

S271869

IN THE SUPREME COURT OF CALIFORNIA

CHEVRON U.S.A., INC., et al.

Plaintiffs and Respondents,

vs.

COUNTY OF MONTEREY, et al.

Defendants;

PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO

Intervenors and Appellants.

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After a Decision by the Court of Appeal  
Sixth Appellate District, Case No. H045791

Appeal from a Judgment Entered in Favor of Plaintiffs  
Monterey County Superior Court  
Case No. 16-CV-3978 and consolidated cases  
Honorable Thomas W. Wills, Judge

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**INTERVENORS' MOTION REQUESTING JUDICIAL NOTICE**

**Volume 2, Pages 14 - 147**

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PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO

## INTERVENORS' CHRONOLOGICAL INDEX

<u>Date</u>	<u>Title of Document</u>	<u>Volume</u>	<u>First Page</u>
1961	Exhibit A Legislative History of Senate Bill 703, Chapter 2074 (1961)	2	14
1970	Exhibit B Legislative History of Senate Bill 161, Chapter 799 (1970)	3	148
1970	Exhibit B, Continued Legislative History of Senate Bill 161, Chapter 799 (1970)	4	232
1972	Exhibit C Legislative History of Senate Bill 1022, Chapter 898 (1972)	5	330
1972	Exhibit C, Continued Legislative History of Senate Bill 1022, Chapter 898 (1972)	6	378
Sept. 10, 2018	Exhibit D Governor's Executive Order No. B-55-18	7	472
Sept. 23, 2020	Exhibit E Governor's Executive Order No. N-79-20	7	479
Mar. 28, 2022	Motion Requesting Judicial Notice	1	1

**INTERVENORS' ALPHABETICAL INDEX**

<b><u>Title of Document</u></b>	<b><u>Date</u></b>	<b><u>Volume</u></b>	<b><u>First Page</u></b>
Exhibit A Legislative History of Senate Bill 703, Chapter 2074 (1961)	1961	2	14
Exhibit B Legislative History of Senate Bill 161, Chapter 799 (1970)	1970	3	148
Exhibit B, Continued Legislative History of Senate Bill 161, Chapter 799 (1970)	1970	4	232
Exhibit C Legislative History of Senate Bill 1022, Chapter 898 (1972)	1972	5	330
Exhibit C, Continued Legislative History of Senate Bill 1022, Chapter 898 (1972)	1972	6	378
Exhibit D Governor's Executive Order No. B-55-18	Sept. 10, 2018	7	472
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Motion Requesting Judicial Notice	Mar. 28, 2022	1	1

# EXHIBIT A

Introduced by Senators Miller, Stiern, McBride, Robert D. Williams,  
Murdy, and Richards

February 15, 1961

REFERRED TO COMMITTEE ON NATURAL RESOURCES

*An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.*

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

1 SECTION 1. Section 3106 of the Public Resources Code is  
2 amended to read:

3 3106. The supervisor shall so supervise the drilling, opera-  
4 tion, maintenance, and abandonment of wells as to prevent,  
5 as far as possible, damage to underground oil and gas deposits  
6 from infiltrating water and other causes, loss of oil, gas, or  
7 reservoir energy and damage to underground and surface  
8 waters suitable for irrigation or domestic purposes by the in-  
9 filtration of, or the addition of, detrimental substances, by  
10 reason of the drilling, operation, maintenance, or abandonment  
11 of wells.

12 *The supervisor shall also supervise the drilling, operation,*  
13 *maintenance, and abandonment of wells so as to permit the*  
14 *owners or operators of such wells to utilize all methods and*  
15 *practices known to the oil industry for the purpose of in-*  
16 *creasing the ultimate recovery of underground hydrocarbons*  
17 *and which, in the opinion of the supervisor, are suitable for*

#### LEGISLATIVE COUNSEL'S DIGEST

S.B. 703, as introduced, Miller (Nat. Res.). Oil and gas resources.

Amends and repeals various secs., P.R.C.

Permits the oil and gas supervisor to approve utilization of methods for increasing oil recovery and provides that oil lease grants or contracts, in the absence of an express condition to the contrary, convey the right to utilize these methods for increasing oil recovery when such methods employed have been approved by the supervisor.

Provides for filing of monthly reports by owners of idle wells in addition to those who have producing wells.

Provides additional time for the supervisor to record the "blanketing-in" statement, 20 days in place of 10, as at present, and eliminates the need to file a notice of intention to drill in connection with the statement required for the "blanketing-in" of parcels of land of less than one acre in area into the surrounding lease.

Provides for payment of royalty under unit operation on same basis as other unit interest holders.

1 such purpose in each proposed case. In order to further the  
 2 elimination of waste by increasing the recovery of under-  
 3 ground hydrocarbons it is hereby declared as a policy of this  
 4 State that the grant in an oil and gas lease or contract to a  
 5 lessee or operator of the right or power, in substance, to explore  
 6 for and remove all hydrocarbons from any lands in the State  
 7 of California, in the absence of an express provision to the  
 8 contrary contained in such lease or contract, includes the right  
 9 of the lessee or contractor or his successors or assigns, to do  
 10 what a prudent operator using reasonable diligence would do,  
 11 having in mind the best interests of the lessor, lessee and the  
 12 State, in producing and removing hydrocarbons, including but  
 13 not limited to the injection of air, gas, water or other fluids  
 14 into the productive strata, the application of pressure heat or  
 15 other means for the reduction of viscosity of the hydrocarbons,  
 16 the supplying of additional motive force or creating of en-  
 17 larged or new channels for the underground movement of  
 18 hydrocarbons into production wells, when such methods or  
 19 processes employed have been approved by the supervisor.

20 SEC. 2. Section 3227 of said code is amended to read:

21 3227. Every person The owner of any well producing or  
 22 capable of producing oil or gas in the State shall file with the  
 23 supervisor, on or before the 10th day of each month, for the  
 24 last preceding calendar month, a statement, in such form as  
 25 the supervisor may designate, showing:

26 (a) The amount of oil and gas produced from each well  
 27 during the period indicated, together with the gravity of the  
 28 oil, the amount of water produced from each well, estimated  
 29 in accordance with methods approved by the supervisor, and  
 30 the number of days during which fluid was produced from  
 31 each well.

32 (b) The number of wells drilling, producing, or idle, owned  
 33 or operated by such person.

34 (c) What disposition was made of the gas produced from  
 35 each well, including the names of persons, if any, to whom the  
 36 gas was delivered, and such other information regarding the  
 37 gas and the disposition thereof as the supervisor may require.

38 Upon request and satisfactory showing, a longer interval  
 39 may be fixed by the supervisor for such reports in the case of  
 40 any specific owner or operator.

41 (d) It is the duty of the supervisor to compile from such  
 42 statements and to publish monthly statistics showing the  
 43 amount of oil and gas produced in the State by oil fields and  
 44 pools, together with the number of wells drilling, number of  
 45 wells producing or idle, all separately stated as to oil fields  
 46 and pools, with such other information as the supervisor deems  
 47 proper.

48 (e) As used in this section, "pool" means an underground  
 49 reservoir containing a common accumulation of crude petro-  
 50 leum oil or natural gas or both. Each zone of a general struc-  
 51 ture which is separated from any other zone in the structure  
 52 is a separate pool.

1 SEC. 3. Section 3414 of said code is repealed.

2 3414. The Director of Natural Resources, the Director of  
 3 Finance, and the chairman of the State Board of Equalization  
 4 shall constitute a board of review, correction and equalization,  
 5 and shall have all the powers and perform such duties as usu-  
 6 ally devolve upon a county board of equalization under the  
 7 provisions of Sections 1603 and 1604 of the Revenue and Tax-  
 8 ation Code.

9 The Director of Natural Resources shall act as secretary of  
 10 the board and keep accurate minutes of its proceedings.

11 The board of review, correction and equalization shall meet  
 12 at the State Capitol on the third Monday before the first Mon-  
 13 day in July of each year, and remain in session from day to  
 14 day until the first Monday in July for the purpose of carrying  
 15 out the provisions of this article.

16 SEC. 4. Section 3414.1 of said code is repealed.

17 3414.1. All meetings of the board shall be open and public.

18 SEC. 5. Section 3415 of said code is repealed.

19 3415. The board may, at any time before the first Monday  
 20 in July, correct the record of assessments and may increase  
 21 or decrease any assessments or charge, if in its judgment the  
 22 evidence warrants such action.

23 SEC. 6. Section 3417 of said code is amended to read:

24 3417. The notice shall state:

25 (a) That the assessment of property and levy of charges  
 26 under this article has been completed.

27 (b) That the records of assessments containing the charges  
 28 due will be delivered to the State Controller on the first Mon-  
 29 day in July.

30 (c) That if any person is dissatisfied with the assessment  
 31 made or charge fixed by the department he may, at any time  
 32 before the first Monday in July, apply to the board of review,  
 33 correction, and equalization Controller to have the assessment  
 34 or charge corrected in any particular.

35 Costs of publication shall be paid from the Petroleum and  
 36 Gas Fund. The omission to publish notice shall not affect the  
 37 validity of any assessment levied pursuant to this article.

38 SEC. 7. Section 3608 of said code is amended to read:

39 3608. Where land aggregating less than one acre is sur-  
 40 rounded by other lands, which other lands are subject to an  
 41 oil and gas lease aggregating one acre or more, and if, under  
 42 the provisions of Sections 3600 to 3607, inclusive, of the Public  
 43 Resources Code, the drilling or producing of a well on said  
 44 land is declared to be a public nuisance, said land shall, for  
 45 oil and gas development purposes and to prevent waste and  
 46 to protect the oil and gas rights of landowners, be deemed  
 47 included in said oil and gas leasehold on said other lands when  
 48 there is filed with the State Oil and Gas Supervisor a notice  
 49 of intention to drill a well upon the said leasehold covering  
 50 said other lands or a request from the owner or lessee of the  
 51 lands aggregating less than one acre and the State Oil and  
 52 Gas Supervisor has caused to be recorded with the county



1 recorder of the county in which said land aggregating less  
 2 than one acre is located a declaration as hereinafter provided.  
 3 *A request for inclusion of surrounded land aggregating less*  
 4 *than one acre may be filed with the supervisor at any time by*  
 5 *either the lessee of such other lands or by the owner or lessee*  
 6 *of such surrounded land or the supervisor may act upon his*  
 7 *own motion. Before filing such request the lessee of such other*  
 8 *lands shall make a reasonable effort to include each parcel of*  
 9 *surrounded land, within the oil and gas lease upon such other*  
 10 *lands.*

11 There shall be attached to such ~~notice of intention or~~ request  
 12 a statement which shall set forth the name or names of the  
 13 record owner or record owners of said land aggregating less  
 14 than one acre which is to be included in said oil and gas lease-  
 15 hold on said other lands, the legal description of said land  
 16 aggregating less than one acre, name of the lessee of the oil  
 17 and gas lease in which such land is to be included, and a refer-  
 18 ence to the book and page of the official records of the county  
 19 recorder where such oil and gas lease is recorded or a reference  
 20 to the document number and date of recordation of such oil  
 21 and gas lease. Within ~~10~~ 20 days following receipt of such  
 22 ~~notice of intention and attached statement, or such request~~  
 23 and attached statement, the State Oil and Gas supervisor shall  
 24 cause to be recorded with the county recorder of the county in  
 25 which said land aggregating less than one acre is located, a  
 26 declaration, signed by him or his assistant or deputy, that said  
 27 land is deemed by the provisions of this section to be included  
 28 in said oil and gas leasehold on said other lands. Such declara-  
 29 tion shall set forth the same information required to be set  
 30 forth in the statement attached to the ~~notice of intention or~~  
 31 request. The county recorder shall accept such declaration for  
 32 recordation and shall index such declaration in the names of  
 33 all persons or corporations mentioned therein. From the time  
 34 of recording thereof in the office of the county recorder such  
 35 notice shall impart constructive notice of the contents thereof  
 36 to all persons dealing with the land therein described.

37 The owners of the oil and gas mineral rights in said land  
 38 so deemed included in said oil and gas leasehold on said other  
 39 lands, as herein provided, shall thereafter receive in money,  
 40 based upon the production of oil and gas from said leasehold  
 41 including said land, a pro rata share of the landowners' royalty  
 42 determined in accordance with the provisions of said oil and  
 43 gas lease in the proportion that the area of said land bears to  
 44 the aggregate of the total area covered by said oil and gas lease  
 45 including the area of said land *or as otherwise provided* ;  
 46 provided further, that said owners of said oil and gas mineral  
 47 rights in said land shall in no case receive less than their pro  
 48 rata share determined, as herein provided, of the value of one-  
 49 eighth part of the oil and gas produced, saved and sold from  
 50 the operating unit comprising said leasehold on said other  
 51 lands and said land, computed in accordance with the pro-  
 52 visions of said oil and gas lease with respect to the computation

1 of landowners' royalty; *provided further that upon recorda-*  
 2 *tion of the statement by the supervisor, the owners of such*  
 3 *oil and gas mineral rights in such land shall also receive a*  
 4 *pro rata share of any other benefits thereafter accruing to the*  
 5 *owners of the oil and gas mineral rights under the terms of*  
 6 *the oil and gas leasehold on such other lands; and provided*  
 7 *further, that without the consent of said owners of said land*  
 8 *the lessee or operator of said oil and gas leasehold shall have*  
 9 *no right to use the surface of said land nor to use the sub-*  
 10 *surface thereof down to a depth of 200 feet below the surface*  
 11 *thereof.*

12 Where said land aggregating less than one acre is sur-  
 13 rounded by lands which are not subject to a single oil and  
 14 gas leasehold but is surrounded by lands which are subject  
 15 to two or more separate oil and gas leaseholds, one or more  
 16 of which oil or gas leaseholds aggregates one acre or more,  
 17 then in such event the said land aggregating less than one  
 18 acre shall, as herein provided, be included within and be joined  
 19 to that oil and gas leasehold aggregating one acre or more as  
 20 to which said parcel of land aggregating less than one acre has  
 21 the longest common boundary. If there is no longest common  
 22 boundary, ~~the notice of intention, or the request shall designate~~  
 23 the leasehold, aggregating one acre or more, into which the  
 24 parcel aggregating less than one acre shall be included by the  
 25 declaration of the supervisor; otherwise the supervisor shall  
 26 make such designation.

27 In determining the contiguity of any parcels of land for the  
 28 purposes thereof, no road, street or alley shall be deemed to  
 29 interrupt such contiguity.



Introduced by Senators Miller, Stiern, McBride, Robert D. Williams, Murdy, and Richards

February 15, 1961

REFERRED TO COMMITTEE ON NATURAL RESOURCES

*An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.*

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

1 SECTION 1. Section 3106 of the Public Resources Code is  
2 amended to read:

3 3106. The supervisor shall so supervise the drilling, opera-  
4 tion, maintenance, and abandonment of wells as to prevent,  
5 as far as possible, damage to underground oil and gas deposits  
6 from infiltrating water and other causes, loss of oil, gas, or  
7 reservoir energy and damage to underground and surface  
8 waters suitable for irrigation or domestic purposes by the in-  
9 filtration of, or the addition of, detrimental substances, by  
10 reason of the drilling, operation, maintenance, or abandonment  
11 of wells.

12 The supervisor shall also supervise the drilling, operation,  
13 maintenance, and abandonment of wells so as to permit the  
14 owners or operators of such wells to utilize all methods and  
15 practices known to the oil industry for the purpose of in-  
16 creasing the ultimate recovery of underground hydrocarbons  
17 and which, in the opinion of the supervisor, are suitable for  
18 such purpose in each proposed case. In order to further the  
19 elimination of waste by increasing the recovery of under-  
20 ground hydrocarbons it is hereby declared as a policy of this  
21 State that the grant in an oil and gas lease or contract to a  
22 lessee or operator of the right or power, in substance, to explore  
23 for and remove all hydrocarbons from any lands in the State  
24 of California, in the absence of an express provision to the  
25 contrary contained in such lease or contract, ~~includes the right~~  
26 ~~of~~ *is deemed to allow* the lessee or contractor or his successors  
27 or assigns, to do what a prudent operator using reasonable  
28 diligence would do, having in mind the best interests of the

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1 lessor, lessee and the State, in producing and removing hydro-  
 2 carbons, including but not limited to the injection of air, gas,  
 3 water or other fluids into the productive strata, the application  
 4 of pressure heat or other means for the reduction of viscosity  
 5 of the hydrocarbons, the supplying of additional motive force  
 6 or creating of enlarged or new channels for the underground  
 7 movement of hydrocarbons into production wells, when such  
 8 methods or processes employed have been approved by the  
 9 supervisor; provided, however, nothing contained in this sec-  
 10 tion imposes a legal duty upon such lessee or contractor, his  
 11 successors or assigns, to conduct such operations.

12 SEC. 2. Section 3227 of said code is amended to read:  
 13 3227. The owner of any well producing or capable of  
 14 producing oil or gas shall file with the supervisor, on or before  
 15 the 10th day of each month, for the last preceding calendar  
 16 month, a statement, in such form as the supervisor may desig-  
 17 nate, showing:

18 (a) The amount of oil and gas produced from each well  
 19 during the period indicated, together with the gravity of the  
 20 oil, the amount of water produced from each well, estimated  
 21 in accordance with methods approved by the supervisor, and  
 22 the number of days during which fluid was produced from  
 23 each well.

24 (b) The number of wells drilling, producing, or idle, owned  
 25 or operated by such person.

26 (c) What disposition was made of the gas produced from  
 27 each well, including the names of persons, if any, to whom the  
 28 gas was delivered, and such other information regarding the  
 29 gas and the disposition thereof as the supervisor may require.

30 Upon request and satisfactory showing, a longer interval  
 31 may be fixed by the supervisor for such reports in the case of  
 32 any specific owner or operator.

33 (d) It is the duty of the supervisor to compile from such  
 34 statements and to publish monthly statistics showing the  
 35 amount of oil and gas produced in the State by oil fields and  
 36 pools, together with the number of wells drilling, number of  
 37 wells producing or idle, all separately stated as to oil fields  
 38 and pools, with such other information as the supervisor deems  
 39 proper.

40 (e) As used in this section, "pool" means an underground  
 41 reservoir containing a common accumulation of crude petro-  
 42 leum oil or natural gas or both. Each zone of a general struc-  
 43 ture which is separated from any other zone in the structure  
 44 is a separate pool.

45 SEC. 3. Section 3414 of said code is repealed.

46 SEC. 4. Section 3414.1 of said code is repealed.

47 SEC. 5. Section 3415 of said code is repealed.

48 SEC. 6. Section 3417 of said code is amended to read:

49 3417. The notice shall state:

50 (a) That the assessment of property and levy of charges  
 51 under this article has been completed.

1 (b) That the records of assessments containing the charges  
 2 due will be delivered to the State Controller on the first Mon-  
 3 day in July.

4 (c) That if any person is dissatisfied with the assessment  
 5 made or charge fixed by the department he may, at any time  
 6 before the first Monday in July, apply to the Controller to  
 7 have the assessment or charge corrected in any particular.

8 Costs of publication shall be paid from the Petroleum and  
 9 Gas Fund. The omission to publish notice shall not affect the  
 10 validity of any assessment levied pursuant to this article.

11 SEC. 7. Section 3608 of said code is amended to read:

12 3608. Where land aggregating less than one acre is sur-  
 13 rounded by other lands, which other lands are subject to an  
 14 oil and gas lease aggregating one acre or more, and if, under  
 15 the provisions of Sections 3600 to 3607, inclusive, of the Public  
 16 Resources Code, the drilling or producing of a well on said  
 17 land is declared to be a public nuisance, said land shall, for  
 18 oil and gas development purposes and to prevent waste and  
 19 to protect the oil and gas rights of landowners, be deemed  
 20 included in said oil and gas leasehold lease on said other lands,  
 21 and shall be subject to all the terms and provisions thereof,  
 22 when the State Oil and Gas Supervisor has caused to be re-  
 23 corded with the county recorder of the county in which said  
 24 land aggregating less than one acre is located a declaration as  
 25 hereinafter provided. A request for inclusion of surrounded  
 26 land aggregating less than one acre may be filed with the su-  
 27 pervisor at any time by either the lessee of such other lands or  
 28 by the owner or lessee of such surrounded land or the super-  
 29 visor may act upon his own motion. Before filing such request  
 30 the lessee of such other lands shall make a reasonable effort to  
 31 include each parcel of surrounded land, within the oil and gas  
 32 lease upon such other lands.

33 There shall be attached to such request a statement which  
 34 shall set forth the name or names of the record owner or record  
 35 owners of said land aggregating less than one acre which is to  
 36 be included in said oil and gas leasehold lease on said other  
 37 lands, the legal description of said land aggregating less than  
 38 one acre, name of the lessee of the oil and gas lease in which  
 39 such land is to be included, and a reference to the book and  
 40 page of the official records of the county recorder where such  
 41 oil and gas lease is recorded or a reference to the document  
 42 number and date of recordation of such oil and gas lease.  
 43 Within 20 days following receipt of such request and attached  
 44 statement, the supervisor shall cause to be recorded with the  
 45 county recorder of the county in which said land aggregating  
 46 less than one acre is located, a declaration, signed by him or  
 47 his assistant or deputy, that said land is deemed by the provi-  
 48 sions of this section to be included in said oil and gas leasehold  
 49 lease on said other lands. Such declaration shall set forth the  
 50 same information required to be set forth in the statement  
 51 attached to the request, and a copy thereof shall be mailed  
 52 or otherwise delivered by the supervisor to the lessee. The

1 county recorder shall accept such declaration for recordation  
2 and shall index such declaration in the names of all persons  
3 or corporations mentioned therein. From the time of recording  
4 thereof in the office of the county recorder such notice shall  
5 impart constructive notice of the contents thereof to all persons  
6 dealing with the land therein described.

7 The owners of the oil and gas mineral rights in said land  
8 so deemed included in said oil and gas leasehold lease on said  
9 other lands, as herein provided, shall thereafter receive in  
10 money, based upon the production of oil and gas from said the  
11 leasehold including said land or lands unitized or pooled there-  
12 with, a pro rata share of the landowners' royalty determined  
13 in accordance with the provisions of said oil and gas lease in  
14 the proportion that the area of said land bears to the aggregate  
15 of the total area covered by said oil and gas lease including the  
16 area of said land or as otherwise provided in said lease; pro-  
17 vided further, that said owners of said oil and gas mineral  
18 rights in said land shall in no case receive less than their pro  
19 rata share determined, as herein provided, of the value of one-  
20 eighth part of the oil and gas produced, saved and sold from  
21 or allocated to the operating unit comprising said leasehold on  
22 said other lands and said land, computed in accordance with  
23 the provisions of said oil and gas lease with respect to the  
24 computation of landowners' royalty; provided further that  
25 upon recordation of the statement by the supervisor, the  
26 owners of such oil and gas mineral rights in such land shall  
27 also receive a pro rata share of any other benefits thereafter  
28 accruing to the owners of the oil and gas mineral rights under  
29 the terms of the oil and gas leasehold lease on such other lands;  
30 and provided further, that without the consent of said owners  
31 of said land the lessee or operator of said oil and gas leasehold  
32 shall have no right to use the surface of said land nor to use  
33 the subsurface thereof down to a depth of 200 feet below the  
34 surface thereof.

35 Where said land aggregating less than one acre is sur-  
36 rounded by lands which are not subject to a single oil and  
37 gas leasehold lease but is surrounded by lands which are sub-  
38 ject to two or more separate oil and gas leaseholds leases, one  
39 or more of which oil or gas leaseholds leases aggregates one  
40 acre or more, then in such event the said land aggregating less  
41 than one acre shall, as herein provided, be included within and  
42 be joined to that oil and gas leasehold lease aggregating one  
43 acre or more as to which said parcel of land aggregating less  
44 than one acre has the longest common boundary. If there is no  
45 longest common boundary, the request shall designate the lease-  
46 hold lease, aggregating one acre or more, into which the parcel  
47 aggregating less than one acre shall be included by the declara-  
48 tion of the supervisor; otherwise the supervisor shall make  
49 such designation.

50 In determining the contiguity of any parcels of land for the  
51 purposes thereof, no road, street or alley shall be deemed to  
52 interrupt such contiguity.



