welfare of those who travel or ship, and the public good which comes from a better system of transportation and communication. In any event, the cost of installing and maintaining the Federal Airways System is not of direct concern to the state or municipal governments.

"It is when the airplane comes in for landing that we make utilization of the facilities provided by the municipality, using at that time the landing field and taxiways for the fulfillment of a part of our responsibility to the public.

"Each user of a municipal airport should make some contribution toward the expense of providing and maintaining that airport. Some will fulfill their obligation by paying established landing fees, some through the profit on the fuel and lubricants sold to them by the municipal operator and others by the payment of taxes on the fuel which they consume in their airplanes. These charges, any and all of them, should be equitable and should conform to the relative use made of the airport.

"In the case of scheduled airlines you are able to measure their utilization of the airport with reasonable accuracy, for landings are made in accordance with predetermined schedules. For that reason, experience has dictated a standard of prorating charges to the air carriers on the landings accomplished each month. This landing fee is a charge for the privilege of using the runways, the taxiways and the loading and unloading areas, a charge designed to be fair and reasonable for the facilities required and the utilization of the buildings on the airport; it is for the use of the landing and loading area alone.

"If this landing charge is for the purpose of providing reasonable fees for the landing area utilization, then there should be no other charges for the same use; there should be no duplication of charges.

"This landing charge may vary from time to time; as the requirements of air transportation change, and thus require substantial changes in the facilities to be provided, it is fair that the parties shall consider changes in the charges to be made. In the case of cities served by the airlines in California there have already been adjustments of landing charges from time to time, and the advent of larger aircraft may well justify reexamination of the charges presently being paid. I am not familiar with the detail of all the charges but if they are not in keeping with the equity of the situation we will participate with the cities in their reexamination.

"We will want to pay our fair share of providing and maintaining the landing fields which we utilize in California. We should not pay more than our fair share and we should not be asked to contribute to the support of air fields which we do not use and have no intention of using. That, as a general policy, is understandable and, I believe, entirely tenable.

"We must remember that a busy airport is utilized by many operators of aircraft; by the Army, Navy, the airlines, by airplanes belonging to other corporations, by airplanes belonging to people who reside in the community and by those who are passing through the community. In the fixing of charges for the use of the airport it is essential that an analysis be made of the airport activity and that the necessary charges be distributed on the basis of relative use.

"With regard to the airport terminal building, it should be appropriate, I believe, that the occupants of this building pay rentals sufficient in amount to amortize the cost of the building over a reasonable period of time. This, of course, on the premise that all occupants of the building will pay rentals for the space which they occupy. It is further premised upon the assumption that the building in question has been sensibly designed for the purpose for which it is to be used and that the cost of construction has not been ill advised or wasteful.

"In the design of terminal buildings due consideration must be given to providing space for all potential revenue producing activities.

This should include a good restaurant, sometimes a bar if local statutes will permit, a newspaper and magazine stand, sightseeing concessions and gift and novelty counters. Oftentimes, and especially in the larger cities, these concessions will bring in a substantial proportion of the revenue required for the maintenance and amortization of the building. An unusual opportunity should exist at the airports in California to sell at profit gifts and souvenirs indicative of this attractive section of the Country.

"In the past there has been a definite tendency on the part of the government agencies to exact free office space from the municipalities. In the early days, the Post Office Department was the great user of airport space, still is. It often insisted, and usually with success, that the space it required be provided by the city without charge. If that could not be accomplished, then the air carriers bore the burden of providing the space required for the field post office.

"This arrangement proved neither advantageous nor fair and I believe that the present policy of the Post Office Department is being shaped to seek funds with which to pay reasonable rental on space occupied in the airport building. The Post Office Department has taken the very sensible viewpoint that it does not expect the municipality to provide without charge the quarters at the downtown post office; why should it expect to receive free quarters from the city for the airport post office? This is a tendency in the right direction and I hope that this policy will be followed by other agencies of the government. It is a trend which the municipal authorities might well encourage.

"There may come a time when all of the space in the passenger terminal will be occupied by the air carriers or by concessionaires under their control, or by both. In such cases it may be advisable for the air carriers to erect and maintain their own terminal buildings at the airport. This is a subject difficult to discuss in generality, for each location will present differences of requirement and differences of potentiality. For that reason, each location should be discussed on the basis of its individual merit and decision made on the basis of the facts in the case.

"Some, who have not accurately analyzed the problem, ask why the airlines should not also construct and operate their own airports. A good analogy is the operation of a coastal harbor and, on that basis, it is reasonable to ask why the harbor at New York is not constructed and operated by the steamship companies. In the first place, like a marine harbor, an airport is utilized by many craft other than those engaged in scheduled service. While it is sensible for the air carriers to pay their just proportion of the total cost of operating an airport, it is not just that they shall be required to operate an airport open to all comers—and what city of vision would want to be without an airport open for the use of all who have reason to utilize it? The operation of the principal airport of a city is vested with public interest, and the airport should be under municipal control. The reason for that is obvious.