AMENDED IN ASSEMBLY MAY 19, 1961

AMENDED IN SENATE APRIL 12, 1961

SENATE BILL

No. 703

Introduced by Senators Miller, Stiern, McBride, Robert D. Williams,  
Murdy, and Richards

February 15, 1961

REFERRED TO COMMITTEE ON NATURAL RESOURCES

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repeal Sections 3414, 3414.1, and 3415 of the Public Re-  
sources Code, relating to oil and gas.*

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

1 SECTION 1. Section 3106 of the Public Resources Code is  
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4 tion, maintenance, and abandonment of wells as to prevent,  
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6 from infiltrating water and other causes, loss of oil, gas, or  
7 reservoir energy and damage to underground and surface  
8 waters suitable for irrigation or domestic purposes by the in-  
9 filtration of, or the addition of, detrimental substances, by  
10 reason of the drilling, operation, maintenance, or abandonment  
11 of wells.

12 The supervisor shall also supervise the drilling, operation,  
13 maintenance, and abandonment of wells so as to permit the  
14 owners or operators of such wells to utilize all methods and  
15 practices known to the oil industry for the purpose of in-  
16 creasing the ultimate recovery of underground hydrocarbons  
17 and which, in the opinion of the supervisor, are suitable for  
18 such purpose in each proposed case. In order to further the  
19 elimination of waste by increasing the recovery of under-  
20 ground hydrocarbons it is hereby declared as a policy of this  
21 State that the grant in an oil and gas lease or contract to a  
22 lessee or operator of the right or power, in substance, to explore  
23 for and remove all hydrocarbons from any lands in the State  
24 of California, in the absence of an express provision to the  
25 contrary contained in such lease or contract, is deemed to  
26 allow the lessee or contractor or his successors or assigns, to  
27 do what a prudent operator using reasonable diligence would  
28 do having in mind the best interests of the lessor, lessee and

LIS - 1c



1 the State, in producing and removing hydrocarbons, including  
 2 but not limited to the injection of air, gas, water or other  
 3 fluids into the productive strata, the application of pressure  
 4 heat or other means for the reduction of viscosity of the hydro-  
 5 carbons, the supplying of additional motive force or creating  
 6 of enlarged or new channels for the underground movement  
 7 of hydrocarbons into production wells, when such methods or  
 8 processes employed have been approved by the supervisor;  
 9 provided, however, nothing contained in this section imposes  
 10 a legal duty upon such lessee or contractor, his successors or  
 11 assigns, to conduct such operations.

12 SEC. 2. Section 3227 of said code is amended to read:

13 3227. The owner of any well producing or capable of  
 14 producing oil or gas shall file with the supervisor, on or before  
 15 the 10th day of each month, for the last preceding calendar  
 16 month, a statement, in such form as the supervisor may desig-  
 17 nate, showing:

18 (a) The amount of oil and gas produced from each well  
 19 during the period indicated, together with the gravity of the  
 20 oil, the amount of water produced from each well, estimated  
 21 in accordance with methods approved by the supervisor, and  
 22 the number of days during which fluid was produced from  
 23 each well.

24 (b) The number of wells drilling, producing, or idle, owned  
 25 or operated by such person.

26 (c) What disposition was made of the gas produced from  
 27 each well, including the names of persons, if any, to whom the  
 28 gas was delivered, and such other information regarding the  
 29 gas and the disposition thereof as the supervisor may require.

30 Upon request and satisfactory showing, a longer interval  
 31 may be fixed by the supervisor for such reports in the case of  
 32 any specific owner or operator.

33 (d) It is the duty of the supervisor to compile from such  
 34 statements and to publish monthly statistics showing the  
 35 amount of oil and gas produced in the State by oil fields and  
 36 pools, together with the number of wells drilling, number of  
 37 wells producing or idle, all separately stated as to oil fields  
 38 and pools, with such other information as the supervisor deems  
 39 proper.

40 (e) As used in this section, "pool" means an underground  
 41 reservoir containing a common accumulation of crude petro-  
 42 leum oil or natural gas or both. Each zone of a general struc-  
 43 ture which is separated from any other zone in the structure  
 44 is a separate pool.

45 SEC. 3. Section 3414 of said code is repealed.

46 SEC. 4. Section 3414.1 of said code is repealed.

47 SEC. 5. Section 3415 of said code is repealed.

48 SEC. 6. Section 3417 of said code is amended to read:

49 3417. The notice shall state:

50 (a) That the assessment of property and levy of charges  
 51 under this article has been completed.

1 (b) That the records of assessments containing the charges  
 2 due will be delivered to the State Controller on the first Mon-  
 3 day in July.

4 (c) That if any person is dissatisfied with the assessment  
 5 made or charge fixed by the department he may, at any time  
 6 before the first Monday in July, apply to the Controller to  
 7 have the assessment or charge corrected in any particular.

8 Costs of publication shall be paid from the Petroleum and  
 9 Gas Fund. The omission to publish notice shall not affect the  
 10 validity of any assessment levied pursuant to this article.

11 SEC. 7. Section 3608 of said code is amended to read:

12 3608. Where land aggregating less than one acre is sur-  
 13 rounded by other lands, which other lands are subject to an  
 14 oil and gas lease aggregating one acre or more, and if, under  
 15 the provisions of Sections 3600 to 3607, inclusive, of the Public  
 16 Resources Code, the drilling or producing of a well on said  
 17 land is declared to be a public nuisance, said land shall, for  
 18 oil and gas development purposes and to prevent waste and  
 19 to protect the oil and gas rights of landowners, be deemed  
 20 included in said oil and gas lease on said other lands, and  
 21 shall be subject to all the terms and provisions thereof, when  
 22 the State Oil and Gas Supervisor has caused to be recorded  
 23 with the county recorder of the county in which said land  
 24 aggregating less than one acre is located a declaration as  
 25 hereinafter provided. A request for inclusion of surrounded  
 26 land aggregating less than one acre may be filed with the su-  
 27 pervisor at any time by either the lessee of such other lands or  
 28 by the owner or lessee of such surrounded land or the super-  
 29 visor may act upon his own motion. Before filing such request  
 30 the lessee of such other lands shall make a reasonable effort to  
 31 include each parcel of surrounded land, within the oil and gas  
 32 lease upon such other lands.

33 There shall be attached to such request a statement which  
 34 shall set forth the name or names of the record owner or record  
 35 owners of said land aggregating less than one acre which is to  
 36 be included in said oil and gas lease on said other lands, the  
 37 legal description of said land aggregating less than one acre,  
 38 name of the lessee of the oil and gas lease in which such land  
 39 is to be included, and a reference to the book and page of the  
 40 official records of the county recorder where such oil and gas  
 41 lease is recorded or a reference to the document number and  
 42 date of recordation of such oil and gas lease. Within 20 days  
 43 following receipt of such request and attached statement, the  
 44 supervisor shall cause to be recorded with the county recorder  
 45 of the county in which said land aggregating less than one  
 46 acre is located, a declaration, signed by him or his assistant  
 47 or deputy, that said land is deemed by the provisions of this  
 48 section to be included in said oil and gas lease on said other  
 49 lands. Such declaration shall set forth the same information  
 50 required to be set forth in the statement attached to the re-  
 51 quest, and a copy thereof shall be mailed or otherwise deliv-  
 52 ered by the supervisor to the lessee. The county recorder shall



1 accept such declaration for recordation and shall index such  
2 declaration in the names of all persons or corporations men-  
3 tioned therein. From the time of recording thereof in the office  
4 of the county recorder such notice shall impart constructive  
5 notice of the contents thereof to all persons dealing with the  
6 land therein described.

7 The owners of the oil and gas mineral rights in said land  
8 so deemed included in said oil and gas lease on said  
9 other lands, as herein provided, shall thereafter receive in  
10 money, based upon the production of oil and gas from the  
11 leasehold including said land or lands unitized or pooled there-  
12 with, a pro rata share of the landowners' royalty determined  
13 in accordance with the provisions of said oil and gas lease in  
14 the proportion that the area of said land bears to the aggregate  
15 of the total area covered by said oil and gas lease including the  
16 area of said land or as otherwise provided in said lease; pro-  
17 vided further, that said owners of said oil and gas mineral  
18 rights in said land shall in no case receive less than their pro  
19 rata share determined, as herein provided, of the value of one-  
20 eighth part of the oil and gas produced, saved and sold from  
21 or allocated to the operating unit comprising said leasehold on  
22 said other lands and said land, computed in accordance with  
23 the provisions of said oil and gas lease with respect to the  
24 computation of landowners' royalty; provided further that  
25 upon recordation of the statement by the supervisor, the  
26 owners of such oil and gas mineral rights in such land shall  
27 also receive a pro rata share of any other benefits thereafter  
28 accruing to the owners of the oil and gas mineral rights under  
29 the terms of the oil and gas lease on such other lands; and  
30 provided further, that without the consent of said owners of  
31 said land the lessee or operator of said oil and gas leasehold  
32 shall have no right to use the surface of said land nor to use  
33 the subsurface thereof down to a depth of 200 feet below the  
34 surface thereof.

35 Where said land aggregating less than one acre is sur-  
36 rounded by lands which are not subject to a single oil and  
37 gas lease but is surrounded by lands which are subject to two  
38 or more separate oil and gas leases, one or more of which oil  
39 or gas leases aggregates one acre or more, then in such event  
40 the said land aggregating less than one acre shall, as herein  
41 provided, be included within and be joined to that oil and gas  
42 lease aggregating one acre or more as to which said parcel of  
43 land aggregating less than one acre has the longest common  
44 boundary. If there is no longest common boundary, the re-  
45 quest shall designate the lease, aggregating one acre or more,  
46 into which the parcel aggregating less than one acre shall be  
47 included by the declaration of the supervisor; otherwise the  
48 supervisor shall make such designation.

49 In determining the contiguity of any parcels of land for the  
50 purposes thereof *hereof*, no road, street or alley shall be  
51 deemed to interrupt such contiguity.



Services Agency or one similar thereto, into which the Division of Architecture will be transferred.

SEC. 3. Section 1500 of the Vehicle Code is amended to read:

1500. There is in the Highway Transportation Agency the Department of Motor Vehicles. Department of Motor Vehicles

SEC. 4. Section 2100 of the Vehicle Code is amended to read:

2100. There is in the Highway Transportation Agency the Department of the California Highway Patrol. California Highway Patrol

SEC. 5. This act shall be known and may be cited as the Collier-Burns Act of 1961. Short title

SEC. 6. This act shall become operative on October 1, 1961. Operative date

## CHAPTER 2074

*An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.*

[Approved by Governor July 19, 1961 Filed with Secretary of State July 20, 1961 ]

In effect  
September  
15, 1961

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

SECTION 1. Section 3106 of the Public Resources Code is amended to read:

3106. The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells as to prevent, as far as possible, damage to underground oil and gas deposits from infiltrating water and other causes, loss of oil, gas, or reservoir energy and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells. Duty of supervisor

The supervisor shall also supervise the drilling, operation, maintenance, and abandonment of wells so as to permit the owners or operators of such wells to utilize all methods and practices known to the oil industry for the purpose of increasing the ultimate recovery of underground hydrocarbons and which, in the opinion of the supervisor, are suitable for such purpose in each proposed case. In order to further the elimination of waste by increasing the recovery of underground hydrocarbons it is hereby declared as a policy of this State that the grant in an oil and gas lease or contract to a lessee or operator of the right or power, in substance, to explore for and remove all hydrocarbons from any lands in the State of California, in the absence of an express provision to the contrary contained in such lease or contract, is deemed to allow the lessee or contractor or his successors or assigns, to do what a prudent operator using reasonable diligence would



do, having in mind the best interests of the lessor, lessee and the State, in producing and removing hydrocarbons, including but not limited to the injection of air, gas, water or other fluids into the productive strata, the application of pressure heat or other means to the reduction of viscosity of the hydrocarbons, the supplying of additional motive force or creating of enlarged or new channels for the underground movement of hydrocarbons into production wells, when such methods or processes employed have been approved by the supervisor; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations.

SEC. 2. Section 3227 of said code is amended to read:

Statement by  
owner

3227. The owner of any well producing or capable of producing oil or gas shall file with the supervisor, on or before the 10th day of each month, for the last preceding calendar month, a statement, in such form as the supervisor may designate, showing:

Contents

(a) The amount of oil and gas produced from each well during the period indicated, together with the gravity of the oil, the amount of water produced from each well, estimated in accordance with methods approved by the supervisor, and the number of days during which fluid was produced from each well.

(b) The number of wells drilling, producing, or idle, owned or operated by such person.

(c) What disposition was made of the gas produced from each well, including the names of persons, if any, to whom the gas was delivered, and such other information regarding the gas and the disposition thereof as the supervisor may require.

Upon request and satisfactory showing, a longer interval may be fixed by the supervisor for such reports in the case of any specific owner or operator.

(d) It is the duty of the supervisor to compile from such statements and to publish monthly statistics showing the amount of oil and gas produced in the State by oil fields and pools, together with the number of wells drilling, number of wells producing or idle, all separately stated as to oil fields and pools, with such other information as the supervisor deems proper.

"Pool"

(e) As used in this section, "pool" means an underground reservoir containing a common accumulation of crude petroleum oil or natural gas or both. Each zone of a general structure which is separated from any other zone in the structure is a separate pool.

Repeal

SEC. 3. Section 3414 of said code is repealed.

Repeal

SEC. 4. Section 3414.1 of said code is repealed.

Repeal

SEC. 5. Section 3415 of said code is repealed.

SEC. 6. Section 3417 of said code is amended to read:

Notice  
Contents

3417. The notice shall state:

(a) That the assessment of property and levy of charges under this article has been completed.





(b) That the records of assessments containing the charges due will be delivered to the State Controller on the first Monday in July.

(c) That if any person is dissatisfied with the assessment made or charge fixed by the department he may, at any time before the first Monday in July, apply to the Controller to have the assessment or charge corrected in any particular.

Costs of publication shall be paid from the Petroleum and Gas Fund. The omission to publish notice shall not affect the validity of any assessment levied pursuant to this article.

SEC. 7. Section 3608 of said code is amended to read:

3608. Where land aggregating less than one acre is surrounded by other lands, which other lands are subject to an oil and gas lease aggregating one acre or more, and if, under the provisions of Sections 3600 to 3607, inclusive, of the Public Resources Code, the drilling or producing of a well on said land is declared to be a public nuisance, said land shall, for oil and gas development purposes and to prevent waste and to protect the oil and gas rights of landowners, be deemed included in said oil and gas lease on said other lands, and shall be subject to all the terms and provisions thereof, when the State Oil and Gas Supervisor has caused to be recorded with the county recorder of the county in which said land aggregating less than one acre is located a declaration as hereinafter provided. A request for inclusion of surrounded land aggregating less than one acre may be filed with the supervisor at any time by either the lessee of such other lands or by the owner or lessee of such surrounded land or the supervisor may act upon his own motion. Before filing such request the lessee of such other lands shall make a reasonable effort to include each parcel of surrounded land, within the oil and gas lease upon such other lands.

Declarations covering parcels less than one acre

There shall be attached to such request a statement which shall set forth the name or names of the record owner or record owners of said land aggregating less than one acre which is to be included in said oil and gas lease on said other lands, the legal description of said land aggregating less than one acre, name of the lessee of the oil and gas lease in which such land is to be included, and a reference to the book and page of the official records of the county recorder where such oil and gas lease is recorded or a reference to the document number and date of recordation of such oil and gas lease. Within 20 days following receipt of such request and attached statement, the supervisor shall cause to be recorded with the county recorder of the county in which said land aggregating less than one acre is located, a declaration, signed by him or his assistant or deputy, that said land is deemed by the provisions of this section to be included in said oil and gas lease on said other lands. Such declaration shall set forth the same information required to be set forth in the statement attached to the request, and a copy thereof shall be mailed or otherwise delivered by the supervisor to the lessee. The county recorder shall



accept such declaration for recordation and shall index such declaration in the names of all persons or corporations mentioned therein. From the time of recording thereof in the office of the county recorder such notice shall impart constructive notice of the contents thereof to all persons dealing with the land therein described.

The owners of the oil and gas mineral rights in said land so deemed included in said oil and gas lease on said other lands, as herein provided, shall thereafter receive in money, based upon the production of oil and gas from the leasehold including said land or lands unitized or pooled therewith, a pro rata share of the landowners' royalty determined in accordance with the provisions of said oil and gas lease in the proportion that the area of said land bears to the aggregate of the total area covered by said oil and gas lease including the area of said land or as otherwise provided in said lease; provided further, that said owners of said oil and gas mineral rights in said land shall in no case receive less than their pro rata share determined, as herein provided, of the value of one-eighth part of the oil and gas produced, saved and sold from or allocated to the operating unit comprising said leasehold on said other lands and said land, computed in accordance with the provisions of said oil and gas lease with respect to the computation of landowners' royalty; provided further that upon recordation of the statement by the supervisor, the owners of such oil and gas mineral rights in such land shall also receive a pro rata share of any other benefits thereafter accruing to the owners of the oil and gas mineral rights under the terms of the oil and gas lease on such other lands; and provided further, that without the consent of said owners of said land the lessee or operator of said oil and gas leasehold shall have no right to use the surface of said land nor to use the subsurface thereof down to a depth of 200 feet below the surface thereof.

Where said land aggregating less than one acre is surrounded by lands which are not subject to a single oil and gas lease but is surrounded by lands which are subject to two or more separate oil and gas leases, one or more of which oil or gas leases aggregates one acre or more, then in such event the said land aggregating less than one acre shall, as herein provided, be included within and be joined to that oil and gas lease aggregating one acre or more as to which said parcel of land aggregating less than one acre has the longest common boundary. If there is no longest common boundary, the request shall designate the lease, aggregating one acre or more, into which the parcel aggregating less than one acre shall be included by the declaration of the supervisor; otherwise the supervisor shall make such designation.

In determining the contiguity of any parcels of land for the purposes hereof, no road, street or alley shall be deemed to interrupt such contiguity.



**CALIFORNIA LEGISLATURE**  
AT SACRAMENTO  
1961 REGULAR SESSION

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**SENATE FINAL HISTORY**

SHOWING THE ACTION ON ALL SENATE BILLS, CONSTITUTIONAL  
AMENDMENTS, CONCURRENT AND JOINT RESOLUTIONS  
AND SENATE RESOLUTIONS INTRODUCED

Including Also Lists of Officers, Members, Attaches, Interim and  
Standing Committees of the Senate

BEGAN JANUARY 2, 1961, AND ADJOURNED SINE DIE JUNE 16, 1961  
LEGISLATIVE DAYS ..... 116  
CALENDAR DAYS ..... 120

The Bill Signing Period Expired 12 O'clock Midnight, July 21, 1961

Laws Become Effective September 15, 1961  
(Unless otherwise specified)

Last Day for Filing Referendum, September 14, 1961

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GLENN M. ANDERSON  
*President of the Senate*

HUGH M. BURNS  
*President pro Tempore*

*Compiled Under the Direction of*  
J. A. BEEK  
*Secretary of the Senate*

*With the Assistance of*

FRANKLIN W. MERRILL  
*Assistant Secretary*

J. W. LINDSAY  
*Assistant History Clerk*



## 702—Miller and Arnold, Feb. 15. To Com. on Gov. Eff.

An act to amend Section 13407 of the Government Code, relating to the purchase of supplies for state agencies.

Feb. 15—Read first time. To printer. From printer. To committee.

Mar. 29—From committee: Do pass as amended

Mar. 30—Read second time. Amended To print, engrossment, and third reading

April 3—Reported correctly engrossed Passed on file.

April 4—Passed on file

April 5—Passed on file.

April 6—Passed on file.

April 7—Passed on file.

April 10—Passed on file.

April 11—Passed on file.

April 12—Read third time, passed, title approved To Assembly.

April 13—In Assembly. Read first time. To Com. on G E & E.

May 10—From committee: Do pass To Consent Calendar.

May 11—Read second time to Consent Calendar.

May 15—Read third time, passed, title approved. To Senate.

May 15—In Senate To enrollment.

May 18—Reported correctly enrolled. To Governor.

May 27—Approved by Governor. Chapter 552

## 703—Miller, Stiern, McBride, Robert D. Williams, Murdy, and Richards, Feb. 15. To Com. on Nat. Res.

An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414 1, and 3415 of the Public Resources Code, relating to oil and gas.

Feb. 15—Read first time. To printer. From printer. To committee.

April 11—From committee with recommendation: Be amended and re-referred to Com. on Nat Res

April 12—Read second time. Amended. To print, and re-referred to committee

April 14—From committee Do pass.

April 17—Read second time, to engrossment and third reading

April 18—Reported correctly engrossed. Passed on file.

April 19—Passed on file.

April 20—Passed on file.

April 21—Passed on file.

April 24—Passed on file.

April 25—Passed on file.

April 27—Read third time, passed, title approved. To Assembly

April 28—In Assembly. Read first time. To Com. on N. R., P., & P W

May 17—From committee Do pass

May 18—Re-referred to Com. on W & M.

May 19—From committee with author's amendments. Read second time Amended Re-referred to Com. on W & M.

June 12—From committee Do pass Read second time. To third reading Read third time, passed, title approved To Senate

June 12—In Senate To unfinished business

June 13—Read third time, passed, title approved To Senate.

June 13—In Senate To unfinished business

June 15—Senate concurs in Assembly amendment To enrollment

June 23—Reported correctly enrolled To Governor.

July 19—Approved by Governor Chapter 2074

## 704—Miller, Feb 15 To Com on Gov. Eff.

An act to amend Section 75076 of the Government Code, relating to contributions under the Judges' Retirement Law for prior service.

Feb. 15—Read first time. To printer From printer. To committee.

June 16—From committee without further action

## 705—Miller, Feb. 16 To Com on Soc. Wel

An act to add Part 4 (commencing with Section 4700) to Division 5 of the Welfare and Institutions Code, relating to medical care for aged persons, making an appropriation, and declaring the urgency thereof, to take effect immediately.

Feb 16—Read first time. To printer From printer. To committee.

June 16—From committee without further action

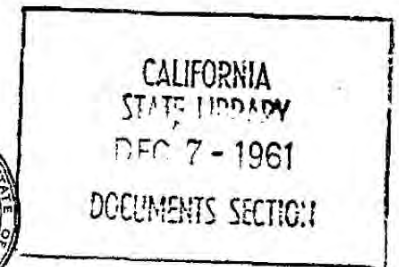


Volume 1

# Journal of the Senate

Legislature of the State of California  
1961 Regular Session

January Second to June Sixteenth



HON. GLENN M. ANDERSON  
President of the Senate

HON. HUGH M. BURNS  
President pro Tempore

J. A. BEEK  
Secretary



**Senate Bill No. 6:** By Senators McCarthy, Sturgeon, Dolwig, J. Howard Williams, Murdy, Thompson, Grunsky, Backstrand, Byrne, Brown, Gibson, Rattigan, Quick, Teale, Begovich, Johnson, Robert D. Williams, Geddes, Richards, Cobey, Farr, Regan, Rodda, Stiern, Donnelly, McAteer, Hollister, Short, Christensen, McBride, Holmdahl, Slattery, and Collier—An act to amend Section 6359 of, and to add Sections 6369 and 6370 to, the Revenue and Taxation Code, relating to sales and use tax exemptions.

Referred to Committee on Revenue and Taxation.

**Senate Concurrent Resolution No. 2:** By Senator Burns—Relative to adoption of the Joint Rules of the Senate and Assembly.

Referred to Committee on Rules.

**Senate Concurrent Resolution No. 3:** By Senator Fisher—Relative to the establishment of a medical school in San Diego.

Referred to Committee on Rules.

#### REPORTS OF SPECIAL COMMITTEES

The following reports of special committees were received:

Senators Farr, Fisher, and Thompson, the Special Committee appointed to wait upon the Governor and inform him of the organization of the Senate, reported they had performed their duty.

Senators Geddes, Backstrand, and Dolwig, the Special Committee appointed to notify the Assembly of the organization of the Senate, reported they had performed their duty.

#### MESSAGES FROM THE ASSEMBLY

At 12.50 p.m., the following Assemblymen, Messrs. Pattee, Busterud, and House, appeared at the bar of the Senate, and informed the Senate that the Assembly was duly organized and ready to proceed with the business of State.

ASSEMBLY CHAMBER, January 2, 1961

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly has elected the following statutory officers for the 1961 Regular Session:

Ralph M. Brown	Speaker
Carlos Bee	Speaker pro Tempore
Arthur A. Ohnimus	Chief Clerk
Eleanor K. Donoghue	Minute Clerk
Tony A. Beard	Sergeant at Arms
Rev. Richard C. Dwyer	Chaplain

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JAMES D. DRISCOLL, Chief Assistant Clerk

#### ADJOURNMENT

At 12.55 p.m., on motion of Senator Hugh M. Burns, the President declared the Senate adjourned until 9.30 a.m., Tuesday, January 3, 1961, out of respect to the memory of the late Senator Alan A. Erhart.

JOHN F. LEA, Minute Clerk

## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

# SENATE DAILY JOURNAL

SECOND LEGISLATIVE DAY

SECOND CALENDAR DAY

### IN SENATE

SENATE CHAMBER, SACRAMENTO

Tuesday, January 3, 1961

The Senate met at 9.30 a.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

#### ROLL CALL

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McBride, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—40.

Quorum present.

#### PRAYER

Prayer was offered by the Chaplain, Rev. Edward L. Peet:

*O God the Creator and Preserver of all Mankind, we humbly beseech Thee for all sorts and conditions of men; that Thou wouldst be pleased to make Thy ways known among them, Thy saving health unto all nations. Especially do we come to Thee for this busy day and this busy session to always know what is first to do, what is next, and to defer what is last, that we may live with an ordered wisdom and retire at nighttime to our places of rest with a good and peaceable conscience. AMEN.*

#### GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Dolwig, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Karen Sarmento, and Bob Huston, of the Capachino High School Band, San Bruno; and Suzy Strauss, Burlingame.

#### REPORTS OF STANDING COMMITTEES

Committee on Rules

SENATE CHAMBER, January 3, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 1

And reports the same correctly engrossed.

BURNS, Chairman



## REPORT OF JOINT COMMITTEE ON ESCORT

The Joint Committee on Escort, appointed to wait upon the Governor and escort him to the Joint Convention, appeared at the bar of the Assembly, and announced the presence of His Excellency, Edmund G. Brown, Governor of the State of California.

## PRESENTATION OF PRESIDENT PRO TEMPORE OF THE SENATE

Hon. Ralph M. Brown, Speaker of the Assembly, presented the Hon. Hugh M. Burns to the Joint Convention.

## PRESENTATION OF THE LIEUTENANT GOVERNOR

Hon. Hugh M. Burns, President pro Tempore of the Senate, presented Lieutenant Governor Glenn M. Anderson to the Joint Convention.

## ADDRESS BY LIEUTENANT GOVERNOR

Lieutenant Governor Glenn M. Anderson then proceeded to address the Joint Convention as follows:

*Governor Brown, Mr. Speaker, Mr. President pro Tempore, Mr. Speaker pro Tempore, Members of the Legislature, and My Fellow Californians:*

For two years State government in California has moved forward. Leadership in legislative matters by the Governor, and by you Senators and Assemblymen, has been the crucial factor. Our Governor has provided the vision and courage which have made possible our substantial advances. He has not sought cheap popularity by resorting to political expediency. He has led in initiating bold programs which will bring California safely to the destiny that is hers.

## PRESENTATION OF THE GOVERNOR

Hon. Glenn M. Anderson, Lieutenant Governor of California, presented Governor Edmund G. Brown to the Joint Convention.

Governor Brown then proceeded to address the Joint Convention as follows:

## ADDRESS BY THE GOVERNOR

## MESSAGE TO THE CALIFORNIA LEGISLATURE

By  
GOVERNOR EDMUND G. BROWN

Delivered to the Senate and Assembly in Joint Session Tuesday, January 3, 1961

*Mr. President, Mr. Speaker, Members of the Legislature, and My Fellow Californians:*

Two years ago, in this chamber, we resolved to chart a new course for California. We pledged ourselves to bring to California a new and progressive program—a program of responsible liberalism.

These were not empty resolutions. We can take pride that the first two years *have* made a difference—that California is off dead center and on the move again. In the last two years, more pioneering legislation has been enacted than in any comparable period since the first term of Hiram Johnson almost half a century ago.

On the water issue, instead of a wasteful stalemate, we have embarked on an historic program to meet the need for a dynamic, growing Cali-

fornia. This California water program is the greatest, boldest public project ever undertaken by an American state.

In higher education, instead of a drift into chaos and unhealthy competition, we have adopted a Master Plan to guide the essential growth of the State University, the State Colleges, and the Junior Colleges.

In human rights, instead of closing our eyes to discrimination in employment, we have passed a Fair Employment Practices Act to insure equal opportunity for all.

In social insurance and social welfare programs, instead of continuing to drop back from California's long-time position of leadership, we have moved to the fore once more. California is now again in the vanguard of the states and still moving ahead—a fact of vital importance to hundreds of thousands of our citizens in this period of national economic downturn and rising unemployment.

In the field of public health, instead of pretending that air pollution is not a state responsibility, we committed the full resources of the state to the fight against smog. Our action in this difficult area is going to make California a healthier, cleaner, better place to live and work.

And, in fiscal matters, instead of one deficit budget after another, we have put California back in the black by adopting a program for new revenues and for economy in government. In five of the seven years prior to 1959, the California State government spent far more than it took in. Later this month, by contrast, I will send you a third straight soundly balanced budget—balanced despite current adverse economic conditions.

These six major achievements reflect the commitment of this Administration to a program of responsible liberalism. There are many other achievements, some equally important, but these six symbolize the difference that this program has made in California. In saying this, I want to extend great credit to the Legislature and its Democratic leadership, and I am glad also to acknowledge that these measures would not have been possible without the support of fair-minded Republican legislators.

Although we have made a break-through in the last two years, there is no room for self-satisfaction about our accomplishments. We must not deceive ourselves that our work is done. Good government requires a never-ending search for the best means of serving the people.

We fail our trust if we pass major legislation and then ignore it. A major statute often does no more than mark the first step. The success of any program depends on wise administration, and on timely adjustments to reflect the lessons of experience.

To serve the people faithfully, it is also essential that we remain skeptical and open-minded. A change in conditions or the passage of time may tarnish even the best legislation. New information or progress in science may point a better way. And the sad fact is that we may be, on occasion, simply wrong.

But we must not allow this foreknowledge of our human fallibility to intimidate us or deter us from acting. For act we must if we are to survive and to meet the needs of our great and growing state.

Beyond following through on what we have started, and beyond re-examining our existing programs, there lies the major task of seeking



solutions to problems which are either completely new or only recently identified. Each decade, each year, indeed each day in the history of a state as dynamic and complex as California brings new problems and new needs.

Against the background of the first two years, we turn to the subjects which require action at this Session. Many of my recommendations are stated in general terms, because I believe that the details should be considered by us together in the course of the legislative process. You have helped teach me that prefabricated solutions are not always the best. Let us then resolve to combine our knowledge and experience as we consider the urgent and unfinished business of California.

*First, the field of education.* There is no better example than education of an area where we have done well, and yet must do better. In the first two years, we provided major increases in state aid to school districts and in state loans for school construction. We have also raised salaries of teachers in the university and state colleges by 12½ per cent. Throughout the country, our Master Plan for Higher Education which I mentioned earlier, has been hailed as a signal achievement. Indeed, we have a remarkable school system—probably the best in the nation—but we must look forward to improvement rather than backward with complacency.

There is a widespread belief, which I share, that we can improve the quality of education in the primary and secondary schools. As a step in this direction, I urge you to adopt the new requirements for teaching credentials of the kind which have been proposed by the State Board of Education and the State Department of Education. This reform would reduce the types of credentials from a bewildering 40 to a basic 5. More significant, it would require that primary and secondary teachers have a major in college in an academic subject. Under the new plan, students planning to be teachers will no longer major in so-called method or how-to-teach courses.

Within our schools, we should move toward curriculum changes which will emphasize "solid" subjects and minimize the wasteful fringe courses. To identify unusually able students and to nourish their talents, we should provide additional aid for special programs for gifted children. Similarly, we should provide new funds to help teachers pierce the barriers to a full education for emotionally handicapped students.

To give us a measurement of the effectiveness of our schools, we must now seriously consider a statewide testing program. In recommending such tests, the very significant report of the Citizens Advisory Commission emphasized that the tests would enable a local school district to reassure itself that its pupils are not being shortchanged. As we develop these tests, we must provide safeguards to insure that they do not result in unhealthy competition among schools or geographic areas. Even more important, we must be certain that they do not encourage our teachers to "teach the test" rather than the curriculum.

This attention to quality and content should not lead us to neglect the fiscal and organizational problems posed by California's continuing great growth.

I recommend that the Legislature act immediately to increase the maximum State Bond Fund allocation for local school construction aid

from \$10 million to \$12 million a month. We must make more progress toward elimination of double sessions in California.

In the new budget, I will also recommend that \$200,000 be appropriated to help speed the school district reorganization process. The resulting efficiencies and economies will repay California taxpayers many fold.

I have discussed these recommendations regarding primary and secondary schools with Dr. Simpson, the Superintendent of Public Instruction. I am pleased to tell you that we feel a common sense of urgency about these matters. We are working together for the improvement of our schools.

In higher education, we must act to consolidate the achievements of the Master Plan and make certain that it is operating as we intended. We should provide additional aid to the junior colleges as a recognition of their key role in the Master Plan. We must also provide funds for a new medical school in San Diego. At present, only about one-fifth of our new doctors are coming from California medical schools. Unless we establish this new school and begin to reduce our dependence on schools in other states, we invite a critical shortage of medical manpower.

I first made a formal request last spring that the University of California assume responsibility for this new landmark in educational progress in our State. The Board of Regents agreed in December to seek all necessary pre-construction funds this year, and I will ask your approval of this appropriation in the 1961-62 Budget.

These advances, important as they are, add still more to the staggering cost of education. In California, we are already spending more than one-half of our general funds for education. If we are to justify new programs and new fiscal commitments, we must make certain that the present structure is as economical and as equitable as possible. *We must prove that education and economy are not natural enemies.*

To that end, we should enact laws to equalize state aid in relation to the county-wide tax base, rather than on a district-by-district basis. Such a proposal, which is advocated by the State Department of Education, would prevent the rich segment of a county escaping from its proper share of the cost of supporting schools throughout the county. Only if we take such steps can we afford the progressive measures which I have outlined today.

Education is costly, but we make no better investment than in the lives and hopes of our children. The improvement of education is the number one goal of my administration.

*Second, we turn to the administration of justice.* At this session, we must focus our efforts on the nightmare of narcotics. Last year, after conferences with law enforcement officials, I appointed a five-man special Commission on Narcotics. After eight months of work with its able staff, the Commission has now submitted a 22-point program designed to achieve a sharp reduction in the sale and use of narcotics in California. The report provides what was previously lacking—namely, a well-documented foundation for aggressive action against the sinister dope traffic.

I am especially impressed with the Commission's case for harsher penalties and longer terms of imprisonment for narcotics offenders. I



urge the Legislature to take direct action to guarantee that peddlers will no longer feel that the penalty is worth risking because the crime is so profitable.

The Commission has suggested a further bold new approach for helping to clear our streets of known addicts. Its report calls for treatment of addiction as a communicable disease and urges quarantining of addicts in detention hospitals until a court approves their release. Such an ambitious program clearly poses serious financial and capital outlay problems which may take more than a single session to resolve.

I believe, however, that the Legislature should consider carefully the merit of such approach in order that it may become part of our present and future planning.

I also believe the Commission's report offers a realistic and reasonable approach to the constitutional problems involved in providing law enforcement officials with effective weapons of detection and apprehension for use against this deadly traffic. The Commission has set forth with clarity the necessity for providing relief from some of the restrictions of the exclusionary rules adopted by our courts, and has suggested several thoughtful means by which this may be achieved.

I commend the entire report to your attention. I am sure that within its framework you will find a sensible pattern for a program of direct action in this session.

Attorney General Stanley Mosk, the chief law officer of this state, also is developing approaches to this problem which are equally worthy of your attention and consideration.

Let us begin—as the Commission urges—by immediately designating 1961 as "Fight Narcotics Year." I hope you will do so by legislative resolution.

Last fall the President-elect pledged a White House Conference on Narcotics in a message to Attorney General Mosk. In a recent conversation I urged that he convene such a conference just as soon as possible, and I am confident that action will be forthcoming.

The vicious drugs used in California all come from outside the State. They are smuggled into our ports of entry and across our exposed southern border. Every prominent law enforcement official in Southern California told the President's emissaries last March that we urgently need the aid of the Federal Government in erecting effective narcotics barriers at the border and in securing greater co-operation from foreign governments. Without this, none of our efforts can succeed.

There can be no question but that the new administration in Washington will give us much-needed assistance on this matter—assistance which has been so curiously withheld in recent years.

And for my part, I pledge my complete and unreserved efforts to exterminate the plague of narcotics.

Another aspect of the administration of justice requiring action now is the Juvenile Court Law which has not been revised for forty-five years. There is no quarrel with the basic philosophy of the law which affords youthful offenders protection from unwarranted publicity and gives them a chance of rehabilitation. However, a Special Study Commission on Juvenile Justice has recently concluded that the law is now "disorganized, repetitive, and frequently obscure." Ironically, the

Commission found that the law now leaves youngsters without many of the protections of due process which are guaranteed to adults.

As evidence of the need for reform I ask you to note a recommendation of the Commission which would establish a two-week period as the maximum time between a youngster's arrest and hearing. The Commission observed that while waiting for his hearing a youthful offender may spend from several weeks to six months in custody—in an atmosphere where he has evil companions and exposure to ugly habits and patterns of thought. There is both wisdom and humanity in cutting this unwholesome period to an absolute minimum.

In all, the Commission's report pinpoints six areas in which revision of the Juvenile Court Law is desirable. These recommendations follow a three-year study, a series of public hearings, and consultation with nearly all of California's juvenile court judges and chief law enforcement officers. Considering this background, this report plainly requires careful study and thoughtful action.

Before leaving the subject of the administration of justice, I want to indicate again my continued opposition to capital punishment. Apart from my personal view that it is immoral and uncivilized, I continue to believe that the death penalty has been a gross failure—that it has neither protected the innocent nor deterred the wicked. It will not be news that I would welcome a legislative decision to repeal or moderate our death penalty law.

Whatever my personal views, however, I shall continue to apply the law as it is written.

*Third, we consider action related to our social welfare programs.*

We show respect for our senior citizens by programs which make it possible for them to live in health, in dignity, and in security. There are several major steps which should be taken at this session toward that goal.

I believe we should now recognize the impact of the rising cost of living on the aged and those others it affects most.

I recommend that a cost-of-living escalator be added to our program of old age assistance. This principle should also be applied to the lesser number receiving aid to the blind and to the disabled.

If these programs are to meet essential needs, benefits must be geared to the rising costs of food and housing.

Let us also recognize the cost-of-living problem for families which help support needy relatives, while attempting to cope with their own budget problems.

I am persuaded that we should modify the relatives responsibility law to a considerable extent.

I recommend that a man with a family not be compelled to furnish support until his monthly income exceeds \$1,000.

There is yet another significant step to be taken to make sure that state assistance to needy senior citizens does not fall short of the minimum needs.

I recommend that the maximum limit on benefits to the aged because of special problems—usually related to medical and housing needs—be increased from \$115 a month to \$165 a month. This is not an increase in basic grants, but within this new maximum of \$165 a month we can, for the first time, meet essential special needs fully.



The cost of this change can and should be substantially reduced through a careful program of state legislation which takes advantage of recent Federal legislation providing additional funds for medical care for the aged.

It is well known that I have supported a drastically different and broader Federal approach to the problem—one based on social security which would have met the needs of far more persons far better.

I hope that the current session of Congress will reconsider the present law in the interests of unmet needs, fairness and state solvency.

In the interim, however, I propose that the State do whatever it can afford in using the present law in the interests of California and its senior citizens.

In the past few months, using Federal funds, we have begun to increase steadily the benefits for persons already on old-age assistance to include such items as eyeglasses, dentures, a wider range of drugs, and rehabilitation treatment.

By midyear these medical benefits for the aged who already were receiving state assistance will be almost double the levels of early last year. This is being done under previous legislative authorizations and appropriations.

To extend the benefits of the new Federal medical care program to those not already on our old-age assistance program, but whose incomes are equally low, however, will require new legislative action.

Because the State can afford to provide required matching funds only for the cases of gravest need, I recommend that the initial extension be to chronically-ill aged persons who have incomes of less than \$2,000 a year, but who do not now receive old-age assistance from the State. There is no group for whom help is more urgent or more justified.

In carefully re-examining our social welfare programs, we have found another substantial area of distress. The present definition of total disability in California law makes our current program of aid to the disabled one of the most restrictive in the nation. I recommend that the definition be rewritten realistically in this session so that a number of truly disabled and needy persons who are now disqualified will become eligible.

In a different area of concern for the aged, I recommend that the State provide a small appropriation to encourage wider development of community centers and other facilities for senior citizens. This money would be allocated on a matching basis to help finance pioneering projects of this kind.

We should also act to end the wasteful trend toward discrimination against our older citizens in matters of employment. At present, arbitrary and unreasonable age limitations force some of our useful citizens into unproductive and frustrating retirement. The State of California should firmly declare its opposition to such discrimination and instruct the Department of Employment to carry out this sensible and humane policy.

In further accord with the principle of re-examining existing programs, I recommend that we take a hard, yet sympathetic look at the Aid to Needy Children program. It should be a hard look because we plainly must take some new precautions against fraudulent conduct

by unscrupulous parents. But in reviewing this statute, our dominating concern must be for the children involved. I urge that in our priorities, we put the saving of children first, the saving of money second.

In addition to taking effective action to eliminate fraud from this program, I recommend that the counties be given much-needed financial assistance to improve the quality of the local administration of this program by welfare departments. In most cases, their personnel are now too burdened with other caseload work to give adequate time and attention to this program and its opportunities for family rehabilitation.

Before leaving the subject of social welfare, I would suggest that the time is ripe for a study of the state's approach to all our social welfare programs. I propose that a joint legislative-executive commission be created to study the entire area. During these first two years, I have developed increasing respect for the work of special committees or task forces, such as those which have recently reported on education, medical care, juvenile justice, metropolitan problems, narcotics, and other complex subjects. Such committees enable us to receive, usually without cost, the expert advice of our most talented and experienced citizens.

*Fourth, let us consider the field of public health.*

It is my goal that every California family should have adequate access to medical care of high quality. As far as feasible, the character of the care should be of their own choosing and should not bring financial hardship in its wake. In working toward this goal, I have been greatly aided by a comprehensive and thoughtful report from a distinguished and broadly representative Committee on Medical Aid and Health. I have mentioned earlier one recommendation of the Committee, namely the establishment of a new medical school in San Diego.

In addition, the Committee's report leaves no doubt that we must bring some order into the current patchwork development of health facilities. One informed estimate is that the State and its local communities could save a billion dollars in the next 15 years by better location of new hospitals and by closer coordination between them to avoid duplication or gaps in services. To achieve these savings and to provide better and more balanced health facilities at the same time, I shall recommend legislation for the regional planning of hospitals and other medical facilities. Physicians, hospital executives, and the public should all be represented in this planning task.

As the Committee urged, we should also act to bring health insurance policies under proper regulation. At present, our citizens have no standards by which to evaluate the bewildering provisions of health insurance policies. Many people have learned of the limited coverage of their costly policies only after it is too late—only after illness has struck and the medical bills are mounting. The new legislation should consider establishing minimum standards for policies and the possible inclusion of a system of grade labeling so that policies can be purchased more intelligently.

The inadequate health care of our migratory workers stands as a matter of shame in our prosperous state. A medical task force



reported that health conditions were deplorable and shocking in the rural slums which house our transient agricultural workers. I am asking for an appropriation of \$115,000 to strengthen local community health services for these neglected people.

As a matter of conscience as well as of sound public policy, we must continue to apply new concepts to the problems of the mentally ill.

The recent achievements of our State Department of Mental Hygiene have been magnificent. Despite the great increases in population, the number of persons in our mental hospitals has been kept level because of the increased tempo of treatment.

In this session, I am especially concerned that we provide more facilities and improved treatment for the retarded.

I also recommend that we extend the development of day care facilities begun last year, and that we begin the process of upgrading the salaries of psychiatric technicians.

These recommendations will be detailed in the budget proposal later this month.

Any discussion of public health also must face up to the problem of traffic safety. No disease is deadlier than the automobile. We took major accident prevention measures in 1959, including the adoption of a new speed law. These measures have helped, but they have not come close to doing the job.

I am not resigned, however, to the acceptance of our daily highway death toll as a continuing fact of our state and national life.

I propose to send you soon a detailed program of recommendations for legislative action in this field. I am confident too that legislative committees which have given this problem long study will offer equally useful suggestions.

*Fifth, I call your attention to a number of important matters regarding elections.*

This is the year for the decennial reapportionment of Congressional and Assembly districts. A decade ago a Republican legislature drew the districts in a way which provided a modern illustration of the old term, "gerrymandering." A good many districts and a great many people still suffer the impact of that unfair and partisan plan. I am confident that the current legislature will not repeat that mistake. I am persuaded that a fair reapportionment will be not only good policy, but good politics as well.

During the recent campaign, I promised to ask for the establishment of a blue ribbon commission to study reapportionment of the State Senate. I do so now, convinced that the Commission will consider fairly the need for additional representation in urban areas.

I need make no elaborate argument to show the need to improve our voting and vote counting procedure. The confusion and delay connected with the California vote in the 1960 election remain fresh in our minds. We should adopt a number of proposals ranging from a requirement that absentee ballots be received in time to be counted on election day to provisions for recounts in the many offices, including the Presidency, where none now exist. In addition, I intend to appoint promptly an Advisory Committee to explore the whole field of speeding up election returns.

As I did in 1959, I urge you to strengthen our laws providing for the disclosure of campaign funds. I remain convinced that the gaps in our present law threaten the integrity of our democratic processes.

*Sixth, we must make progress in the reorganization of our state government.*

Two groups of experts have recently completed the first thorough and penetrating analyses of the structure of our state government in more than thirty years. During that time, the state has trebled in population, and its governmental structure has developed haphazardly in a piecemeal response to the pressure of this growth. We must act now to straighten lines of responsibility and create order from the near chaos of patchwork agencies.

There is not time now for a detailed discussion of the reorganization proposals I plan to offer this session of the Legislature. This will require a separate and complete message.

The most important measure I will suggest, however, is a proposal that the method of reorganization in California follow that used to carry out many of the Hoover Commission recommendations for reorganization of the Federal Government. I will ask you to authorize the Governor to proceed with executive reorganization on his own initiative. Each reorganization plan, however, would be subject to legislative veto before taking effect.

Since there could be no actual reorganization by this method for another year, I will also seek direct authorization of some beginning steps at this session.

By executive action, I will also create a temporary small working cabinet of the type envisioned in the over-all reorganization studies I sent you last year. This cabinet would function until a full reorganization can be completed.

*Seventh, we must give attention to the area of legislation involving labor-management relationships and responsibilities.*

It is my conviction that we should make further significant improvements in the structure of our social insurance programs for unemployment compensation, workmen's compensation and disability benefits.

We must recognize that these complex mechanisms need constant readjustment to remain always strong and ready to carry extra burdens in time of economic distress, whether mild or severe.

It is essential, for instance, that thoughtful action be taken in this session to replenish the State disability fund—now suffering from substantial depletion.

In addition, I urge two innovations in the social insurance field.

I urge, first, that persons unemployed because of plant obsolescence or automation be encouraged to undertake occupational retraining immediately. Under present law, retraining benefits are payable only during a period of heavy unemployment—and then only to persons who have exhausted virtually all means of personal support. These restrictions should be removed so that such persons will be eligible for regular unemployment benefits while pursuing an approved training course.

I urge, second, that we develop a comprehensive vocational rehabilitation program for workmen unable to perform their former jobs because of disabilities.



In another area, while recognizing some of the complex economic problems involved, I continue nonetheless to believe in a basic minimum wage law to include all workers.

Preferably, there should be a federal law which includes agricultural workers and equalizes the economic impact on producers in all the 50 states, and I favor action in the new Congress as comprehensive as possible and as soon as possible.

The State's Industrial Welfare Commission also has under consideration the question of minimum wages for working women and children, including those employed in agriculture.

I am deferring any new minimum wage recommendations to the Legislature pending further knowledge of the outcome of these two current efforts to establish an improved minimum wage structure.

This problem is an especially difficult one for the great agricultural areas of our state. Here, the eventual solution is to improve lagging farm income so that both the farmer and those he employs can share in the national bounty on terms of equality with the rest of the population.

Perhaps the most troubled labor-management relationship in California today is in agriculture.

Yet I call to your attention the fact that despite the occasional work stoppages last summer and fall, very few crops were lost. Few workers and very few farmers were directly affected. Generally, crops were good and wages were up.