"The air carriers have another obligation; that obligation being to pay taxes in each of the states in which they operate. They should pay taxes on the same basis, no more and no less, than comparable business institutions pay in the same state for the comparable privilege of doing business. Taxation, on the broad basis of principle, should be equitable and, further, no taxes should be assessed which result in duplication of charges already levied against the taxpayer in some other form. For instance you should not charge an air carrier a landing fee for the utilization of the landing area and at the same time assess against him taxes on aviation fuel for the same purpose.

The first of the taxes to consider is the ad valorem tax, assessed on the value of the property used within the state. This is usually taken as applying to property with situs in the state and it relates principally to buildings and other property firmly fixed to specific location. There is no difficulty in valuing the ordinary fixed property belonging to an air carrier. But the principal property of an air carrier is the aircraft fleet with which he operates his business and it is sometimes difficult to determine just where an airplane is located. Should the ad valorem tax on an airplane apply in the state in which the home office of the company is located, and only in that state; some still cling to that theory? Or should the airplane be assessed for the purpose of taxation in the state in which it is located on tax rendition day? That, too, would be difficult, for an airplane engaged in scheduled flight might well be in six or eight states during a 24-hour period. Or should the airplane be taxed in the state in which it usually spends the night? A large proportion of airline operation is conducted at night and a specific airplane might be crossing state borders at 300 miles an hour on the night in question.

"What is the most equitable method of assessing the ad valorem tax? The most equitable method, in our opinion, is to share among the states in which we operate the taxable value, and consequently the taxes, premised upon the relative division of our total operation among the different states.

"Under the present system of property taxation in California, the air transport industry is subject to taxation at the local level—by city and county assessors. Fixed property is assessed according to its obvious location. Movable property is allocated to various local jurisdictions in accordance with a plane hour or mileage formula.

"As in the case of every other owner of property in the limits of this State, the airlines annually file statements with local assessors disclosing their property holdings in the State. Local assessors then place their evaluation and in due course a rate is established and the airlines pay a property tax to the various counties and cities wherein they operate.

"Only two problems can arise in connection with the present method of handling airline property taxation: (1) Whether the local governments should continue to assess, and (2) The proper method of apportionment of movable property of the various airlines.

"In regard to No. 1, we do not believe it is the prerogative of the air transport industry to tell anyone at which level of government the authority to administer these taxes should be delegated.

"In regard to No. 2, it may be noted that under the existing law any administrator (at any level of government) can apply any apportionment theory that he cares to apply.

"Another form of taxation in California is the franchise and income tax, for corporations doing business in the State. We pay this tax now.

"The California Bank and Corporation Franchise Tax Act provides for a tax levy on corporations, 'doing local business,' in California for the privilege of exercising corporate franchises in the State measured by net income as defined by the act. Generally speaking, it is equivalent to net income as defined by the Federal Income Tax Law.

"Section 10 of the act provides that all corporations (domestic or foreign) which do business in and out of the State shall pay a tax measured only by the net income derived from California sources. This section delegates to the Franchise Tax Commissioner the responsibility for such determination and gives him a most flexible statute as a guide in allocation of California income. As a matter of administration, the commissioner applies the 'Massachusetts formula' (property, pay roll and gross receipts) to 99.9 percent of all corporations operating in California. (See statement of L. J. Batchelder of the Office of Franchise Tax Commissioners before the Interim Aviation Committee on Friday, July 19, 1946.)

"As a result of the decision of the United States Supreme Court in *Northwest Airlines, Inc.* v. *Minnesota* (1944) 322 U. S. 292, a number of investigations and studies have been made concerning the possibility of multiple taxation of airlines in the fields of property, franchise, income, and gross receipts taxes.

"The CAB rendered its report, which has been previously called to the attention of this committee, on April 3, 1945. Thereafter, four national tax associations considered the report: National Tax Association, National Association of Tax Administrators, North American Gasoline Tax Conference, and the National Association of Assessing Officials.

"The air transport industry has, for the past year, been jointly considering this problem with airline tax committees of the NTA and the NATA. These associations have not to this time agreed on any specific program.

"The closest approximation to the formulation of a program has been by the NATA. Their report of August 7, 1946, proposes that the states adopt a model bill. It is our understanding that certain members of the NATA have been assigned the responsibility of drafting a bill for consideration by the states.

"The air transport industry believes that it should be treated in the same manner for franchise tax purposes as any other industry operating within and without California. It does not believe that it should be segregated from other such businesses and subjected to a different and special type of allocation formula for franchise tax purposes. In fact, it is felt that there is no need for any legislation because under the broad, general language of Section 10 of the California Bank and Corporation Franchise Tax Act, the commissioner presently has the power to apply any allocation formula that he desires. This, of course, includes any formula that may have been proposed by any group studying the airline tax problem.