The conflict is continuing, however, and I believe government should be ready to act if necessary to protect the public interest or preserve individual rights.

For that reason, I recommend that we establish a balanced fact-finding committee to deal with this situation. It should include legislators, representatives of appropriate executive departments, farmers, farm workers and union leaders.

This committee should make periodic factual reports on disputes and the issues involved.

If and when the committee should be convinced that direct government intervention of some kind would be useful to both parties or is necessary in the public interest, it should report its conclusions jointly to the Governor and the Legislature.

The public and the state government would thus be in a much better position to deal intelligently and fairly with both parties in this complex struggle between natural economic forces.

*Eighth, our natural resources.*

We stand at a great divide in the history of the development of California's water resources.

Behind us lies more than a decade of difficult, frustrating struggle.

Now, with the support of most of the members of this Legislature, and the approval of a majority of the voters of this State we have reached the point where we are ready to proceed with a water project worthy of our heritage and equal to our destiny.

During the bond issue campaign, I pledged that the Legislature would have one more opportunity to examine the program for possible deficiencies and to suggest clarification or improvements.

I specifically noted that the Legislature would be invited to review the differential pricing principle I offered last year as a method of preventing monopolization of project benefits.

I hope the Legislature will take some positive policy position on this problem in this session, and I commend the differential pricing principle to you. It follows the so-called Federal Washoe principle and is in the pattern of the most recent Federal enactments on water pricing.

I also urge this session of the Legislature to set a firm policy guaranteeing development of recreational facilities and full preservation and enhancement of fish and game resources in connection with this great over-all project.

This is a splendid opportunity to add significantly to the State's recreational resources and we must make certain that the opportunity is not lost.

In these last two years, we have already made the greatest progress toward sound water development in the history of this or any other state.

We must keep our impetus. We must forge on without delay.

During the last two years we also have stepped up the development of beaches and parks, with special emphasis on recreation.

A new long-range plan for further beach and park acquisition and development has been prepared and will be submitted to this session of the Legislature for your consideration.

As California's population steadily rises, one of state government's most important functions is to insure that the great majority of our residents who settle in urban areas still have easy access to the magnificent beaches, rivers, forests and wilderness areas which make California one of the most scenic and varied leisure centers of the world.

We must, and will, do the job.

Another of this State's matchless resources is our agriculture, a producer of variety and volume without peer in the nation.

The water program is of incomparable importance to potential farm service areas, but we must take other positive action too, in order to preserve California's leadership in agriculture.

The great problem, of course, is to help improve farm income, to widen the present dangerously narrow gap between the costs of production and the prices received for crops.

I recommend that the Legislature approve legislation to strengthen the marketing position of farmers who sell through cooperatives, and that the basic marketing act itself be improved to assist farm producers in a number of other significant ways.

*Ninth, we must concern ourselves with other myriad problems of growth, change and development in California.*

We have many such problems that press harder daily as we approach that day in August, 1963, when California will become the Nation's most populous state.

Among those deserving priority are:

*Civil rights*—We must move on from the great beginnings of 1958. I recommend that we extend our laws against discrimination in housing. I also urge that we write clearly into law, the principle that an established pattern of discrimination is a proper basis for disciplinary action by State licensing agencies.



*Housing*—I recommend that our State Housing Commission be reconstituted and enlarged then assigned to provide a comprehensive plan for financing the State's unmet housing needs. Our senior citizens, our agricultural workers, our low and middle-income families, are now all but priced out of the market. With expert help, I am confident that this new, broadly representative commission can prepare the way for significant new strides in the complex field of housing and its financing. In the meantime, I am hopeful that the new administration in Washington will also take meaningful action in this field.

*Metropolitan problems*—Some 90 per cent of our citizens now live in one of California's nine urban areas. The Governor's Commission on Metropolitan Area Problems has just made a remarkable and far-sighted report on one of the gravest urban problem areas—that of governmental structure, special districts, annexation and incorporation.

I commend the Commission's proposals to you. One of the most noteworthy proposes that cities be given permission to initiate annexation proceedings in adjacent inhabited areas. Another suggests that multi-purpose metropolitan service districts be authorized under the so-called "California plan", which properly recognizes the State's traditional principle of home rule.

*Consumer protection*—The first year of operation of the office of Consumer Counsel has fulfilled the expectations which we had in creating it in 1959. The need for legislative action in a number of areas has been spotlighted by the activities of that office. Legislation requiring better labelling of hazardous substances is only one of a number of proposals which will be submitted to you as a result of the Consumer Counsel's work.

*Property taxpayers*—In this period of heavy local property taxes and rising assessments, local taxpayers are entitled to full and timely information on actions which increase their tax bill. Several reforms are in order in this field, and I hope remedial action will be taken.

*Tenth, we must face the stern demands of fiscal responsibility.*

The figures and details of our fiscal situation are the proper concern of my annual budget message to you later this month.

I do want to offer certain economic policy recommendations at this time, however.

As you know, the general economic picture is less favorable than was expected when the 1960-61 budget was prepared. Revenues are slightly below estimate, and welfare costs are up markedly.

We are therefore fortunate that we had adequate surplus funds to permit us to keep the current budget in balance. We will not be so fortunate in the 1961-62 budget year. Unless there is a marked change in the economic climate, there will be no carry-over surplus.

After surveying the general situation, however, I see no reason to recommend new taxes. Continued frugality and economy in government will enable us to meet our commitments without new revenues.

I believe, in fact, that we are now in a position to repeal the sales tax on prescription drugs—a tax that weighs most heavily on the aged and the afflicted.

The margin of safety will be narrow, however, and the State simply cannot afford loss of any other revenues at this time. I recognize the merit in some other tax reduction proposals. Indeed, if they could be

afforded, all tax reductions would be meritorious, in one degree or another. But they simply cannot be afforded now. Their cost would be a return to deficit budgeting and fiscal irresponsibility. That must be prevented.

Except for the salary increases to upgrade the quality of psychiatric technicians in our mental hospitals, I am recommending no general or other special salary increases for State employees at this time. That decision is subject to review later this spring, but no general wage increases will be included in the original budget document.

I do feel, however, that the time has come for the State to participate in the cost of adequate health plans for all State employees. I urge the Legislature to approve a measure authorizing such participation and I plan to earmark an appropriate amount in the 1961-62 budget for that purpose.

In summary I pledge to send you a soundly balanced budget three weeks hence. In return, I ask your assistance once more in keeping California out of the red. Together we have compiled an enviable record of fiscal responsibility. I am confident we will add to that record in this session.

As I close, I would mark the magnitude of the task before us. We must legislate for this most important State in this most important Nation. Sixteen million people depend upon our collective wisdom. We confront a range of subjects so wide that none of us can be profound or expert about all of them. And if we don't act when we should, or if we blunder, we will have failed our State at a profoundly difficult time not only here, but throughout the world.

Yet, as I look around me in this chamber I feel a surge of purpose and confidence. There are few men here who are not committed wholeheartedly to what each believes is best for this State and the people he represents. The very differences of opinion on important issues, the very differences among the interests of the areas and people you represent are a demonstration of the strength of the democratic ideal. Our vigor is plural, flowing from many sources to provide the strength of unity. Whether Democrat or Republican, whether from Southern or from Northern California, we are united in a common cause. We all want to give California the best that is in us.

Thus, it is with no sense of futility or false humility that we acknowledge the vastness of our task; rather, it is with a deep faith that with our best efforts and with the help of God we can succeed. Let us pray that we shall have the strength and wisdom to match the greatness which Providence has destined for California.

#### PRESENTATION OF SPEAKER PRO TEMPORE OF THE ASSEMBLY

Hon. Ralph M. Brown, Speaker of the Assembly, presented Mr. Carlos Bee, Speaker pro Tempore of the Assembly, to the Joint Convention.

#### INTRODUCTION OF MRS. BROWN AND MRS. ANDERSON

Hon. Carlos Bee, Speaker pro Tempore of the Assembly, introduced Mrs. Edmund G. Brown, wife of Governor Brown, and Mrs. Glenn M. Anderson, wife of the Lieutenant Governor, to the Joint Convention.



Senate Concurrent Resolution No. 16: By Senator Brown—Relative to the International Glider Meet to be held in 1962.

Referred to Committee on Rules.

ADJOURNMENT

At 3.05 p.m., on motion of Senator Burns, the President declared the Senate adjourned until 2 p.m., Wednesday, January 25, 1961.

JOHN F. LEA, Minute Clerk

CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

SENATE DAILY JOURNAL

FIFTEENTH LEGISLATIVE DAY  
EIGHTEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO  
Wednesday, January 25, 1961

The Senate met at 2 p.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Begovich, Brown, Burns, Byrne, Christensen, Cober, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McBride, McCarthy, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—35.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Edward L. Peet:

*Grant to us, O Father, that wisdom which divides the claims of some of the people from the rights of all the people, and the courage to declare the difference. May we ever live in the geniality of friendship and the severity of a good name.*  
AMEN.

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:

Senator Backstrand, on motion of Senator Burns, due to illness.

Senator McAteer, on motion of Senator Burns, due to illness.

Senator Miller, on motion of Senator Burns, due to legislative business.

Senator Cameron, on motion of Senator Murdy, due to legislative business.

Senator Arnold, on motion of Senator O'Sullivan, due to legislative business.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Johnson, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Emery Johnson, Berkeley.



On request of Senator Murdy, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Florence McDougall, Newport Beach; and Mrs. Nellie Gillette, Los Angeles Harbor.

On request of Senator Rodda, the privilege of the floor of the Senate Chamber for this day was unanimously extended to James Alexander, North Highlands.

On request of Senator Rattigan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Albert B. Crittenden, Plantation; and Mr. Norman Richardson, Cazadero.

On request of Senator Richards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Councilman Karl L. Rundberg and Leonard Gottlieb, both of Los Angeles.

On request of Senator Holmdahl, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Don Larkin, Berkeley; and Frank Howard, Oakland.

On request of Senator Regan, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Esther Taylor, teacher; Mr. and Mrs. Kenneth Gifford, Mrs. C. Clink, and Mrs. Robert Strawn, adults; and the following eighth grade students of Morley School, Oak Run: Diana Gifford, Ken Pankonin, Betty Scott, Bob Clink, and Dennis Strawn.

#### COMMUNICATIONS

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

CAPITOL CORRESPONDENTS ASSOCIATION  
STATE CAPITOL, SACRAMENTO, JANUARY 25, 1961

*Chairman, Senate Committee on Rules  
Senate Chamber, State Capitol  
Sacramento, California*

DEAR SIR: Credentials of the following named persons are eligible for accreditation as representatives of the press at the 1961 Session of the Legislature. These credentials have been duly examined by the credentials committee of our association in accordance with the Joint Senate and Assembly Rules:

*The Sacramento Union—William Conlin, E. E. Nichols, Paul Thompson, Day Churchman, Joe Benetti.*

SQUIRE BEHRENS, President

Standing Committee:  
James C. Anderson, *Chairman*  
Morrie Landsberg  
Richard Rodda

#### MESSAGES FROM THE GOVERNOR

#### BUDGET MESSAGE

By

#### GOVERNOR EDMUND G. BROWN

*To the Senate and Assembly of the Legislature of California:*

I present to you a \$2,592,304,521 budget for the 1961-62 fiscal year. It is the third consecutive soundly balanced budget transmitted to you by this Administration.

It shows the lowest percentage of annual increase of any comparable budget since 1943.

It meets the drastic demands of California's vaulting growth—566,000 more citizens this year again. 209,000 more students in our publicly supported educational institutions. It calls for no new taxes.

It recognizes the honest needs of the aged and the afflicted without resort to philanthropic excess.

It submits to the most stringent tests of economy in government without damage to the fundamental concepts of responsible liberalism.

This budget was prepared in a time of economic uncertainty, but it is presented with firmness and resolution.

Its makers were aware both of the pressing needs of today and the certain demands of tomorrow. Needs were matched against resources, demands against dollars.

I submit the result to you with pride and with confidence.

Together we have restored California's state government to fiscal responsibility in the last two years. Together we will continue our joint record of achievement and responsibility.

Your own task now is to evaluate this budget, reviewing the complex factors and judgments involved in its preparation.

In submitting the 1961-62 Budget for your consideration, I want to make one declaration with absolute clarity.

The budget I present today is honestly, but narrowly balanced.

The budget I sign will also be balanced. If I must use my power of item veto, I will do so.

That pledge applies not only to items which may be added or altered in the legislative process. It applies with equal force to items I have included in my own budget proposals.

I also promise that if, in the months intervening between presentation and passage, conditions make it necessary or possible to reduce the total amount of this budget, I will not hesitate to recognize the change in circumstances.

Further, if, in your wisdom as legislators, you find it possible to make still more economies that do not damage essential services or leave honest needs unmet, I will be genuinely appreciative.

In this concern for fiscal integrity, we must not deceive ourselves. Some worthy projects are being delayed. Some important objectives remain on the distant horizon.

Postponement must not become cancellation, however. The objectives on the horizon must not fade into the unreality of mirage.

When we have met this year's priorities, we must press on to the new priorities. We cannot do everything at once, but all necessary things must ultimately be done.

Ours is a joint fiscal responsibility. Let us work together as we meet it.

The 1961-62 Budget proposal was arrived at by a method basically new and different for the state government, although common enough to households everywhere.

An allocations system was devised to help stretch our limited fiscal resources over the whole expanding framework of state government and its services to an exploding population.

Under this system, no agency or department was ever asked how much it would like to spend.

The budget process began instead with an estimate of funds available for the 1961-62 fiscal year.

Tentative allocations were then made on the basis of past experience and known growth requirements in such areas as education, mental



hygiene, correctional institutions, social welfare, recreation and public health.

A small contingency reserve was also established to meet hardship problems or to provide for vital new programs. Some augmentations were permitted on direct appeals to me, and they exhausted this small reserve. In the great majority of cases, however, departments worked successfully under their allocations, and major savings were achieved without sacrifice of essential services.

You should also know something about the revenue estimates upon which this budget is based.

It has become the fashion among a few partisans unconcerned with the fiscal facts to disregard or disparage Department of Finance estimates, estimates made without political coloration by a group of civil service experts who have served all administrations alike with equal skill and integrity.

Their record over the years matches the best in the nation, private or public.

During the current fiscal year, for example, General Fund income is expected to be about \$10 million less than was anticipated during last year's budget session. That is approximately one-half of 1 percent difference in a total of \$1.7 billion in General Fund revenue.

That performance speaks for itself, and it argues eloquently that these expert estimates offer far stronger support for fiscal responsibility than the slender reeds of partisan prediction.

In a quite different way, the Administration also approached a fiscal ideal in the current budget year.

The State was able to finance not only current expenditures, but almost all of our long-term capital outlay, without major bond financing in 1960-61. This was true for the first time in many years.

The surpluses which permitted this signal achievement have dwindled rapidly in the current recession, however, and this budget marks a return to bond financing for long-range building needs, particularly on our college and university campuses.

It remains true that whenever feasible, California finances should be on a pay-as-you-go basis.

Very few growing families can afford to buy a larger, new house except on a long-term mortgage, however, and the State is in the same position, especially with respect to educational facilities and institutions.

The necessity of long-term financing carries with it an obligation to be frugal so that interest costs can be kept to an absolute minimum.

This Administration is meeting that obligation.

In 1959-60, \$20 million was saved by insistence on economy although the budget had anticipated only \$7 million in savings over the year.

Continuing tight regulations this year are expected to produce an additional \$13 millions in savings by July 1.

Without such economies and without the new revenue program sponsored by this Administration in 1959, California would be \$444 million in the red on July 1, of this year and would now be issuing warrants to carry on its basic activities.

I ask those heedless partisans who disparage the 1959 revenue program to ponder that fact. And, to those who are now advocating massive reductions in state revenue, I make an additional request.

Will you please read this budget carefully? Will you then please tell the people of California what state services should be abolished or reduced? Will you please explain how we can get better education, including better teachers, for less money?

The people of California would be grateful for such information—and so would I.

Before I turn to a general summary and the specific major areas of concern in the budget, I offer one other observation.

The nation is in a recession. Although California traditionally weathers periods of national economic distress better than most of our sister states, we too are feeling the sharp decline in business and industrial activity.

Of most concern are areas where unemployment is reaching new 10-year highs.

These islands of distress in a State still generally prosperous deserve our immediate attention, not only for their own sake, but to halt the otherwise inevitable spread of distress to their neighbors.

Unemployment and low income are contagious diseases, and they must be so handled.

This Administration has already begun anti-recession measures. Just 10 days ago we moved to free \$30 million in state bond money to speed vital local school construction projects. More unemployment benefits are about to enter our economic bloodstream.

And we are working out new state construction priorities to give preferences to distressed areas.

This is a national recession, and California cannot meet the challenge singlehanded. Federal assistance fortunately is in sight, and we can properly hope for a turn for the better later this year.

We must not gamble, however, for what we do affects not only the 16,000,000 present citizens of this State, but the millions more to come.

What follows will tell you what I specifically propose in the 1961-62 Budget.

I submit this budget and this message to you with the greatest respect—and with full confidence in the ultimate result.

#### SUMMARY

The total 1961-62 Budget amounts to \$2,592,304,521. This includes the expenditure of \$100 million by bond financing of essential state building needs.

With state income lagging behind outgo in the current fiscal year, it has been necessary to plan to draw upon the accumulated surplus. The total surplus will decline from \$129.3 million on June 30, 1960, to \$32.5 million by June 30, 1961.

Revenues for California government in 1961-62 are estimated at \$2,428,324,332. Most of this gain will occur in the General Fund, which is expected to reach \$1,694.3 million, or approximately \$73.3 million more than is now estimated for the present year.

The expenditure program which I recommend for 1961-62 will require a further draft on surplus. This will be true despite the fact that I am submitting one of the tightest operating budgets in the State's history and despite the heavier use of bond funds for capital outlay.





Under the 1961-62 Budget, the \$32.5 million General Fund surplus expected at the close of this fiscal year will be reduced to \$468,000 by June 30, 1962.

Realizing even this fractional surplus will depend heavily upon an improvement in the business climate during 1961, and improvement which has been anticipated in the tax revenue estimates on which this budget is based.

#### GENERAL FUND CONDITION

(In Millions of Dollars)

	<i>1960-61</i> <i>Estimated</i>	<i>1961-62</i> <i>Proposed</i>
Beginning Surplus, July 1-----	\$129.3	\$32.5
INCOME:		
Revenues and Transfers-----	1,621.0	1,694.3
EXPENDITURES:		
State Operations -----	554.0	610.1
Capital Outlay (current funds)-----	138.6	14.9
Capital Outlay (bond funds)-----	(10.8)	(99.9)
Local Assistance -----	1,025.1	1,101.4
Total Expenditures (current)-----	\$1,717.7	\$1,726.4
Current Year Deficiency-----	-\$96.7	-\$32.1
Ending Surplus, June 30-----	\$32.5	\$0.4

#### IMPORTANT ASPECTS

These are some of the major areas of concern in the proposed budget for 1961-62:

##### Education

It is the continuing policy of my Administration that California have the best program of public education in the United States.

In the 1961-62 Budget, we have devoted \$1.04 billion to all levels of education. This represents 41.5 percent of the total budget exclusive of bond funds, and 60 percent of the General Fund into which we all pay our taxes.

The vital importance of public education in California results from this fact: To Americans, democracy has always meant more than equality at the polls. More and more, it has come to mean equality of opportunity in every respect.

In the American catalogue of equal opportunity, access to education has the highest place. This gives us a particular obligation. Close to one-quarter of our total state population is now enrolled in the elementary and secondary grades through junior college.

You have already approved my recommendation that maximum state bond fund allocations for local school construction aid be increased from \$10 million to \$12 million a month. I have further recommended the allocation of \$30 million more in bond funds immediately to pick up the entire backlog of approved allocations for school construction and site acquisition.

But the schoolrooms are only the shells. They can become monuments to ignorance if they are not occupied by gifted teachers, equipped with excellent tools.

We share, with other states, guilt for the major fault of American education—failure to expect of our students all of which they are capable, failure to offer all they are ready to use. We should never assume that only a small minority of our youth are capable of high standards of performance, if they are taught with vigor and inspiration by outstanding teachers.

Because California must face this challenge with honesty, I have put before you a number of excellent proposals to improve public education in our State. These changes will equip our children, and our State, for the future. They are critically needed. They will also cost further substantial sums.

You will note that no budgetary provision has been made for these proposals for improvements which range from state aid for programs for gifted or emotionally handicapped children to state support for junior colleges.

The reason is simple. There are no more funds available.

That does not mean that these proposals cannot be financed, however. In my legislative message, I called for equalization of state aid in relation to the countywide tax base, rather than on a district-by-district basis.

This would prevent the rich segment of a county escaping from its proper share of supporting schools throughout the county.

It would also free approximately \$21 million of state aid for such other purposes as this Legislature may direct. This is the only method of financing I can now see for any of the proposals to enrich our school programs which require funds beyond those included in this budget.

I also propose that we appropriate \$200,000 to speed reorganization of our present school district structure itself. Here again, economies could lead to substantial program enrichments.

##### Higher Education

Believing that the Master Plan must move forward as rapidly as possible, I propose a budget of \$249,000 for the Co-ordinating Council for Higher Education, and \$1,009,000 for the Trustees of the State College System. I am asking you to extend the state scholarship program once again, in the amount of \$1.8 million, a 44 percent increase over this year.

This year, the University will add 4,400 students, the largest annual enrollment increase in a decade. We propose to increase the University's General Fund budget from \$121 million to \$132 million, which is 9.4 percent more than the budget in the current year. We have allocated \$220,000 for academic and physical planning staffs at the three new university campuses: In Orange County, San Diego County, and the unselected site now known as South Central Coast. I further recommend the sum of \$250,000 for initial planning and staffing at the new medical school at San Diego, which is to be developed with the planned University campus.

State colleges in 1961-62 will increase enrollment from 69,000 to 77,000 students, an 11.5 percent jump. To meet that need, I propose a 13.5 percent budgetary increase, from \$69 million in the current year to



\$78.8 million in 1961-62. We have proposed \$134,000 each for academic and physical planning staffs at two new state colleges: San Bernardino-Riverside, and South Bay State College in Los Angeles County. To further assist the state colleges, the sum of \$230,000 is provided for educational television.

#### Water

This document marks the first full commitment to two of the greatest water projects in California history—the State's Oroville Dam on the Feather River, and the joint state-federal San Luis dam and reservoir. Of the \$18.9 million allocated for construction of the Oroville Dam in the 1961-62 Budget, \$9.7 million is earmarked for the dam itself, and related facilities. Our plan commits the State to proceed to build the entire high-level project, complete with power production facilities. No staging is contemplated. We are proceeding too with plans for San Luis. Using current funds, we have almost completed arrangements with the United States Bureau of Reclamation which will make \$400,000 of state funds available to the United States for advance planning studies at San Luis. In addition, the new budget allocates \$3.6 million to be spent on the project. Of this, some \$800,000 will be used for departmental engineering and right-of-way expenditures. We have also budgeted the balance of \$2.8 million for a further advance to the United States Bureau of Reclamation for preliminary design.

#### Social Welfare

Public conscience is the duty of every citizen but it is the particular obligation of those who conceive and shape the laws under which we live. Social welfare, taken literally, means the well-being of our fellow citizens. You are as aware as I am that thousands of our fellow Californians are in distress resulting from unemployment, infirmity, or old age. I particularly direct your attention to the justified needs of the aging, most of whom have in the past been tax-paying, law-abiding citizens. They have made many contributions to all of us in the past. Today, we are the richer for their wisdom and experience.

I include a number of recommendations which affect them. It is primarily for their benefit that I recommend the exemption of prescription drugs from the sales tax in 1961-62.

The major upward revisions in the 1961-62 Budget also concern the aged and others in social welfare programs. Changes are requested in our programs of old age security and aid to the needy blind; aid to the needy disabled; the foster care of children; the chronically ill aged; administrative assistance for county welfare departments; and grants for county services to older citizens. The total increase in General Fund costs for 1961-62 for these new programs is \$11.4 million. I call to your attention the fact that these figures are in addition to increases called for by growth projections for existing programs. Except for the recommended changes affecting administrative assistance for local departments, and grants for county services for older citizens, these programs would not go into operation until January 1, 1962. The figures for the increase in costs thus cover a six months period only.