"This industry of air transportation has gone through some trying years, through a long and expensive formative period. During this period many of the air carriers lost a substantial proportion of their capital investment, operating airplanes without profit. Each has been no different from others in this respect; we operated in California for many years without assurance that we would for long have enough money to meet the bills. The trend in air transportation is toward better times, and I say trend advisedly, for the year of 1946 is going to be a skinny one. Even with the increased gross revenue of 1946 our profits will be substantially less than the profits for the year of 1945. But we look forward to better times and I hope that the year of 1947 will prove better than the year of 1946.

"In any event, during the formative years the Federal Government, the states and the municipalities were of great aid to air transportation, affording it the use of facilities at nominal cost, being reasonable about the assessment of taxes in an industry which had no profit and, generally, lending a helping hand to a business which showed promise of being of benefit to the community and worth saving. We hope that your faith in our business has been justified and you will find us ready to bear our fair share of the burdens which we, as citizens of the State, should share with you.

"We should not leave the subject of taxation without referring to aviation fuel taxation, for that is a matter under consideration in California. On the basis that all who utilize the airports should participate in providing funds for their installation and maintenance, there may be appropriate reason, in some instances, for the institution of a fuel tax. We believe, however, that the payment of landing fees for the use of the airport is the most sensible method of fixing airport charges for the scheduled airlines.

"If an airline pays landing fees for the utilization of the landing area, pays reasonable charges for the occupancy of buildings provided by the municipality, pays franchise and income taxes on the value of the property used in its operation, that enterprise has paid all of the charges and taxes levied against the usual business in the State and there is no logical reason or justification for levying a fuel tax on its aviation gasoline in addition thereto. For that reason, if aviation fuel taxes should ever be levied in the State of California, the tax should not apply to the scheduled air carriers.

"There are other serious defects in the taxing of fuel used by the airlines in flying across the country. In the first place the charges which you impose for the use of airports should bear direct relationship to the use made of the airports. There is not necessarily direct relationship when charges for airports are collected through aviation fuel taxes.

"Assume that we have a flight going from Los Angeles to Seattle and stopping at San Francisco for fuel. With aviation fuel taxation that flight might bear an inordinate charge for the single landing and takeoff.

Twenty minutes later there might come in another flight, which also started in Los Angeles and was destined for Seattle, but not planning to refuel at San Francisco. The second flight, although making the same identical use of the airport, would bear no charge under the system of obtaining airport revenues from gasoline taxation.

"Again, assuming that you were scheduled to land only once in each of two states, one a long, skinny one and the other of more compact size. Should your tax be greatly increased in the first state, solely for reason of the shape of the state and the direction of your flight? That can easily happen under a system whereby the number of gallons of fuel taken aboard determines the amount of tax you should pay in the state. This is neither a fair nor a scientific method of calculating taxation. We would prefer to be charged, and we think that you would prefer to charge us for the use which we made of the facilities which you provide for our use on a landing fee basis.

"I am grateful for this privilege of discussing our mutual problems with you; they and their solution are of interest to you and to us. This industry which we represent is neither a wealthy one nor presently a prosperous one. The things which we can do are not unlimited but to the extent of our ability we want to be fair and to be helpful. Thank you for your consideration and I hope that we can continue to work together, for the good of aviation and for the good which air transportation can contribute to the welfare of California."

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Mr. Debs, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. George Crosby Murray of Los Angeles.

On request of Messrs. Thurman and Dickey, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Al Boyer, Miss E. M. Ashton of Roseville, and Miss Verna Taylor, of San Francisco.

On request of Mr. Brown, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mr. and Mrs. G. Edwin Washburn of Turlock.

On request of Messrs. Erwin and Ralph C. Dills, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Frank Pellisees of Whittier.

On request of Mr. Hahn, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Kenneth F. Hahn, Bill Stivers and Harry A. Marlow of Los Angeles.

On request of Mr. Brady, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to E. J. Krueger of San Francisco.

On request of Messrs. Heisinger and Erwin, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to A. J. Quist of Fresno.

On request of Messrs. Huyck and Conrad, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Mrs. Tony Whan of Beverly Hills.

On request of Mr. Loomis, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Seth Lawton of Chico.

On request of Mr. Robertson, the privilege of the floor of the Assembly Chamber for this day was unanimously extended to Clark E. Sargent of Santa Barbara.

ADJOURNMENT

At 5.09 p.m., on motion of Mr. Dickey, the Speaker declared the Assembly adjourned out of respect to the memory of the late President Franklin Delano Roosevelt until 10 a.m. Friday, January 31, 1947.

SAM L. COLLINS, Speaker

GERALDINE B. HADSELL, Minute Clerk

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