#### Beaches and Parks

The 1961-62 Budget provides for operating our state beach and park program at a cost of \$9.1 million. In addition, a capital outlay program is proposed in the amount of \$8.1 million. Of this, \$3.7 million is for acquisition and \$4.4 million for development. I urge that we devote increasing emphasis to developing our resources in the future, without neglecting our program of acquisition.

#### Corrections

Heartening progress is being made in our program of conservation camps. By the end of the 1961-62 fiscal year, we plan to have 2,357 inmates in the camps. Construction is proceeding on schedule for activating centers in Lassen and Tuolumne Counties and the North Coast area. With the four new camps coming into operation in 1961-62, we will have a total of 34. The proposed operating budget of the Department of Corrections is \$45.4 million, an increase of \$3.9 million, or 9.5 percent, over the current year. This will provide for custody and rehabilitation of an average of 22,100 inmates, an increase of 1,145 over 1960-61. For operating the Youth Authority, \$21.4 million, an increase of \$3 million, or 16.5 percent, is recommended. It will furnish custody and rehabilitation for an average of 4,341 wards, close to 1,000 more than in the current year.

#### Mental Health

Research and treatment are bringing about dramatic changes in rehabilitation of the mentally ill. Here is a striking example. During the new budget year, there will be 27,100 admissions to state mental hospitals, an increase of 1,100 over the current year. Even with increased admissions, resident population has been remaining approximately constant because of new and enlightened treatment. We further recommend \$450,000 for the new day treatment center program, which is already working successfully in San Diego. Two new centers would be established during 1961-62. Finally, despite our limited funds, we must upgrade the positions of psychiatric technicians, and make them attractive to skilled workers in this sensitive field. I recommend a salary increase in the amount of \$2.4 million.

#### Public Health

California's nationally respected program of public health will go forward in 1961-62 under the proposed General Fund budget of \$35 million, up \$1 million from the current year. We propose \$9.1 million for support of the department, and \$25.9 million for aid to local governments. I commend to your attention the need for health services for migrant labor—a long-neglected field in which California should be the pioneer. A \$110,000 appropriation is proposed to meet this need.

#### Agriculture

The total budget for the Department of Agriculture is up from \$17.4 million to \$17.8 million in 1961-62, an increase of \$400,000. Research in pear decline, one of agriculture's most vexing current problems, is continued with an allocation of \$37,000. We further recommend expenditure of \$88,000 for closer inspection of weights and packaging of goods. The Consumer Counsel is co-operating in this program.



**Employee Benefits**

I urge your approval of a plan for state contribution to a health program for state employees. This will be the State's first action in providing this important benefit for its employees. The recommendation includes \$4.8 million from the General Fund and \$1.8 million from special funds. Except for the salary increases recommended for psychiatric technicians, no general or other special salary increases for state employees are recommended at this time.

**Capital Outlay**

Expenditures of \$422.3 million is proposed for capital outlay covering the programs for state building construction, beach and park acquisition and development, water resources, state highways, fish and game and the district agricultural fairs.

A state building construction program will provide for the construction requirements for the 4,400 new students at the University of California, at a capital outlay cost of \$48 million. The same need will be met for the 8,000 new students at our state colleges, through expenditure of \$40 million in capital outlay funds.

Additional capacity for the mentally retarded is provided with a budget item of \$2 million for the Department of Mental Hygiene. For the Youth Authority, \$3.2 million is allocated. This includes the start of a new 400-bed Northern California Youth Center at Stockton. Facilities for the State's forest maintenance and fire prevention programs are provided in the amount of \$3.5 million.

The use of bonds in the amount of \$99,920,000 is proposed. Our limited General Fund resources in 1961-62, resulting from the current recession, makes the use of bonds essential.

Capital outlay for beaches and parks is proposed in the amount of \$2.1 million from the General Fund to pay for new acquisitions and further development of existing properties. In 1961-62, expenditures of state funds for highways are expected to exceed \$250 million. A wildlife and fish and game capital outlay program is proposed in the amount of \$1.8 million from special funds available in the Fish and Game Preservation Fund and the Wildlife Conservation Fund.

In conformity with Section 34, Article IV of the Constitution, I submit to you the budget for the State of California for the fiscal year commencing July 1, 1961, and ending June 30, 1962.

Respectfully submitted,

EDMUND G. BROWN, Governor

January 25, 1961

Message read, and ordered printed in the Journal.

**LETTER OF TRANSMITTAL**

*Edmund G. Brown*  
Governor of California  
State Capitol, Sacramento

DEAR GOVERNOR BROWN: Transmitted herewith are the summary tables and detailed statements for the Budget of the State of California for the fiscal year July 1, 1961 to June 30, 1962, compiled in conformity with your policies and instructions.

The revenue estimates presented in this budget are predicated upon a slowdown in the rate of California's economic growth during 1961, with expected recovery starting about midyear which will become substantial in 1962. The amounts shown have been determined after a careful appraisal of trends, and after consultation with national and state economists.

The expenditures proposed in this budget were based upon a new system of preparing prior allocations to the various state agencies and entering into close consultation with them regarding their program needs within such allocation. The co-operation of the department heads has been outstanding in carrying out your policy of controlling expenditures without sacrifice of essential services and increasing needs.

The staff of the Department of Finance is always available to furnish other information and otherwise assist in the budget consideration.

Respectfully yours,

JOHN E. CARR, Director of Finance

January 25, 1961

Letter of transmittal ordered printed in the Journal, and the budget referred to the Committee on Finance.

**MESSAGES FROM THE ASSEMBLY**

ASSEMBLY CHAMBER, January 25, 1961

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed:  
Senate Bill No. 9

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JAMES D. DRISCOLL, Chief Assistant Clerk

Above bill ordered enrolled.

ASSEMBLY CHAMBER, January 25, 1961

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

Assembly Concurrent Resolution No. 23  
Assembly Concurrent Resolution No. 24

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By JAMES D. DRISCOLL, Chief Assistant Clerk

**FIRST READING AND REFERENCE OF ASSEMBLY BILLS**

The following resolution was read:

**Assembly Concurrent Resolution No. 23**—Approving amendments to the charter of the County of Sacramento, State of California, ratified by the qualified electors of the county at a special election held therein on the seventh day of June, 1960.

**Request for Unanimous Consent**

Senator Rodda asked for, and was granted, unanimous consent to take up Assembly Concurrent Resolution No. 23, at this time, for consideration.

**CONSIDERATION OF ASSEMBLY CONCURRENT RESOLUTION NO. 23**

**Assembly Concurrent Resolution No. 23**—Approving amendments to the charter of the County of Sacramento, State of California, rati-



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

TWENTY-SIXTH LEGISLATIVE DAY

THIRTY-SECOND CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Tuesday, February 14, 1961

The Senate met at 3 p.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Grunsky, Holmdahl, Johnson, McBride, McCarthy, Miller, Murdy, O'Sullivan, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, J. Edward Williams, and Robert D. Williams—36.

Quorum present.

**PRAYER**

By invitation of the President, the following prayer was offered by Rabbi Joseph J. Ehrenkrantz, of Mosaic Law Congregation, Sacramento:

*Author of the Universe.* Thou hast set Thy image in man and hast endowed him with the will and capacity for freedom. Teach us, oh Lord, to make our government of law compatible with human freedom. Thou has instructed us to love our neighbors as we love ourselves and hast commanded that justice prevail on earth. Teach us, oh Lord, to temper justice with love. Inspire Thy servants who here seek to translate Thy will into the law of our State to seek Thee at all the poles of Thy presence. Guard them from straying into the shadow of Thy absence, and guide them in the light of Thy love and Thy wisdom. AMEN.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Backstrand led the Senate in the pledging of allegiance to the Flag.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator McAteer, on motion of Senator McCarthy, due to illness.

Senator Hollister, on motion of Senator Christensen, due to legislative business.

Senator Gibson, on motion of Senator Cameron, due to personal business.



On request of Senator Grunsky, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mr. Edwin "Pete" Swanson, principal; Mr. David Horlock and Mrs. Dorothy Rich, adults; and the following eighth grade students of Scotts Valley Union School, Santa Cruz: Teresa Allen, Neal Anderson, Chris Brose, John Browning, David Boyd, Floyd Cantrell, Tina Cellarius, Stanley Cochran, Linda Cox, Lin Cureton, Beverly DeVries, Mike Discoe, Winnie Dolph, Joanne Duerr, Tom Duncan, Deanna Duncan, Irene Fitchie, Roy Frye, Malcom Gordon, Rosamond Gregory, Peter Hamm, Norma Hankes, Linda Hansen, Donald Hensley, Don Hill, Sally Hodgkin, Sandi Holmquist, Carol Homer, Drew Houghton, Peggy Hunter, Ricky Huber, Barbara Jolley, William Jonsson, Kathleen Koch, Danny Little, Lana Livingston, Roger McCown, Donnalee Menser, Tom Metcalf, Dale Mills, Carol Minter, Sharon Murphy, Amy Newell, David Moody, Donna Packer, Larry Packer, Kenneth Pahel, Cynthia Pinkard, Linda Rackstraw, Richard Roesner, Gail Roselius, Mary Jane Ridley, Carmelita Saldavia, Richard Saldavia, Linda Scarborough, John Schumaker, Buddy Smith, Alfred Staubus, Susanne Taylor, Carrie Mae Vaughn, Linda Wall, Carol Wallace, Mike Walsh, Robert Wenzell, Sally Wharton, Larry Wride, Beverly Yapp, Dorothy Youmans, and Janet Zanze.

#### COMMUNICATIONS

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

STATE OF CALIFORNIA, DEPARTMENT OF EDUCATION  
STATE EDUCATION BUILDING, 721 CAPITOL AVENUE  
SACRAMENTO 14, February 3, 1961

*The California Legislature  
State Capitol, Sacramento*

GENTLEMEN: Pursuant to Education Code Section 16645.27, the State Department of Education herewith submits its report on the Pilot Child Care Center Program for Mentally Retarded and Physically Handicapped Children.

Pursuant to the requirements of the act, the Superintendent of Public Instruction has appointed a State Advisory Committee, established regulations pertaining to the operation of pilot child care centers for mentally retarded and physically handicapped children, and has secured an appropriation for the operation of four pilot centers. To date, however, no pilot child care centers have been established by school districts for one or more reasons described in the body of the report.

We gratefully acknowledge the co-operation extended to the State Department of Education by individual members of the State Advisory Committee.

Sincerely yours,

ROY E. SIMPSON  
Superintendent of Public Instruction

Letter of Transmittal ordered printed in the Journal, and the report in the Appendix to the Journal.

#### MESSAGES FROM THE GOVERNOR

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, February 10, 1961

*To the Senate of the State of California:*

I have the honor to inform you that I propose to make the following appointment to an office which is by law to be filled by the Governor subject to Senate confirmation or consent. I hereby nominate this appointee to you and request your confirmation and consent.

SAMUEL B. MORRIS, a resident of Los Angeles; retired head of the Los Angeles Department of Water and Power; attended the Throop Polytechnic Institute, now the California Institute of Technology from 1903 to 1907; received a bachelor's de-

gree in civil engineering from Stanford University in 1911; was awarded an honorary doctor of laws degree from the University of California in 1953; served the City of Pasadena water department successively as assistant engineer, chief engineer, superintendent and general manager from 1912 to 1935; since 1935, has been a consulting civil and hydraulic engineer; headed the department of civil engineering at Stanford from 1935 to 1944, and served as dean of the school of engineering from 1936 to 1944; for the next 11 years he was general manager and chief engineer of the City of Los Angeles Department of Water and Power; has been active in the Feather River Project Association and many water resources and water control committees and commissions; awarded the John M. Diven Medal by the American Water Works Association in 1933; in 1953, served on the panel on the Impact of Peaceful Uses of Atomic Energy and a member of the American delegation at the International Conference on Peaceful Uses of Atomic Energy at Geneva, Switzerland; member of the American Commission on High Dams at the World Power Conference; director of the Engineers Joint Council; member of the American Society of Civil Engineers and other national and state professional societies; the Morris Dam on the San Gabriel River was dedicated in his honor in 1934;

Member, California Water Commission, vice Kenneth Q. Volk, term expired, for the term prescribed by law, ending January 15, 1965.

Respectfully submitted,

EDMUND G. BROWN, Governor

Message read, and referred to Committee on Rules.

STATE OF CALIFORNIA, GOVERNOR'S OFFICE  
SACRAMENTO, February 13, 1961

*To the Honorable Members of the Senate:*

I have the honor to transmit to you herewith my recommendations for reorganization of sections of the executive branch of the state government of California.

I invite your thoughtful consideration both of the recommendations and of the constructive ends I am confident they will achieve.

Respectfully,

EDMUND G. BROWN, Governor

Enc.

#### STATEMENT OF GOVERNOR EDMUND G. BROWN ON REORGANIZATION OF STATE GOVERNMENT

I believe the proper time has arrived to make a substantial beginning on a reorganization of the government of the State of California.

Expert studies and reports agree that one is greatly needed. Public administrators and business leaders tell me that it is long overdue.

Almost three decades have passed since the last important reorganization, 30 years in which the population has soared from 5,677,251 to 15,717,204; 30 years in which the state budget has grown from \$125,000,000 to \$2,492,400,000.

The present government is a jerry-built, often haphazard structure. It is uneconomic, in some respects, inefficient in many, and sometimes unresponsive to public needs and desires. It offers a host of obstacles to the greatest need of modern government, clear-cut lines of policy formulation, execution and responsibility.

As Attorney General for eight years, I found grave and growing problems posed by the lack of logic and cohesion in the structure of state government. During the 1958 campaign for Governor, I pledged to work out a plan for reorganization and to present it during my term of office.

In preparation for the proposals I am making in this message, I had two major expert studies made of this problem. Both were forwarded to the Legislature a year ago for interim study, and as a preliminary to the submission of a specific plan of action in this session.

Those two studies provided the fundamental ideas on which my reorganization proposals are based. A number of variations have been introduced, however, most of them after consultation with department heads, legislators and others with first-hand experience of the practical problems involved.

Another major force in the shaping of these proposals has been my own experience in two years as Governor, two years in which I have become increasingly convinced that the present structure is often an enemy to economy, efficiency and good central direction of a huge and complicated piece of public machinery. It impedes effective action and encourages duplication, delay and waste.

As our population continues to surge upward at an ever accelerated pace, the deficiencies of our present governmental organization will become ever greater and more apparent.

It is therefore imperative that we not only mend past mistakes, but that we provide wisely and prudently for the future. This is as true of the actual structure



of our government as it is of our need to maintain fiscal integrity, to meet our educational needs, to develop our water resources, and to carry out the multifold other duties of thoughtful, responsible modern government. We cannot afford complacency. We cannot assume that, because we are somehow managing to make do for the present, we can continue to do so indefinitely. In my judgment, the strains and stresses of growth threaten to weaken the stability and integrity of the whole misshapen structure.

Today, our state government consists of approximately 360 boards, commissions, and agencies. Haphazardly arranged and with little interconnection, even when they deal with very similar subject matter, each is supposed to report directly to the Governor.

Even if the Governor had time to deal with each of them, which he does not, neither he nor his office staff can possibly have the time, the detailed technical knowledge or the operational manpower to handle the tasks of co-ordination.

No modern corporation would put up with the present system of the State of California for an instant.

As just one example of the problems involved, consider the vital question of maintaining the quality of California's water supply. The responsibility is now divided among the Departments of Water Resources, Fish and Game, and Public Health, nine regional water pollution control boards, a State Water Pollution Control Board, the State Water Rights Board, and the California Water Commission.

Even so minor, although important, function as the licensing and policing of boarding or nursing homes for our older citizens is divided between the Departments of Public Health, Social Welfare and Mental Hygiene. There are hundreds of other examples, but these pose typical problems.

The central effort of the reorganization plan which I now ask you to begin to turn into reality is to simplify all this by creating eight agency groups, each responsible for its own internal co-ordination, each under one head who could report directly to the Governor.

There is no intention of upsetting the internal structures of the departments in these initial steps. It may well be that such changes should come in some departments, boards or commissions but only after the new agency groupings have been tested by experience.

Our first task is to modernize and streamline administration so as to define lines of responsibility more clearly and to obtain better executive control over segments of the executive branch of government which now receive little direction.

We can then proceed to better employment of the modern tools of administration such as performance and program budgeting, work standards, the optimum employment of electronic data processing equipment, and more effective, more efficient record keeping.

History teaches that proper reorganization can best be accomplished over a period of several years. Too drastic an upheaval can thus be avoided, and the benefits of experience in the early stages can be applied as further steps are taken.

I, therefore, submit to you, as the first major steps in this vital process, the following specific proposals:

*First:* That the chief executive be authorized by statute, which is to be ratified by a constitutional amendment, to propose to the Legislature plans for the reorganization of the executive branch of government, such plans to become effective unless rejected by the Legislature. By such legislation, the Governor would be given the clear duty of periodically re-examining the structure of our government, and recommending necessary changes, consolidations and, if it is firmly hoped, eliminations. There is no lessening of the authority of the Legislature, for it would retain the power to initiate any reorganization that it deemed appropriate. It also would retain the power to reject any proposal submitted by the Governor. The referendum, reserved to the people of our Constitution, would apply to any proposal by the Governor.

This plan is now in effect in six of the states, and has been in effect in the federal government since 1932. While there is little experience with it in state government, the chief executives of the United States have submitted to Congress 57 reorganization proposals of which 44 are now in effect. It is commended by leading students of public administration, and is recommended by its success in the federal government.

If adopted in California, the plan must be so worded as to retain the full power of the Legislature over the organization of the executive branch, and it must also conserve our fundamental division of government into three co-equal branches by denying to the chief executive any authority to reorganize either our judicial system or to affect our Legislature, and its staff agencies.

*Second:* That the Youth and Adult Corrections Agency be created as recommended in the Agency Plan. This will co-ordinate the activities of the present Department of Corrections and the Youth Authority.

*Third:* That a Health and Welfare Agency be created consisting of those departments primarily concerned with the welfare of our citizens, namely the Departments of Public Health, Social Welfare, and Mental Hygiene. I believe that the Department of Military and Veterans Affairs should not now be made a part of this agency as originally proposed.

*Fourth:* That an Agriculture and Resources Agency be created to bring together those state departments which are concerned with the use of our land and the development and utilization of our resources. This agency would include our present Departments of Agriculture, Fish and Game, Water Resources, and Natural Resources. I propose that the Reclamation Board which is now independent of the Department of Water Resources be made a part of that department so that its work, which is closely related, can be closely co-ordinated. The Colorado River Board, which has been concerned primarily with litigation between California and Arizona over water rights on the Colorado River, should be abolished effective June 30, 1962, and its remaining duties, if any, transferred to the Department of Water Resources. Similarly, the Poultry Improvement Commission, which is now wholly autonomous, should be abolished and its functions transferred to the Department of Agriculture.

Population pressure exerts its greatest force on resource utilization. Recreation for our citizens is of prime concern and will grow in importance as more leisure time is available. The state departments concerned with recreation are many, and the need for co-ordinating their activities is urgent. The Department of Fish and Game should be continued as a department, but within the Agriculture and Resources Agency. I suggest that we also create a new Park and Recreation Department within this agency, which would consist of our present Division of Beaches and Parks, Division of Small Craft Harbors, and Division of Recreation. The remaining divisions of our present Department of Natural Resources should form a separate Department of Conservation.

*Fifth:* The establishment of a Transportation Agency has been studied by your interim committees, and I now recommend such an agency although this involves an important change in the original reorganization design set forth by the Governor's Committee.

This agency would include the Department of Public Works, the Department of Motor Vehicles and the California Highway Patrol.

Transportation is vital to our economy. Mass transportation is now a major problem, and is becoming an increasingly difficult one. We should take steps now to begin to co-ordinate state activities in transportation and to thus prepare to meet the great needs ahead.

(NOTE: I thus am recommending the creation of a total of four agency groupings, half of the eight proposed by the study committee and task force. I want to emphasize here and now, however, that there is no intention of beginning with this proposal the creation of a vast new superstructure of government.)

I propose that we now provide only for an administrator and a small staff, consisting of one deputy and clerical assistance. His function would be to act as the means of communication to and from the Governor, and to co-ordinate the activities of the departments, commissions and committees as we now know them. From this experience, I am confident we will develop new concepts of operation which will eliminate both waste and duplication.

I believe the agencies proposed above provide the most logical first step in this complex process. Although some favor a revenue agency now, I believe that the central fiscal operations of state government are the most crucial, and I prefer that pioneering be done in less sensitive areas. Similarly, although I favor reorganization of the office of Governor itself, I believe such changes should come after we have had some experience with the decentralization of some of the present functions of the Governor's office into the new agencies.)

*Sixth:* I also recommend that two secondary fiscal functions of government be transferred to the State Treasurer and to the Controller. The duty of supervising the investment of state money is now awkwardly divided between the Department of Finance and the State Treasurer and should be transferred to the State Treasurer. For the same reason, the Division of Audits of the Department of Finance should be transferred to the Controller, thereby centralizing the auditing of state operations and recognizing the Controller as an independent auditor, elected by and responsible to the people. These two transfers will simplify the structure and will centralize responsibility for two functions of government which are now badly diffused in our structure.

*Seventh:* I have already recommended the abolition of the Colorado River Board and of the Poultry Improvement Commission. There are other boards which we can now abolish, and I therefore recommend that we abolish the following boards: Committee on State Purchases from the California Industries for the Blind; State Forest Purchase Committee; Board of Public Building Reconstruction; Board of Review Correction and Equalization; United Spanish War Veterans' Commission; Board of Port Wardens; Board of Managers, Criminal Identification and Investigation; Public Outdoor Recreation Commission; and the California Olympic Commission. The membership of the Board of Corrections, now 21, is too large for effective operation, and I suggest that its membership be reduced to eight.

These recommendations are a logical element in the reorganization of the executive branch of state government. Some financial savings, and definitely improved serv-



ices, can be anticipated. But the real merit of this proposal lies in its promise of greater efficiency and economy over the years ahead. I urge your earnest attention to and support of these recommendations.

*Eighth:* I also propose certain reforms and internal reorganization within the Department of Professional and Vocational Standards. The need for these has become obvious during the past year. California licenses business and professions for the protection of the public, not for the creation of monopoly. This is abundantly demonstrated when we review the history of our licensing statutes. And, although this is true, a conflict of interest is, by statute, built into each of our licensing boards because we now require that the members of these boards be licensed members of the business or profession which, by law, they are required to regulate, and over the members of which they are given disciplinary powers. Proposed legislation is pending before you which would add to each of these licensing boards a lay member who would serve as a representative of the public. I recommend this step to you and urge its enactment. It will furnish the people a much needed voice on each of these boards.

California was in the vanguard of states in providing for the reform of administrative procedure. In 1945, the Division of Administrative Procedure was created for the purpose of providing an orderly procedure before licensing boards that would afford each person who came before the board, the full protection of his rights and due process of law. Independent hearing officers were provided as the means of accomplishing this, and have proved eminently successful. While they do not now have the authority to make findings of fact and decisions, their proposed decisions are adopted without change in 95 percent of the cases. I believe that we should now extend their powers and also have a careful study made to determine what other reforms are needed. I therefore recommend to you these specific proposals:

*First:* That the independent hearing officers of the Division of Administrative Procedure be given the authority to make findings of facts and decide matters before them, subject to the power of the licensing boards to review the transcript of evidence and enter a different decision or to rehear the cases.

*Second:* That the right of certain state agencies to employ departmental hearing officers be terminated and that these agencies be required to use the independent hearing officers of the Division of Administrative Procedure. This should not apply to the Public Utilities Commission or the Industrial Accident Commission which now exercise judicial power, nor to the Department of Employment.

*Third:* Since the Division of Administrative Procedure will be serving boards and commissions outside the Department of Professional and Vocational Standards, the division should be transferred to the Department of Finance, with the expectation that under future reorganization, the Department of Finance will evolve into a General Services agency.

Finally, I ask the Judicial Council to make a careful review of the procedures now in effect and report its findings to the Legislature and to the Governor before the 1963 Session of the Legislature.

Our statutes providing for the licensing of business and professions contain many standards which must be met by applicants for licenses. In some instances these appear unduly restrictive, and ill adapted to the needs of an exploding population such as California. The standards for recognition of licensees from other states vary from one business and profession to another, and it is obvious that in some instances fully qualified persons are denied the right to practice the business or profession of their choice in California. Careful investigation of the facts is essential, and a study of the standards for admission to a licensed business or profession must be made before concrete proposals can be made. I recommend that the Legislature, through its properly constituted interim committees, conduct this review of the standards for licensing.

I have made a number of specific proposals in this message. I believe that each is in the public interest and will place our state government in a position where it can better serve the needs of our expanding population. I recommend each to your careful scrutiny, and I urge you to enact legislation which will put each into effect.

The above message printed in the Journal on request of Senator Burns.

#### RECESS

At 3:15 p.m., on motion of Senator Burns, the Senate recessed to introduce two distinguished guests.

#### APPOINTMENT OF ESCORT COMMITTEE

The President of the Senate, Glenn M. Anderson, appointed Senators Richards, Fisher, and Rodda as a special committee to escort Hon. Anthony G. Meneses, Consul General of India, and Mrs. Meneses, to the rostrum.

#### APPOINTMENT OF ESCORT COMMITTEE

The President of the Senate, Glenn M. Anderson, appointed Senators McCarthy, Donnelly, and Shaw as a special committee to escort Governor John Volpe, of the State of Massachusetts, to the rostrum.

#### INTRODUCTION

The president of the Senate, Glenn M. Anderson, introduced Hon. Anthony G. Meneses, Consul General of India, to the Senate.

#### ADDRESS BY ANTHONY G. MENESES, CONSUL GENERAL OF INDIA

The Honorable Anthony G. Meneses addressed the Senate as follows:

On 26th January, 1961, India celebrated the 14th birthday of her republic, having attained her independence in August, 1947. Since that time we in India have followed an ambitious programme for industrialization, economic and educational advancement, and vast development. The overall picture of India today is one of robust political health and stability, of national unity, and all-out vigil. India's foreign policy and dedication to the cause of peace have gained her worldwide recognition, and her role as a major force in the cause of freedom and democracy in Asia is universally appreciated. Our approach to world problems is a compound of idealism and pragmatism. While our goal is the ideal society, we are making haste slowly taking the world as it is, provided the rivers of progress are not dammed up. When talking of India's neutralism, one must appreciate that our nation does not exist in a vacuum, detached from the rest of world. India fully co-operates with the United Nations. She upholds its charter and is thus in accord with a majority of the nations of the world, including the United States of America. India is vehemently democratic in the traditional sense of the term, though she accords to other peoples the right to choose their own forms of political order. India is uncommitted only in the sense that she does not have a military alliance with either the United States or the Soviet Union.

While economic buildup after the war taxed all nations to the utmost, the task of making economic and social repairs, and of laying a proper groundwork for the future, was particularly difficult for countries which had just gained their independence. India tackled the problem by thorough, long-range planning, and the encouraging success of the first two of our Five-Year Plans is proof that we have been dealing with our politico-economic problems in purposeful manner.

Over the 10 years 1951-61, national income, at constant prices, has increased by about 42 percent, per capita income rose by about 20 percent, and per capita consumption grew by about 15 percent. Thus, the infra-structure of our economy has been substantially strengthened creating conditions for more rapid economic development in future.

This April, we will launch our third Five-Year Plan, which is to run from 1961-66. It provides for a total investment of over \$21 billion.

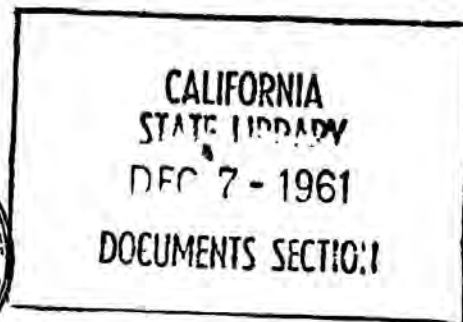


Volume 1

# Journal of the Senate

Legislature of the State of California  
1961 Regular Session

January Second to June Sixteenth



HON. GLENN M. ANDERSON  
President of the Senate

J. A. BEEK  
Secretary

HON. HUGH M. BURNS  
President pro Tempore

LEGISLATIVE INTENT SERVICE (800) 666-1917





## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

TWENTY-SEVENTH LEGISLATIVE DAY

THIRTY-THIRD CALENDAR DAY

**IN SENATE**SENATE CHAMBER, SACRAMENTO  
Wednesday, February 15, 1961

The Senate met at 3 p.m.  
Hon. Glenn M. Anderson, President of the Senate, presiding.  
Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Fisher, Geddes, Grunsky, Hollister, Holmdahl, Johnson, McBride, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Stiern, Sturgeon, Teale, J. Howard Williams, and Robert D. Williams—35.

Quorum present.

**PRAYER**

By invitation of the President, the following prayer was offered by Rev. Parthenios Kirmitsis, Greek Orthodox Church of Sacramento:

*Our Heavenly Father, with gratitude and confidence we pray Thee today to accept our prayer and praise. Help us that we might love Thee more and thus be more useful to our fellow men. Grant us faith to look with fearless eyes beyond the chaos of our world and time, knowing that out of this shall rise, lifted by Thy grace, peace with justice and a time of brotherhood. Lift us above mistrust and destroy the hate that is the great destroyer. Throughout the earth, may that which we profess come alive in human relations. May we serve Thee better and love Thee more, that Thy kingdom may come on earth as it is in heaven. Through Jesus Christ our Lord. AMEN.*

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator McAteer, on motion of Senator McCarthy, due to illness.

Senator Thompson, on motion of Senator Backstrand, due to legislative business.

Senator Gibson, on motion of Senator Cameron, due to personal business.

Senator Slattery, on motion of Senator Geddes, due to legislative business.

Senator Farr, on motion of Senator Cobey, due to personal business.



Richards, Rodda, Shaw, Short, Stiern, Sturgeon, J. Howard Williams, and Robert D. Williams—32.  
NOES—None.

Resolution ordered transmitted to the Assembly.

**Assembly Joint Resolution No. 6**—Relative to flood control practices and recreation on the Sacramento River.

Resolution read, and presented by Senator Rodda.

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

AYES—Senators Arnold, Backstrand, Begovich, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Fisher, Geddes, Grunsky, Hollister, Holmdahl, Johnson, McBride, McCarthy, Miller, Murdy, O'Sullivan, Rattigan, Regan, Richards, Rodda, Shaw, Sturgeon, Teale, J. Howard Williams, and Robert D. Williams—31.

NOES—None.

Resolution ordered transmitted to the Assembly.

**INTRODUCTION, FIRST READING, AND REFERENCE  
OF SENATE BILLS (RESUMED)**

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

**Senate Bill No. 682:** By Senator Robert D. Williams (Coauthor: Assemblyman Frew)—An act to amend Section 435 of the Streets and Highways Code, relating to state highways.

Referred to Committee on Transportation.

**Senate Bill No. 683:** By Senator McBride—An act to add Section 20.8 to the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), relating to water conservation districts.

Referred to Committee on Water Resources.

**Senate Bill No. 684:** By Senator McBride—An act to amend Section 20.7 of the Water Conservation Act of 1931 (Chapter 1020, Statutes of 1931), relating to water conservation districts.

Referred to Committee on Water Resources.

**Senate Bill No. 685:** By Senator McBride—An act to add Section 24348a to the Revenue and Taxation Code, relating to additions to reserves for bad debts.

Referred to Committee on Revenue and Taxation.

**Senate Bill No. 686:** By Senator McBride—An act to amend Section 3 of the Municipal Water District Act of 1911 (Chapter 671, Statutes of 1911), relating to municipal water districts.

Referred to Committee on Water Resources.

**Senate Bill No. 687:** By Senator Shaw—An act to amend Section 4011 of the Penal Code, relating to prisoners in county and city jails.

Referred to Committee on Judiciary.

**Senate Bill No. 688:** By Senator Richards—An act to add Section 25156 to the Corporations Code, relating to exemption from the Corporate Securities Law.

Referred to Committee on Insurance and Financial Institutions.



**Senate Bill No. 699:** By Senator Collier, McCarthy, Backstrand, Dolwig, Holmdahl, Hollister, Christensen, Brown, Burns, Short, Richards, Miller, McBride, Teale, Arnold, O'Sullivan, Shaw, Rodda, Fisher, Sturgeon, J. Howard Williams, Begovich, Quick, Robert D. Williams, Byrne, Johnson, Cameron, Murdy, Grunsky, Stiern, Cobey, and Rattigan—An act to amend Sections 11551, 11553, 14000, 14001, 14005, and the title of Part 5 (commencing with Section 14000) of Division 3 of Title 2 of the Government Code, to amend Section 20 of the Streets and Highways Code, and to amend Sections 290, 295, 1500, 1503, 1504, 1505, 1506, 2100, 2101, 2102, 2107, and titles of Chapter 1 (commencing with Section 1500), Article 1 (commencing with Section 1500) of Chapter 1, and Chapter 2 (commencing with Section 2100) of Division 2 of, and to repeal Sections 1507, 2105, and 2109 of, the Vehicle Code, relating to the creation of the Department of Transportation and the transfer of the powers, duties, purposes, responsibilities, and jurisdiction of various existing state agencies to said department.

Referred to Committee on Governmental Efficiency.

**Senate Bill No. 700:** By Senator Collier—An act to add Sections 7355, 7356, 7408, and 7409 to, and to amend Sections 7354 and 7401 of, the Revenue and Taxation Code, relating to the Motor Vehicle Fuel License Tax Law.


Referred to Committee on Transportation.

**Senate Bill No. 701:** By Senators Byrne, Burns, O'Sullivan, Cobey, Sturgeon, Johnson, Robert D. Williams, Geddes, Backstrand, Murdy, Dolwig, Rodda, Shaw, Stiern, and McBride—An act making an appropriation for study of navel orangeworm control.

Referred to Committee on Agriculture.

**Senate Bill No. 702:** By Senators Miller and Arnold—An act to amend Section 13407 of the Government Code, relating to the purchase of supplies for state agencies.

Referred to Committee on Governmental Efficiency.

 **Senate Bill No. 703:** By Senators Miller, Stiern, McBride, Robert D. Williams, Murdy, and Richards—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.

Referred to Committee on Natural Resources.

**Senate Bill No. 704:** By Senator Miller—An act to amend Section 75076 of the Government Code, relating to contributions under the Judges' Retirement Law for prior service.

Referred to Committee on Governmental Efficiency.

**Senate Constitutional Amendment No. 18:** By Senator Short—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 1 of Article II thereof, relating to the right to vote.

Referred to Committee on Elections.



CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

SENATE DAILY JOURNAL

SIXTY-FIFTH LEGISLATIVE DAY  
SEVENTY-SECOND CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO  
Tuesday, April 11, 1961

The Senate met at 3 p.m.  
Hon. Hugh M. Burns, President pro Tempore of the Senate, pre-  
siding.  
Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Chris-  
tensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Grunsky, Hollister, Holm-  
dahl, Johnson, McBride, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards,  
Rodda, Shaw, Short, Slattery, Stiern, Thompson, and J. Howard Williams—32.

Quorum present.

PRAYER

By invitation of the President, the following prayer was offered by  
Rev. Charles R. Drake, Freeport Boulevard Christian Church, Sacra-  
mento:

*Eternal God, we thank Thee that Thou hast put law and order into this universe  
of things and persons which Thou hast created. We thank Thee that Thou hast  
given to us mortals the responsibilities of working together on the task of applying  
Thy order to the day-by-day realities of our living together in a free society. We  
pray Thy divine grace and guidance may lead these chosen lawmakers this day that  
they may bring forth for the service of those whom they represent, such laws as  
shall best express man's understanding of Thy divine order under which we all  
have our existence. AMEN.*

LEAVES OF ABSENCE FOR THE DAY

The following Senators were granted leaves of absence for the day:  
Senator McCarthy, on motion of Senator Brown, due to personal  
business.  
Senator Robert D. Williams, on motion of Senator Brown, due to  
personal business.  
Senator Sturgeon, on motion of Senator Brown, due to personal busi-  
ness.  
Senator Miller, on motion of Senator Brown, due to personal busi-  
ness.



PROCEEDINGS UNDER CALL OF THE SENATE  
REPORTS OF STANDING COMMITTEES  
Committee on Rules

SENATE CHAMBER, April 10, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 294—An act to add Section 6359.3 to the Revenue and Taxation Code, relating to sales and use taxes;

Senate Bill No. 539—An act to add Section 2207.1 to the Public Resources Code, relating to reports of mineral consumption;

And reports that the same have been correctly enrolled, and presented to the Governor of the 10th day of April, 1961, at 5.10 p.m.

BURNS, Chairman

SENATE CHAMBER, April 10, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 7—An act to add Section 3131 to the Business and Professions Code, relating to the practice of optometry;

Senate Bill No. 236—An act to add Article 11 (commencing with Section 16470) to Chapter 2 of Division 12 of the Education Code, relating to stock in mutual water companies owned by school districts;

Senate Bill No. 360—An act to amend Section 800 of the Insurance Code, relating to restrictions on underwriting by insurers;

And reports that the same have been correctly enrolled, and presented to the Governor on the 10th day of April, 1961, at 5 p.m.

BURNS, Chairman

SENATE CHAMBER, April 10, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Concurrent Resolution No. 43—Relative to National Jam and Jelly Week;

And reports that the same has been correctly enrolled, and presented to the Secretary of State on the 10th day of April, 1961, at 4.30 p.m.

BURNS, Chairman

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 687  
Senate Bill No. 857

And reports the same correctly engrossed.

BURNS, Chairman

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 89

And reports the same correctly engrossed.

BURNS, Chairman

SENATE CHAMBER, April 10, 1961

MR. PRESIDENT: The Committee on Rules has examined:

Senate Bill No. 192                      Senate Bill No. 371  
Senate Bill No. 334                    Senate Bill No. 649  
Senate Bill No. 343

And reports the same correctly engrossed.

BURNS, Chairman

Committee on Transportation

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Senate Bill No. 375                      Assembly Bill No. 981  
Assembly Bill No. 677                  Assembly Bill No. 1741  
Assembly Bill No. 963

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

COLLIER, Chairman

Above reported bills ordered to second reading.

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SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Senate Bill No. 749

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and be re-referred to Committee on Finance.

COLLIER, Chairman

Above reported bill re-referred to Committee on Finance.

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Transportation, to which were referred:

Assembly Bill No. 678

Assembly Bill No. 679

Has had the same under consideration, and reports the same back with the recommendation: Do pass, and to Consent Calendar.

COLLIER, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Transportation, to which was referred:

Assembly Bill No. 877

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

COLLIER, Chairman

Above reported bill ordered to second reading.

## Committee on Natural Resources

SENATE CHAMBER, April 7, 1961

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:

Senate Bill No. 353

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

ARNOLD, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Natural Resources, to which was referred:

Senate Bill No. 703

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, and re-refer to the committee.

ARNOLD, Chairman

Above reported bill ordered to second reading.

## Committee on Public Utilities

SENATE CHAMBER, April 7, 1961

MR. PRESIDENT: The Committee on Public Utilities, to which was referred:

Senate Bill No. 794

Has had the same under consideration, and reports the same back with amendments with the recommendation: Do pass, as amended.

SHORT, Chairman

Above reported bill ordered to second reading.

## Committee on Judiciary

SENATE CHAMBER, April 11, 1961

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 304

Has had the same under consideration, and reports the same back with the recommendation: Be re-referred to Committee on Rules for reassignment to appropriate committee for interim study.

REGAN, Chairman

Above reported bill re-referred to Committee on Rules.



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

SIXTY-SIXTH LEGISLATIVE DAY

SEVENTY-THIRD CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Wednesday, April 12, 1961

The Senate met at 3 p.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McBride, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—39.

NOES—None.

Quorum present.

**PRAYER**

By invitation of the President, the following prayer was offered by Reverend E. G. Williams, D.D., Executive United Presbyterian Synod of California, Sacramento:

*O God, who art the Hope of all the ends of the earth, the God and Father of all mankind, grant Thy divine blessing and guidance to these who deliberate this day for the peace, order, and well-being of all the people of this commonwealth.*

*We pray Thy blessing upon the Governor of this State and upon the President of these United States and upon all others who bear responsibility or exercise authority for the common good. Renew in all of us as a people a quickened acceptance of our corporate and individual responsibility for that understanding, loyalty, courage, sacrifice, and steadfast mutual faith which alone can enable us to meet both the crisis and the opportunity of these days.*

*Make us ever mindful that each of us, and all of us, must at the last give our account unto Thee; for Thine is the kingdom, and the power, and the glory, through Jesus Christ, our Lord. AMEN.*

**LEAVES OF ABSENCE FOR THE DAY**

The following Senator was granted leave of absence for the day:

Senator Short, on motion of Senator Burns, due to illness.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Richards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Dr. and



**SECOND READING OF SENATE BILLS (OUT OF ORDER)**

**Senate Bill No. 119**—An act to amend Section 36506 of the Government Code, relating to compensation of city officers and employees.

Bill read second time.

**Motion to Amend**

Senator Regan moved the adoption of the following amendment:

**Amendment No. 1**

On page 1, line 8, of the printed bill, after the period, insert "Neither a resolution or ordinance approved by the city council nor an initiative ordinance enacted by the voters may delegate authority to any other public agency or to any private person or corporation either directly or indirectly the power to fix the compensation of such officers or employees."

Amendment read, and adopted.

Bill ordered printed, and re-referred to Committee on Local Government.

**Motion to Print With a Rush Order**

Senator Regan moved that Senate Bill No. 119 be sent to print with a rush order.

Motion carried.

**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill No. 375**—An act to amend Section 2107.5 of the Streets and Highways Code, relating to engineering expenses for city streets.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 353**—An act to add Sections 5001.5 and 5003.1 to the Public Resources Code, relating to state parks.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Natural Resources:

**Amendment No. 1**

In line 1 of the title of the printed bill, strike out "and 5003.1", and insert "5003.1 and 5006.3".

**Amendment No. 2**

On page 2, after line 22, insert

"Sec. 3. Section 5006.3 is added to said code, to read:

5006.3. Notwithstanding any other provision in this chapter, the department shall not acquire any lands for a state park in a county in which over 20 percent of that county's lands are publicly owned unless the board of supervisors of that county consents thereto."

Amendments read, and adopted.

**Second Set of Amendments to Senate Bill No. 353****Amendment No. 1**

On page 2, of the printed bill, between lines 12 and 13, insert

"The department may classify different areas in any state park into all three of these categories or into any combination thereof."

**Amendment No. 2**

On page 2, line 19, strike out the period, and insert "; provided, however, that no hunting shall be allowed except in Folsom State Park, Sadie Coe State Park,





Anza Desert State Park, and Borrego State Park, and such parks shall be zoned for hunting only in those areas and during those times of year when this activity would be compatible with other uses."

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

**Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code; relating to oil and gas.

Bill read second time.

#### Consideration of Committee Amendments

The following amendments were proposed by the Committee on Natural Resources.

##### Amendment No. 1

On page 2, lines 8 and 9, of the printed bill, strike out "includes the right of", and insert "is deemed to allow".

##### Amendment No. 2

On page 2, at end of line 19, strike out the period, and insert "; provided, however, nothing contained in this section imposes a legal duty upon such lessee or contractor, his successors or assigns, to conduct such operations."

##### Amendment No. 3

On page 3, line 47, strike out "leasehold", and insert "lease".

##### Amendment No. 4

On page 3, line 47, after "lands", insert ", and shall be subject to all the terms and provisions thereof,".

##### Amendment No. 5

On page 4, lines 14 and 15, strike out "leasehold", and insert "lease".

##### Amendment No. 6

On page 4, line 28, strike out "leasehold", and insert "lease".

##### Amendment No. 7

On page 4, line 31, strike out the period, and insert ", and a copy thereof shall be mailed or otherwise delivered by the supervisor to the lessee."

##### Amendment No. 8

On page 4, line 38, strike out "leasehold", and insert "lease".

##### Amendment No. 9

On page 4, line 40, strike out "said", and insert "the".

##### Amendment No. 10

On page 4, line 41, after "land", insert "or lands unitized or pooled therewith".

##### Amendment No. 11

On page 4, line 45, after "provided", and insert "in said lease".

##### Amendment No. 12

On page 4, line 49, after "from", insert "or allocated to".

##### Amendment No. 13

On page 5, line 6, strike out "leasehold", and insert "lease".

##### Amendment No. 14

On page 5, line 14, strike out "leasehold", and insert "lease".

##### Amendment No. 15

On page 5, line 15, strike out "leaseholds", and insert "leases".

##### Amendment No. 16

On page 5, line 16, strike out "leaseholds", and insert "leases".



**Amendment No. 17**

On page 5, line 19, strike out "leasehold", and insert "lease".

**Amendment No. 18**

On page 5, line 23, strike out "leasehold", and insert "lease".

Amendments read, and adopted.

Bill ordered printed, and re-referred to Committee on Natural Resources.

**Senate Bill No. 794**—An act to amend Sections 1070 and 3774 of the Public Utilities Code, relating to highway carriers.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Public Utilities:

**Amendment No. 1**

On page 1, between lines 20 and 21, of the printed bill, as amended in Senate April 5, 1961, insert

"The commission may, pursuant to this section, suspend or revoke an operating right or certificate or impose a fine, as the holder of the right or certificate may elect."

**Amendment No. 2**

On page 2, between lines 17 and 18, insert

"The commission may, pursuant to this section, suspend or revoke an operating permit, or impose a fine, as the holder of the permit may elect."

**Amendment No. 3**

On page 2, between lines 39 and 40, insert

"The commission may, pursuant to this section, suspend or revoke an operating permit, or impose a fine, as the holder of the permit may elect."

**Amendment No. 4**

On page 3, after line 16, insert

"The commission may, pursuant to this section, suspend or revoke an operating permit, or impose a fine, as the holder of the permit may elect."

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 393**—An act to add Sections 27491.2 and 27502.1 to, to amend Sections 27491, 27503 and 27504 of, and to repeal Sections 27505, 27506, 27507, 27508, 27509 and 27510 of, the Government Code, relating to coroners and coroners' inquests.

Bill read second time.

**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Judiciary:

**Amendment No. 1**

On page 1 of the printed bill, strike out lines 1, 2, and 3 of the title, and insert "An act to amend Section 27491 of and add Article 4 (commencing at 27540) to Chapter 10 of Part 3 of Division 2 of Title 3 of the Govern-".

**Amendment No. 2**

On page 1, strike out lines 1 through 15, and insert

"SECTION 1. Article 4 (commencing at Section 27540) is added to Chapter 10 of Part 3 of Division 2 of Title 3 of the Government Code, to read:

Article 4. Coroner's Inquests in Counties Containing a  
Population of 4,000,000 or More

27540. In any county containing a population of 4,000,000 or more the coroner shall hold inquests pursuant to the provisions of this article.



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

SIXTY-EIGHTH LEGISLATIVE DAY

SEVENTY-FIFTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Friday, April 14, 1961

The Senate met at 11 a.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Miller, Murdy, O'Sullivan, Quick, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—37.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Edward L. Peet:

*O Lord, Thou Creator of the ends of the earth, at a time when we put men into space, we pray Thee to put space into men, that looking far back we may see where we have come from; and looking far ahead we may see where we are going; and looking deep within we may see why we are coming and going. And we pray Thee that as we break the silence of the heavens and send our chariots whirling through space, Thou wilt give to us, all of us, east and west, the charity to walk beside each other on the earth as brothers must. AMEN.*

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Regan, on motion of Senator Burns, due to legislative business.

Senator McBride, on motion of Senator Burns, due to legislative business.

Senator Rattigan, on motion of Senator Stiern, due to legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator McAteer, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Louis T.



**Assembly Bill No. 998**—An act to amend Sections 20498, 20630, and 20933.5 of, and to add Sections 20168, and 20804.51 to, the Government Code, relating to the State Employees' Retirement System.

Referred to Committee on Governmental Efficiency.

**Assembly Bill No. 1135**—An act to amend Section 1194.8 of the Insurance Code, relating to real estate investment by life insurers.

Referred to Committee on Insurance and Financial Institutions.

**Assembly Bill No. 1392**—An act to add Article 12.7 (commencing with Section 31795) to Chapter 3, Part 3, Division 4, of Title 3 of the Government Code, relating to county employees retirement.

Referred to Committee on Local Government.

**Assembly Bill No. 1859**—An act to add Article 8.5 (commencing with Section 31691) to Chapter 3, Part 3, Division 4, Title 3 of the Government Code, relating to County Employees Retirement Law.

Referred to Committee on Local Government.

**Assembly Bill No. 2181**—An act to amend Section 1157.3 of the Government Code, relating to deduction from wages of public employees.

Referred to Committee on Governmental Efficiency.

#### CALL OF THE SENATE

Senator Burns moved a call of the Senate.

Motion carried.

Time, 11.08 a.m.

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

#### PROCEEDINGS UNDER CALL OF THE SENATE REPORTS OF STANDING COMMITTEES

##### Committee on Rules

SENATE CHAMBER, April 14, 1961

MR. PRESIDENT: The Committee on Rules has examined:

**Senate Joint Resolution No. 21**—Relative to single plane direct service between Sacramento and Fresno;

**Senate Joint Resolution No. 23**—Relative to research projects in connection with the aid to dependent children program;

**Senate Joint Resolution No. 24**—Relative to memorializing Congress to appropriate funds for research projects in connection with the aid to dependent children program;

**Senate Joint Resolution No. 25**—Relating to repayments to the federal government under the aid to dependent children program;

**Senate Joint Resolution No. 26**—Relative to memorializing Congress to enact legislation permitting youths receiving aid to dependent children to earn money without affecting their aid grants;

**Senate Joint Resolution No. 27**—Relative to memorializing Congress to provide aid to dependent children in boarding homes or foster homes;

**Senate Joint Resolution No. 28**—Relative to aid to dependent children;

And reports that the same have been correctly enrolled, and presented to the Secretary of State on the 14th day of April, 1961, at 11 a.m.

BURNS, Chairman



SENATE CHAMBER, April 13, 1961

MR. PRESIDENT: The Committee on Local Government, to which were referred:

Senate Bill No. 370

Senate Bill No. 780

Assembly Bill No. 127

Assembly Bill No. 397

Assembly Bill No. 674

Assembly Bill No. 256

Assembly Bill No. 485

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

TEALE, Chairman

Above reported bills ordered to second reading.

**Committee on Judiciary**

SENATE CHAMBER, April 14, 1961

MR. PRESIDENT: The Committee on Judiciary, to which was referred:

Senate Bill No. 243

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

HOLMDAHL, Vice Chairman

Above reported bill ordered to second reading.

**Committee on Natural Resources**

SENATE CHAMBER, April 14, 1961

MR. PRESIDENT: The Committee on Natural Resources, to which were referred:

Senate Bill No. 932

Senate Bill No. 703

Assembly Bill No. 851

Has had the same under consideration, and reports the same back with the recommendation: Do pass.

ARNOLD, Chairman

Above reported bills ordered to second reading.

SENATE CHAMBER, April 14, 1961

MR. PRESIDENT: The Committee on Natural Resources, to which were referred:

Senate Bill No. 933

Assembly Bill No. 1090

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

ARNOLD, Chairman

Above reported bills ordered to second reading.

**Committee on Local Government**

SENATE CHAMBER, April 14, 1961

MR. PRESIDENT: The Committee on Local Government, to which was referred:

Senate Bill No. 927

Has had the same under consideration, and reports the same back with amendments with the recommendation: Amend, do pass as amended, and be placed on the Consent Calendar.

TEALE, Chairman

Above reported bill ordered to second reading.

SENATE CHAMBER, April 13, 1961

MR. PRESIDENT: The Chairman of the Committee on Local Government, to which was referred:

Senate Bill No. 276

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

TEALE, Chairman

**MOTION TO AMEND SENATE BILL NO. 276**

Senator Murdy moved that Senate Bill No. 276 be amended and re-referred to Committee on Local Government.

Motion carried.



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

SIXTY-NINTH LEGISLATIVE DAY

SEVENTY-SIXTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Monday, April 17, 1961

The Senate met at 3 p.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Hollister, Holmdahl, Johnson, McAteer, McBride, McCarthy, Murdy, O'Sullivan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Teale, Thompson, and J. Howard Williams—32.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Edward L. Peet:

*Blessed Lord, whose consecration is upon all who toil for the common good, we pray this day for our Governor, face to face with heavy commitments; for our constitutional officers; for the Members of the Senate and the Assembly; for our courts of justice; for all departments of the State and the people who work there, prominently known or humble and obscure—that each servant of the State of California shall find grace to be worthy of the Master Workman's benediction—"Well done, thou good and faithful servant; enter thou into the joy of your Lord". AMEN.*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Senator Murdy led the Senate in the pledging of allegiance to the Flag.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:

Senator Backstrand, on motion of Senator Thompson, due to personal business.

Senator Quick, on motion of Senator Begovich, due to legislative business.

Senator Grunsky, on motion of Senator Burns, due to personal business.

Senator Sturgeon, on motion of Senator Burns, due to personal business.



*Resolved*, That the Secretary of the Senate be directed to transmit copies of this resolution to the Department of Fish and Game and the Division of Beaches and Parks of the Department of Natural Resources.

Resolution read, and referred to Committee on Natural Resources.

Assistant Secretary Floyd M. Nolin, Jr. at the Desk

CONSIDERATION OF DAILY FILE  
MOTIONS TO RECONSIDER

**Senate Bill No. 52**—An act to add Section 980.1 to the Military and Veterans Code, relating to veterans' benefits.

Motion to Reconsider Senate Bill No. 52

Pursuant to his motion previously made, Senator Farr moved that the Senate, at this time, reconsider the vote whereby the Senate concurred in the Assembly amendments to Senate Bill No. 52.

The roll was called, and the vote re Assembly amendments to Senate Bill No. 52 was reconsidered by the following vote:

AYES—Senators Arnold, Begovich, Cameron, Christensen, Donnelly, Farr, Gibson, Hollister, Holmdahl, Johnson, McBride, McCarthy, Murdy, O'Sullivan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Teale, Thompson, and J. Howard Williams—23.

NOES—None.

Further Consideration of Assembly Amendments

**Senate Bill No. 52**—An act to add Section 980.1 to the Military and Veterans Code, relating to veterans' benefits.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 52?

Amendment No. 1

On page 1, line 5, of the printed bill, after "II", add "while a bona fide resident of California".

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 52 by the following vote:

AYES—None.

NOES—Senators Arnold, Begovich, Burns, Byrne, Cameron, Christensen, Collier, Donnelly, Farr, Fisher, Gibson, Hollister, Holmdahl, Johnson, McBride, McCarthy, Murdy, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Teale, Thompson, and J. Howard Williams—27.

Appointment of Committee on Conference

MR. PRESIDENT: The Committee on Rules announces the appointment of Senators Farr, Arnold, and McAteer as a Senate Committee on Conference concerning Senate Bill No. 52 to meet a like committee of the Assembly.

SENATE COMMITTEE ON RULES  
BURNS, Chairman

SECOND READING OF SENATE BILLS

**Senate Bill No. 248**—An act to amend Section 1241 of the Code of Civil Procedure, relating to sanitary and sanitation districts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill No. 249**—An act to add Sections 6520.70, 6520.71, 6520.72, 6520.73, 6520.74, 6520.75, 6520.76, 6520.77, 6520.78, 6520.79, and 6520.80, to the Health and Safety Code, relating to sanitary districts.

Bill read second time, ordered engrossed, and to third reading.



**Consideration of Committee Amendments**

The following amendments were proposed by the Committee on Local Government:

**Amendment No. 1**

In lines 1 and 2 of the title of the printed bill, strike out "any person, including", and insert "a registered civil engineer, or".

**Amendment No. 2**

On page 1, lines 1 and 2, strike out "any person, including", and insert "a civil engineer registered pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, or".

Amendments read, and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 780**—An act to add Article 4 (commencing with Section 53500) to Chapter 3 of Part 1 of Division 2 of Title 5 of the Government Code, relating to the pledge and use of revenues to pay and secure general obligation bonds of local agencies.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Local Government:

**Amendment No. 1**

On page 2 of the printed bill, strike out lines 47 to 50, inclusive; and on page 3, strike out lines 1 and 2, and insert "53505. If the legislative body intends to exercise the powers granted by this article it shall make a statement of such intention in any ordinance, resolution or order calling or providing for an election to authorize the general obligation bonds for a revenue producing facility. Such".

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 243**—An act to add Section 17071.5 to the Business and Professions Code, relating to unfair trade practices.

Bill read second time.

**Consideration of Committee Amendments**

The following amendment was proposed by the Committee on Judiciary:

**Amendment No. 1**

After line 25 of the printed bill, insert "SEC. 3. This section shall be effective and applicable only in actions and proceedings commenced prior to September 30, 1963."

Amendment read, and adopted.

Bill ordered printed, engrossed, and to third reading.

**Senate Bill No. 932**—An act to amend Section 655 of the Harbors and Navigation Code, relating to vessels.

Bill read second time, ordered engrossed, and to third reading.

→ **Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.

Bill read second time, ordered engrossed, and to third reading.





Volume 2

# Journal of the Senate

Legislature of the State of California  
1961 Regular Session

January Second to June Sixteenth



HON. GLENN M. ANDERSON  
President of the Senate

HON. HUGH M. BURNS  
President pro Tempore

J. A. BEEK  
Secretary

LEGISLATIVE INTENT SERVICE (800) 666-1917



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

SEVENTY-SEVENTH LEGISLATIVE DAY

EIGHTY-FOURTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Thursday, April 27, 1961

The Senate met at 3 p.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Backstrand, Begovich, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McBride, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—38.

Quorum present.

**PRAYER**

Prayer was offered by the Chaplain, Rev. Edward L. Peet:

*We pray O God, that Thy divine guidance may rest upon the Members of this Senate. For the sins of the soul which we freely acknowledge; for the sins that others see; for the sins that God alone sees—for all of these we beseech Thy pardon to cancel them out and Thy grace to start anew—for in every living moment we are being saved and being lost, winning or losing, falling or rising, and it is by Thy power wondrously given, that we possess the victory that overcomes the world, even our faith. AMEN.*

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day:  
Senator McCarthy, on motion of Senator McAteer, due to illness.

Senator Brown, on motion of Senator Short, due to legislative business.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator McBride, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Harriet Teetzal and Miriam M. Luca, both of Camarillo.

On request of Senator Richards, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Colonel Robert B. Davis of Pasadena; and Peter C. Menotti of Los Angeles.



**Assembly Bill No. 1535**—An act to amend Section 12205 of the Financial Code, relating to check sellers and cashers.

Bill read second time, and ordered to Consent Calendar.

**Assembly Bill No. 1141**—An act to add Sections 6510.5, 6517 and 7615.5 to, and to amend Sections 5510, 5601, 5652, 6004, 6010, 6204, 6207, 6504, 6506, 6551, 7615 and 7616 to, the Financial Code, relating to savings and loan associations.

Bill read second time, and ordered to third reading.

**Assembly Bill No. 1855**—An act to amend Section 16 of the Placer County Water Agency Act (Chapter 1234, Statutes of 1957), relating to the Placer County Water Agency, and declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading.

### THIRD READING OF SENATE BILLS

**Senate Bill No. 794**—An act to amend Sections 1070, 3774, and 4112 of the Public Utilities Code, relating to highway, city, and household goods carriers.

Bill read third time.

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

**AYES**—Senators Arnold, Backstrand, Begovich, Burns, Byrne, Cameron, Christensen, Collier, Dolwig, Donnelly, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, Murdy, O'Sullivan, Quick, Rodda, Shaw, Slattery, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—28.

**NOES**—Senators Cobey, McAteer, Rattigan, Regan, and Richards—5.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.

Bill read third time.

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

**AYES**—Senators Arnold, Backstrand, Begovich, Byrne, Cameron, Christensen, Cobey, Collier, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Johnson, McAteer, Miller, Quick, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, J. Howard Williams, and Robert D. Williams—30.

**NOES**—None.

Bill ordered transmitted to the Assembly.

**Senate Bill No. 908**—An act to amend Sections 1198 and 1351 of, and to add Section 1350.1 to, the Labor Code, relating to women and minors.

Bill read third time.

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

**AYES**—Senators Fisher, Hollister, Murdy, Shaw, and J. Howard Williams—5.

**NOES**—Senators Arnold, Begovich, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Geddes, Gibson, Grunsky, Holmdahl, Johnson, McAteer, Miller, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Slattery, Stiern, Sturgeon, Teale, Thompson, and Robert D. Williams—29.



Volume 3

# Journal of the Senate

Legislature of the State of California  
1961 Regular Session

January Second to June Sixteenth



HON. GLENN M. ANDERSON  
President of the Senate

J. A. BEEK  
Secretary

HON. HUGH M. BURNS  
President pro Tempore



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**SENATE DAILY JOURNAL**

ONE HUNDRED THIRTEENTH LEGISLATIVE DAY

ONE HUNDRED SEVENTEENTH CALENDAR DAY

**IN SENATE**

SENATE CHAMBER, SACRAMENTO

Tuesday, June 13, 1961

The Senate met at 3 p.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

**ROLL CALL**

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—39.

Quorum present.

**PRAYER**

By invitation of the President, the following prayer was offered by Rev. I. E. Metcalf, Minister at Large of the Christian Churches, Sacramento:

*O God Our Father*, we would remind ourselves today of the words of Holy Scripture, "The hidden issues of the future are with the Eternal our God, but the unfolded issues of the day are with us and our children forever." Good Lord, we know that the issues of our day are with us indeed! What we don't know is how to handle them, for they are complex and baffling beyond our comprehension. So, wilt Thou grant us of Thy grace and wisdom in dealing with them, that our children may have reason to call us blessed, and that Thy burden may be a bit lighter because of our actions. AMEN.

**GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR**

On request of Senator Hollister, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Joanne Miller and Dick Allen, both of Santa Barbara.

**CALL OF THE SENATE**

Senator Burns moved a call of the Senate.

Motion carried.

Time, 3.08 p.m.

124—L-1914



## MESSAGES FROM THE ASSEMBLY

ASSEMBLY CHAMBER, June 12, 1961

MR. SPEAKER: I am directed to inform your honorable body that the Assembly appointed Messrs. Bagley, Petris, and O'Connell as a Committee on Conference concerning:

Senate Bill No. 213—An act to add Article 9 (commencing with Section 5340) to Chapter 2 of Division 3, and to amend Sections 5229 and 5262, of the Business and Professions Code, relating to the regulation of outdoor advertising.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By STUART C. HALL, First Assistant Clerk

ASSEMBLY CHAMBER, June 13, 1961

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

Senate Bill No. 1416  
Senate Bill No. 796  
Senate Bill No. 1406  
Senate Bill No. 1277

Senate Bill No. 739  
Senate Bill No. 374  
Senate Bill No. 803

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By MARVIN ELLENBERG, Assistant Clerk

Above bills ordered enrolled.

ASSEMBLY CHAMBER, June 12, 1961

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

Senate Concurrent Resolution No. 75

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By STUART C. HALL, First Assistant Clerk

Above resolution ordered enrolled.

ASSEMBLY CHAMBER, June 13, 1961

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

Senate Bill No. 64  
Senate Bill No. 349  
Senate Bill No. 352  
Senate Bill No. 478  
Senate Bill No. 501  
Senate Bill No. 529  
Senate Bill No. 595  
Senate Bill No. 607  
Senate Bill No. 642  
Senate Bill No. 646  
Senate Bill No. 652  
Senate Bill No. 690  
Senate Bill No. 691  
Senate Bill No. 711  
Senate Bill No. 740  
Senate Bill No. 777  
Senate Bill No. 780  
Senate Bill No. 833  
Senate Bill No. 835  
Senate Bill No. 839

Senate Bill No. 840  
Senate Bill No. 875  
Senate Bill No. 878  
Senate Bill No. 884  
Senate Bill No. 930  
Senate Bill No. 942  
Senate Bill No. 954  
Senate Bill No. 961  
Senate Bill No. 1005  
Senate Bill No. 1008  
Senate Bill No. 1049  
Senate Bill No. 1050  
Senate Bill No. 1052  
Senate Bill No. 1064  
Senate Bill No. 1065  
Senate Bill No. 1066  
Senate Bill No. 1072  
Senate Bill No. 1073  
Senate Bill No. 1075  
Senate Bill No. 1080

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By STUART C. HALL, First Assistant Clerk

Above bills ordered enrolled.



ASSEMBLY CHAMBER, June 13, 1961

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 115	Senate Bill No. 879
Senate Bill No. 210	Senate Bill No. 881
Senate Bill No. 251	Senate Bill No. 886
Senate Bill No. 353	Senate Bill No. 928
Senate Bill No. 397	Senate Bill No. 988
Senate Bill No. 502	Senate Bill No. 997
Senate Bill No. 511	Senate Bill No. 1010
Senate Bill No. 557	Senate Bill No. 1110
Senate Bill No. 560	Senate Bill No. 1155
Senate Bill No. 568	Senate Bill No. 1174
Senate Bill No. 584	Senate Bill No. 1202
Senate Bill No. 608	Senate Bill No. 1223
Senate Bill No. 636	Senate Bill No. 1229
Senate Bill No. 703	Senate Bill No. 1235
Senate Bill No. 716	Senate Bill No. 1312
Senate Bill No. 793	Senate Bill No. 1322
Senate Bill No. 794	Senate Bill No. 1351
Senate Bill No. 857	Senate Bill No. 1359

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By STUART C. HALL, First Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, June 13, 1961

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Bill No. 1360	Senate Bill No. 1457
Senate Bill No. 1368	Senate Bill No. 1460
Senate Bill No. 1408	Senate Bill No. 1473
Senate Bill No. 1422	Senate Bill No. 1475
Senate Bill No. 1434	Senate Bill No. 1520

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By STUART C. HALL, First Assistant Clerk

Above bills ordered to unfinished business file.

ASSEMBLY CHAMBER, June 12, 1961

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly amended, and on this day passed as amended:

Senate Concurrent Resolution No. 79

And respectfully requests your honorable body to concur in said amendments.

ARTHUR A. OHNIMUS, Chief Clerk of the Assembly  
By STUART C. HALL, First Assistant Clerk

#### Request for Unanimous Consent

Senator Burns asked for, and was granted, unanimous consent to take up Senate Concurrent Resolution No. 79, at this time, for consideration of Assembly amendments.

#### Consideration of Assembly Amendments

**Senate Concurrent Resolution No. 79**—Relative to the passing of Senator James J. McBride.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Concurrent Resolution No. 79?

#### Amendment No. 1

In the title of the printed resolution, after "Robert D. Williams", insert "(Co-authors: Messrs. Bruce F. Allen, Don A. Allen, Bagley, Bane, Beaver, Bee, Belotti, Bradley, Britschgi, George E. Brown, Ralph M. Brown, Burke, Burton, Busterud, Cameron, Carrell, Casey, Chapel, Collier, Cologne, Conrad, Coolidge, Crown, Cuning-



CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED FIFTEENTH LEGISLATIVE DAY

ONE HUNDRED NINETEENTH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO  
Thursday, June 15, 1961

The Senate met at 9 a.m.

Hon. Glenn M. Anderson, President of the Senate, presiding.

Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—39.

Quorum present.

PRAYER

By invitation of the President, the following prayer was offered by Rev. W. Morgan Edwards, Pastor, First English Lutheran Church, Sacramento :

*O God, our Father, when we speak Thy name and stop for prayer, we marvel at the mystery and wonder of life. Thou hast created us in an infinite variety and endowed us with a diversity of gifts and interests. Yet Thou hast also given us love and justice and an inner sense for these qualities of the mind and spirit, so that in them we might find our common bonds, our strength, our peace, and upon them we might build our laws. Wilt Thou continuously sensitize, stir up, and strengthen our concern for that love and justice which seems to be part of our image in Thy likeness, so that what is said and done in this place may bring a workable unity, a peace, security and the joy of life to Thy children in the State of California. AMEN.*

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of Senator Burns, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Karis Garrigus of Fresno.





## REPORTS OF STANDING COMMITTEES

## Committee on Rules

SENATE CHAMBER, June 10, 1961

MR. PRESIDENT: In accordance with the provisions of Joint Rule 23, the Committee on Rules recommends that permission be granted to place the following bill upon its final passage:

Senate Bill No. 1440

BURNS, Chairman

The roll was called, and permission granted by the following vote:

AYES—Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Christensen, Cobey, Dolwig, Donnelly, Fisher, Geddes, Gibson, Grunsky, Hollister, McAteer, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Teale, Thompson, and J. Howard Williams—31.

NOES—None.

Secretary J. A. Beek at the Desk

## CONSIDERATION OF DAILY FILE (RESUMED)

## THIRD READING OF SENATE BILLS

**Senate Bill No. 1440**—An act to add Chapter 7.5 (commencing with Section 12920) to Part 6 of Division 6 of the Water Code, relating to protection of ground water basins, and making an appropriation therefor.

Bill read third time.

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

AYES—Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Dolwig, Donnelly, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Richards, Rodda, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—34.

NOES—Senator Cobey—1.

Bill ordered transmitted to the Assembly.

President pro Tempore of the Senate Presiding

At 3.20 p.m., Hon. Hugh M. Burns, President pro Tempore of the Senate, presiding.

## UNFINISHED BUSINESS (RESUMED)

## Consideration of Assembly Amendments

**Senate Bill No. 1408**—An act to add Section 23703 to the Revenue and Taxation Code, relating to exemption from taxation for charitable corporations.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 1408?

## Amendment No. 1

On page 1, line 24, of the printed bill, as amended in Senate May 23, 1961, strike out "; however, any such charitable corporation"; and strike out lines 25 to 27, inclusive, and insert a period.

The roll was called, and the Senate refused to concur in Assembly amendment to Senate Bill No. 1408 by the following vote:

AYES—None.

NOES—Senators Arnold, Backstrand, Begovich, Brown, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Grunsky, Holmdahl, Johnson, McAteer, McCarthy, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—35.



**Appointment of Committee on Conference**

MR. PRESIDENT: The Committee on Rules announces the appointment of Senators Cobey, Rattigan, and Farr as a Senate Committee on Conference concerning Senate Bill No. 1408 to meet a like Committee of the Assembly.

SENATE COMMITTEE ON RULES  
BURNS, Chairman

**Consideration of Assembly Amendments**

**Senate Bill No. 251**—An act to repeal Section 6515.5 of, and to add Sections 6407, 6515.1, 6515.2, 6515.3, and 6515.5 to, the Health and Safety Code, relating to sanitary districts.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 251?

**Amendment No. 1**

In line 2 of the title of the printed bill, as amended in Senate May 15, 1961, strike out "6515.4."

**Amendment No. 2**

On page 1, line 13, strike out "Sections 6515.3 and 6515.4", and insert "Section 6515.3".

**Amendment No. 3**

On page 2, strike out lines 3 to 10, inclusive; and in line 11, strike out "SEC. 7", and insert "SEC. 6".

The roll was called, and the Senate concurred in Assembly amendments to Senate Bill No. 251 by the following vote:

AYES—Senators Arnold, Backstrand, Begovich, Brown, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Murdy, O'Sullivan, Rattigan, Richards, Rodda, Short, Slattery, Stiern, Sturgeon, and Thompson—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.

The question being: Shall the Senate concur in the following Assembly amendment to Senate Bill No. 703?

**Amendment No. 1**

On page 4, line 51, of the printed bill, as amended in Senate April 12, 1961, strike out "thereof", and insert "hereof".

The roll was called, and the Senate concurred in Assembly amendment to Senate Bill No. 703 by the following vote:

AYES—Senators Arnold, Backstrand, Begovich, Brown, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Murdy, O'Sullivan, Rattigan, Richards, Rodda, Short, Slattery, Stiern, Sturgeon, and Thompson—31.

NOES—None.

Above bill ordered enrolled.

**Consideration of Assembly Amendments**

**Senate Bill No. 716**—An act to amend Section 75060.6 of the Government Code, relating to judges' retirement.

The question being: Shall the Senate concur in the following Assembly amendments to Senate Bill No. 716?



CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

SENATE DAILY JOURNAL

ONE HUNDRED SIXTEENTH LEGISLATIVE DAY

ONE HUNDRED TWENTIETH CALENDAR DAY

IN SENATE

SENATE CHAMBER, SACRAMENTO
Friday, June 16, 1961

The Senate met at 9.30 a.m.
Hon. Glenn M. Anderson, President of the Senate, presiding.
Secretary J. A. Beek at the desk.

ROLL CALL

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

Senators Arnold, Backstrand, Begovich, Brown, Burns, Byrne, Cameron, Christensen, Cobey, Collier, Dolwig, Donnelly, Farr, Fisher, Geddes, Gibson, Grunsky, Hollister, Holmdahl, Johnson, McAteer, McCarthy, Miller, Murdy, O'Sullivan, Quick, Rattigan, Regan, Richards, Rodda, Shaw, Short, Slattery, Stiern, Sturgeon, Teale, Thompson, J. Howard Williams, and Robert D. Williams—39.

Quorum present.

PRAYER

Prayer was offered by the Chaplain, Rev. Edward L. Peet:

O Lord, in the ebbing hours of this busy session we pray Thee to sort out for us the signs of Thy guiding hand. We have differed and we have disagreed; we have fought and resisted. We have seen Thee in the struggle, as we have striven for the right as we understood it. When illness or death assailed our ranks we have joined arms in a deeper friendship. And now we pray that the people of California will come to have a fair and generous understanding of that which we have done. Bless our Governor and all who administer authority with him that they with us may fashion a better tomorrow. And now may the Lord watch between me and thee while we are absent each from the other. AMEN.

GUESTS EXTENDED PRIVILEGE OF SENATE FLOOR

On request of all of the Senators, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Governor George Kampanis and Governor Vasilios Papacostos, both of Greece; and Mr. Spyros Papachristore of the United States Department of State.

On request of Senator Donnelly, the privilege of the floor of the Senate Chamber for this day was unanimously extended to Mrs. Hugh P. Donnelly, wife of Senator Donnelly; Mr. and Mrs. Richard A. Bristow and children, Richard A. Bristow, Jr., John H. Bristow, and Loretta Marie Bristow; son-in-law, daughter, and grandchildren.



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CALIFORNIA LEGISLATURE  
1961 REGULAR SESSION

SUPPLEMENT TO  
SENATE DAILY JOURNAL

for

Friday, June 16, 1961

THE BILLS PRESENTED TO THE GOVERNOR  
AFTER JUNE 16, 1961

GLENN M. ANDERSON  
*President*

HUGH M. BURNS  
*President pro Tempore*

J. A. BEEK  
*Secretary*

JOHN F. LEA  
*Minute Clerk*

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**Senate Bill No. 1335**—An act to add Article 6 (commencing with Section 210) to Chapter 1, Division 1, of the Streets and Highways Code, relating to locations for state freeways;

**Senate Bill No. 1371**—An act to amend Section 6 of, and to add Sections 27.1, 28.1, and 29.1 to, the Orange County Water District Act (Chapter 924, Statutes of 1933), relating to the Orange County Water District;

**Senate Bill No. 1381**—An act to amend Sections 3485 and 3486 of the Education Code, relating to school district organization;

**Senate Bill No. 1412**—An act to add Sections 188.8 and 188.9 to the Streets and Highways Code, relating to state highways;

**Senate Bill No. 1429**—An act to amend Section 18632 of, to repeal Sections 18633 and 18634 of, and to add Section 18637 to, the Business and Professions Code, relating to the Athletic Commission Fund;

**Senate Bill No. 1476**—An act to add Section 502.7 to the Penal Code, relating to criminal offenses, involving telephone and telegraph services;

**Senate Bill No. 1488**—An act to repeal Chapter 2038 of the Statutes of 1957 and Section 69598 of the Government Code, and to add Section 69598 to the Government Code, relating to judges of the Superior Court in the County of San Joaquin;

**Senate Bill No. 1511**—An act to add Section 1300.19-3 to the Agricultural Code, relating to marketing of agricultural products;

**Senate Bill No. 1523**—An act to amend Section 1551 of the Labor Code, relating to labor contractors;

**Senate Bill No. 1545**—An act to amend Section 5052 of the Welfare and Institutions Code, relating to mentally ill persons;

And reports that the same have been correctly enrolled, and presented to the Governor on the 23d day of June, 1961, at 10 a.m.

BURNS, Chairman

SENATE CHAMBER, June 23, 1961

MR. PRESIDENT: The Committee on Rules has examined:

**Senate Bill No. 25**—An act to amend Section 69590 of the Government Code, relating to superior courts;

**Senate Bill No. 33**—An act to add Article 8.5 (commencing with Section 8871) to Chapter 6 of Division 7, of the Education Code, relating to educational television;

**Senate Bill No. 48**—An act to add Article 16.5 (commencing with Section 18360) and Chapter 17 (commencing at Section 20001) to Division 14 of the Education Code, relating to public school financing, and making an appropriation therefor;

**Senate Bill No. 81**—An act to add Article 6 (commencing at Section 11850) to Chapter 7, Division 10, of the Health and Safety Code, and to add Chapter 11 (commencing with Section 6400) and Chapter 12 (commencing with Section 6550) to Title 7 of Part 3 of, and to amend Sections 1237 and 1466 of, the Penal Code, and to amend Section 1755.5 of the Welfare and Institutions Code, relating to narcotics;

**Senate Bill No. 91**—An act to add Section 595 to the Streets and Highways Code, relating to adoption of a state highway route;

**Senate Bill No. 135**—An act to repeal Section 4189 of, and to add Section 4011 to, the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of disabled persons;

**Senate Bill No. 136**—An act to add Sections 3011 and 3411 to, and to repeal Sections 3088, 3088.1, 3474, and 3474.1 of, the Welfare and Institutions Code, relating to the responsibility of relatives to contribute to the support of blind persons;

**Senate Bill No. 251**—An act to repeal Section 6515.5 of, and to add Sections 6407, 6515.1, 6515.2, 6515.3, and 6515.5 to, the Health and Safety Code, relating to sanitary districts;

**Senate Bill No. 274**—An act to amend Section 75034 of the Government Code, relating to judge's retirement;

**Senate Bill No. 332**—An act to repeal Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of, and to add Chapter 2 (commencing with Section 500) to Part 1 of Division 2 of, the Welfare and Institutions Code, and to add Section 272 to the Penal Code, and to add Chapter 4 (commencing with Section 232) to Title 2 of Part 3 of Division 1 of the Civil Code, and to amend Section 27706 of the Government Code, Section 1407 of the Probate Code, and Section 40502 of the Vehicle Code and to repeal Sections 131 and 131.1 of, and to amend Sections 131.2 and 131.5 of, the Code of Civil Procedure, relating to care and custody of minors;

**Senate Bill No. 363**—An act to amend Section 1263 of the Agricultural Code, relating to produce dealers;



**Senate Bill No. 396**—An act to amend Sections 253, 305, 308, 315, 316, 323, 326, 343, 354, 366, 368, 376, 399, 414, 415, 416, 468, 512, 513, 526, 572, 582, and 587, to amend and renumber Section 559, and to repeal Section 725.5 of, the Streets and Highways Code, relating to state highways;

**Senate Bill No. 410**—An act to add Section 5039 to the Public Resources Code, relating to parks;

**Senate Bill No. 437**—An act to add Chapter 5 (commencing at Section 2380) to Division 3 of the Welfare and Institutions Code, relating to the establishment of a program of opportunities for older citizens;

**Senate Bill No. 463**—An act to amend Section 114 of, and to add Section 124 to, the Business and Professions Code, relating to business and professions;

**Senate Bill No. 500**—An act to add Section 190.1 to the Streets and Highways Code, relating to allocation of funds for grade separation projects;

**Senate Bill No. 502**—An act to amend Section 56078 of the Water Code, relating to county drainage districts;

**Senate Bill No. 519**—An act to amend Sections 6300, 6301, 6302, 6303, 6304, 6305, 6306, 7180, and 7850 of the Fish and Game Code, relating to amphibia and turtles;

**Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas;

**Senate Bill No. 722**—An act to add Article 6 (commencing with Section 31751) to Chapter 5, Division 22 of the Education Code, and to amend Section 10494 of the Insurance Code, relating to the death or injury of students of public educational institutions;

**Senate Bill No. 915**—An act to amend and renumber Section 7000 of, and to add Section 7000 to, the Business and Professions Code, and to amend and renumber Section 7000 of the Business and Professions Code, as amended by Senate Bill No. 115 of the 1961 Regular Session, relating to contracting;

**Senate Bill No. 1066**—An act to amend Sections 533 and 613 of, and to add Section 614.2 to, the Agricultural Code, relating to cottage cheese;

**Senate Bill No. 1084**—An act to amend Sections 1074 and 1075 of the Streets and Highways Code, relating to work upon county highways;

**Senate Bill No. 1094**—An act to amend Section 22607 of the Education Code, relating to the California State Colleges;

**Senate Bill No. 1110**—An act to add Section 13143.5 to the Health and Safety Code, relating to fires and fire protection;

**Senate Bill No. 1124**—An act to add Sections 936.2 and 3301.1 to the Education Code, relating to school districts;

**Senate Bill No. 1141**—An act to add Chapter 3 (commencing with Section 880) to Division 3 of, to add Section 975 to, and to amend Section 8502 of, the Education Code, relating to local administration of the public school system;

**Senate Bill No. 1174**—An act to add Section 11680.5 to the Health and Safety Code and to amend Section 537 of the Code of Civil Procedure, relating to recovery of state funds expended in narcotics investigations;

**Senate Bill No. 1177**—An act to add Sections 20814.5, 20815, 20816, 20817 and 20818 to the Government Code, relating to the State Employees' Retirement System;

**Senate Bill No. 1183**—An act to add Section 12396 to the Insurance Code, relating to title insurance companies;

**Senate Bill No. 1202**—An act to amend Sections 12807, 40508 and 40509 of the Vehicle Code, relating to failure to pay fines for traffic violations;

**Senate Bill No. 1209**—An act to add Section 20805 to the Education Code, relating to school district elections;

**Senate Bill No. 1221**—An act to add Section 16304.6a to the Government Code, relating to state funds;

**Senate Bill No. 1224**—An act to add Section 17504 to the Education Code, relating to public school administration;

**Senate Bill No. 1229**—An act to amend Section 3440.1 of the Civil Code, relating to the transfer, sale or assignment of stock in trade, in bulk;

**Senate Bill No. 1237**—An act to amend Sections 5105, 5105.5, 5141 and 5141.5 of the Revenue and Taxation Code, relating to property taxes;

**Senate Bill No. 1258**—An act to add Section 188.5 to the Streets and Highways Code, relating to state highways;

**Senate Bill No. 1259**—An act to amend Section 553.1 of the Streets and Highways Code, relating to state highways;



Volume 1

# Journal of the Assembly

Legislature of the State of California

1961 Regular Session

January Second to June Sixteenth



HON. RALPH M. BROWN  
Speaker of the Assembly

HON. CARLOS BEE  
Speaker pro Tempore of the Assembly

HON. WILLIAM A. MUNNELL  
Majority Floor Leader

HON. JOSEPH C. SHELL  
Minority Floor Leader

ARTHUR A. OHNIMUS  
Chief Clerk of the Assembly

(800) 666-1917

LEGISLATIVE INTENT SERVICE



CALIFORNIA LEGISLATURE  
1961 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

SEVENTY-EIGHTH LEGISLATIVE DAY  
EIGHTY-FIFTH CALENDAR DAY  
(Saturdays and Sundays Excepted)

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**IN ASSEMBLY**

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ASSEMBLY CHAMBER  
Friday, April 28, 1961

The Assembly met at 9 a m  
Hon Ralph M Brown, Speaker of the Assembly, presiding  
Chief Clerk Arthur A Ohnumus at the desk  
Assistant Clerk Ken Hegland reading

**ROLL CALL**

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

Bruce F Allen, Don A Allen, Bagley, Baue, Beaver, Bee, Belotti, Bradley, Butschgi, George E Brown, Burke, Burton, Busterud, Cameron, Currell, Casey, Chapel, Collier, Conrad, Coolidge, Crown, Cunningham, Cusanovich, Dahl, Davis, DeLotto, Dills, Elliott, Flournoy, Francis, Frew, Gaffney, Garigus, Grant, Hawkins, Hegland, Hicks, Holmes, House, Kennick, Kilpatrick, Knox, Lanterman, Leggett, Lowrey, Luckel, Lunardi, Marks, Meyers, Mills, Monagan, Mulford, Munnell, Nisbet, O'Connell, Pattee, Petrus, Porter, Reagan, Rees, Rufford, Schrade, Sedgwick, Shell, Sumner, Thelin, Uriah, Walde, Williamson, Charles B Wilson, Winton, Woltrum, Z'berg, and Mr. Speaker—74

Quorum present.

**PRAYER**

The following prayer was offered by the Chaplain, Rev Richard C Dwyer

*Almighty God, Who hast given us grace at this time, with one accord to make our common supplications unto Thee, and dost promise that when two or three are gathered together in Thy name, Thou wilt grant their requests, fulfill now, O Lord, those desires and petitions of Thy servants, as may be most expedient for them, granting us in this world the knowledge of Thy truth and in the world to come, life everlasting Through Christ, Our Lord—AMEN*

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Munnell.

**LEAVES OF ABSENCE FOR THE DAY**

The following members were granted leaves of absence for the day, because of legislative business elsewhere -  
Mr Hanna, on motion of Mr Munnell.





SENATE CHAMBER, April 27, 1961

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 1648

And respectfully requests your honorable body to concur in said amendments

J A BEEK, Secretary of the Senate  
By GEORGE BEATTIE, Assistant Secretary

Above bill ordered to unfinished business file

SENATE CHAMBER, April 27, 1961

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

Senate Bill No 703  
Senate Bill No 739  
Senate Bill No 744  
Senate Bill No 746  
Senate Bill No 778

Senate Bill No 783  
Senate Bill No. 794  
Senate Bill No. 806  
Senate Bill No 1005  
Senate Bill No. 1034

J A BEEK, Secretary of the Senate  
By GEORGE BEATTIE, Assistant Secretary

FIRST READING AND REFERENCE OF SENATE BILLS

The following bills were read the first time



**Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414 1, and 3415 of the Public Resources Code, relating to oil and gas

Referred to Committee on Natural Resources, Planning, and Public Works.

**Senate Bill No. 739**—An act to amend Sections 256 and 2155 of, to repeal Section 2156 of, and to add Section 2156 to, the Streets and Highways Code, relating to public streets and highways.

Referred to Committee on Transportation and Commerce.

**Senate Bill No. 744**—An act to add Article 4 (commencing with Section 1365) to Chapter 5 of Part 2 of Division 2 of the Water Code, relating to the appropriation of water.

Referred to Committee on Water

**Senate Bill No. 746**—An act to add Section 12880 5 to the Water Code, relating to state financial assistance for local water projects.

Referred to Committee on Water.

**Senate Bill No. 778**—An act to amend Sections 250 and 251 of the Water Code, relating to acquisition of property for state water purposes

Referred to Committee on Water.

**Senate Bill No. 783**—An act to amend Section 12880 of the Water Code, relating to state financial assistance for local projects.

Referred to Committee on Water

**Senate Bill No. 794**—An act to amend Sections 1070, 3774, and 4112 of the Public Utilities Code, relating to highway, city, and household goods carriers

Referred to Committee on Public Utilities and Corporations.



CALIFORNIA LEGISLATURE  
1961 REGULAR SESSION

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# ASSEMBLY DAILY JOURNAL

NINETY-FIRST LEGISLATIVE DAY  
NINETY-EIGHTH CALENDAR DAY  
(Saturdays and Sundays Excepted)

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**IN ASSEMBLY**

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ASSEMBLY CHAMBER  
Wednesday, May 17, 1961

The Assembly met at 9 a m  
Hon. Ralph M Brown, Speaker of the Assembly, presiding.  
Chief Clerk Arthur A. Ohnimus at the desk  
Assistant Clerk David G Shaftel reading.

**ROLL CALL**

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

Bruce F Allen, Don A Allen, Bagley, Bane, Beaver, Bee, Belotti, Bradley, Britschgi, George E Brown, Burke, Burton, Busterud, Cameron, Carrell, Casey, Collier, Cologne, Coniad, Coolidge, Crown, Cunningham, Cusanovich, Dahl, Davis, DeLotto, Dills, Elliott, Flournoy, Francis, Frew, Gaffney, Garigus, Hanna, Hawkins, Hegland, Hicks, Holmes, House, Kenrick, Kilpatrick, Knox, Lanterman, Leggett, Levering, Lowrey, Luckel, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Mulford, Munnell, Nisbet, O'Connell, Pattee, Petrus, Porter, Reagan, Rees, Rumford, Schrade, Sedgwick, Shell, Sumner, Thelin, Thomas, Unruh, Waldie, Williamson, George A. Wilson, Charles H Wilson, Winton, Wolfrum, Z'berg, and Mr. Speaker—78.

Quorum present.

**PRAYER**

Upon invitation of Speaker Brown, the following prayer was offered by The Right Reverend Monsignor Thomas H Markham, Pastor of Our Lady of Grace Church:

*O God, From Whom are all holy desires, right counsels and just works, give to Thy servants that peace and understanding which the world cannot give, that our hearts might be disposed to obey Thy commandments in every act of our daily life. Teach us Thy way in all things, and grant us the grace and courage to carry it out—AMEN*

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Belotti.



ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Water reports  
Assembly Bill No 2123

With amendments with the recommendation Amend, and do pass, as amended  
PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Water reports  
Assembly Bill No 2724

With the recommendation . Do pass  
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee  
recommends that the above bill be placed on the Consent Calendar  
PORTER, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Water reports  
Assembly Bill No 2595  
Assembly Bill No 2642

With the recommendation Do pass  
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee  
recommends that the above bills be placed on the Consent Calendar  
PORTER, Chairman

Above bills ordered to second reading

ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Water reports  
Senate Bill No 1005

With the recommendation . Do pass  
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee  
recommends that the above bill be placed on the Consent Calendar  
PORTER Chairman

Above bill ordered to second reading

**Committee on Natural Resources, Planning, and Public Works**

ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Natural Resources, Planning, and Public  
Works reports  
Senate Bill No 839

With the recommendation . Do pass  
Pursuant to the provisions of Joint Rules Nos 22 1, 22 2, and 22 3, the committee  
recommends that the above bill be placed on the Consent Calendar  
LOWREY, Chairman

Above bill ordered to second reading

ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Natural Resources, Planning, and Public  
Works reports.  
Senate Bill No 342  
Senate Bill No 703

Senate Bill No 736  
Senate Bill No 1060

With the recommendation Do pass  
LOWREY, Chairman

Above bills ordered to second reading

**Committee on Civil Service and State Personnel**

ASSEMBLY CHAMBER, May 16, 1961

MR SPEAKER Your Committee on Civil Service and State Personnel reports  
Assembly Bill No 2599

With amendments with the recommendation Amend, do pass, as amended, and be  
re-referred to the Committee on Ways and Means  
MEYERS, Chairman

Above bill ordered to second reading



CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

ASSEMBLY DAILY JOURNAL

NINETY-SECOND LEGISLATIVE DAY

NINETY-NINTH CALENDAR DAY

(Saturdays and Sundays Excepted)

IN ASSEMBLY

ASSEMBLY CHAMBER  
Thursday, May 18, 1961

The Assembly met at 9 30 a m  
Hon Ralph M Brown, Speaker of the Assembly, presiding.  
Chief Clerk Arthur A Ohnimus at the desk  
Assistant Clerk Ken Hegland reading

ROLL CALL

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

Bruce F Allen, Don A Allen, Bagley, Banc, Beaver, Bee, Belotti, Bradley, Britschgi, George E Brown, Burke, Burton, Busterud, Cameron, Carrell, Casey, Chapel, Colher, Cologne, Conrad, Coolidge, Crown, Cunningham, Cusanovich, Dahl, Davis, DeLotto, Dills, Elliott, Flouinoy, Francis, Frew, Gaffney, Garrigus, Grant, Hanna, Hawkins, Hegland, Hicks, Holmes, House, Kennick, Kilpatrick, Knox, Lauterman, Leggett, Levering, Lowrey, Luckel, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Mulford, Munnell, Nisbet, O'Connell, Pattee, Petrus, Porter, Reagan, Rees, Rumford, Schrade, Sedgwick, Shell, Sumner, Thelin, Thomas, Unruh, Waldie, Williamson, George A Willson, Charles H Wilson, Winton, Wolfrum, Z'berg, and Mr Speaker—80

Quorum present.

PRAYER

Upon invitation of Speaker Brown, the following prayer was offered by Rev Keith B Kenny of the Catholic Youth Organization:

*We Turn to Thee, Lord of Ages, At the beginning of this day We ask of Thee tolerance of our imperfections, our weakness, our falling short of the high hopes to which we truly aspire We seek, with Thy help, the sense of purpose and profound integrity, essential to the office to which we have dedicated our lives And we knock, not with rash audacity but with gentle and humble insistence at the gates of wisdom, with unswerving confidence in Thy own promise, O Lord "Ask and ye shall receive, seek and ye shall find; knock and it shall be opened unto you"—AMEN*

MOTION TO DISPENSE WITH READING OF THE JOURNAL

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr O'Connell.



## SECOND READING OF SENATE BILLS

**Senate Bill No. 759**—An act to amend Section 10504 5 of, and to add Sections 25, 1258, 1258 1, 1258 2, 1258 3, 10504 3, 10504 4, 10504 6, 10508, 10509, 10510, and 10511 to, the Water Code, relating to the appropriation of water

Bill read second time, and ordered to third reading

**Senate Bill No. 777**—An act to add Section 345 1 to the Water Code, relating to state water resources development

Bill read second time, and ordered to third reading

**Senate Bill No. 778**—An act to amend Sections 250 and 251 of the Water Code, relating to acquisition of property for state water purposes

Bill read second time, and ordered to third reading

**Senate Bill No. 804**—An act to amend Section 22256 of, and to add Section 22282 1 to, the Water Code, relating to irrigation districts

Bill read second time, and ordered to third reading

**Senate Bill No. 1005**—An act to amend Section 10504 1 of, and to add Section 164 to, the Water Code, relating to the California Water Commission, and declaring the urgency thereof, to take effect immediately

Bill read second time, and ordered to the Consent Calendar

**Senate Bill No. 839**—An act authorizing the Division of Beaches and Parks to exchange property belonging to the State for other property in the County of Monterey

Bill read second time, and ordered to the Consent Calendar

**Senate Bill No. 342**—An act to add Section 5900 65 to the Harbors and Navigation Code, relating to harbor improvement districts

Bill read second time, and ordered to third reading

→ **Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414 1, and 3415 of the Public Resources Code, relating to oil and gas

Bill read second time, and ordered to third reading.

**Senate Bill No. 736**—An act to add Section 6901 1 to the Harbors and Navigation Code, relating to river port districts

Bill read second time, and ordered to third reading

**Senate Bill No. 1060**—An act to amend Section 5006 of the Public Resources Code, relating to the acquisition of property for beaches and parks

Bill read second time, and ordered to third reading

**Senate Bill No. 230**—An act to amend Section 172a of the Penal Code, relating to prohibition against sale of liquor near certain institutions

Bill read second time, and ordered to third reading.



**RE-REFERENCE OF BILLS PURSUANT TO RULE NO. 67**

On advice of the Legislative Counsel, and pursuant to the provisions of Rule No 67, Speaker Brown ordered the following bills re-referred to the Committee on Ways and Means.

**Assembly Bills Nos. 2595, 2017, and 2345**, subsequent to engrossment.

**Assembly Bill No. 2277.**

**Senate Bills Nos. 881, 759, 777, 1005, 839, 703, and 991.**

**MESSAGES FROM THE SENATE**

SENATE CHAMBER, May 17, 1961

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day passed, as amended

Assembly Bill No 65	Assembly Bill No 1163
Assembly Bill No 110	Assembly Bill No 1313
Assembly Bill No 204	Assembly Bill No 1568
Assembly Bill No 315	Assembly Bill No 1837
Assembly Bill No 342	Assembly Bill No 2013
Assembly Bill No 600	

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate  
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered to the unfinished business file

SENATE CHAMBER, May 17, 1961

MR SPEAKER I am directed to inform your honorable body that the Senate amended, and on this day adopted, as amended

Assembly Joint Resolution No 33

And respectfully requests your honorable body to concur in said amendments

J. A. BEEK, Secretary of the Senate  
By GARY S. POSZ, Assistant Secretary

Above resolution ordered to the unfinished business file

SENATE CHAMBER, May 17, 1961

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

Assembly Bill No 465	Assembly Bill No 1599
Assembly Bill No 847	Assembly Bill No 1728
Assembly Bill No 850	Assembly Bill No 1770
Assembly Bill No 1509	Assembly Bill No 1913
Assembly Bill No. 1576	Assembly Bill No 1988

J. A. BEEK, Secretary of the Senate  
By GEORGE BEATTIE, Assistant Secretary

Above bills ordered enrolled

SENATE CHAMBER, May 17, 1961

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

Assembly Concurrent Resolution No 89

J. A. BEEK, Secretary of the Senate  
By GEORGE BEATTIE, Assistant Secretary

Above resolution ordered enrolled

SENATE CHAMBER, May 17, 1961

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

Senate Bill No 69

J. A. BEEK, Secretary of the Senate  
By GEORGE BEATTIE, Assistant Secretary



## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**ASSEMBLY DAILY JOURNAL**

NINETY-THIRD LEGISLATIVE DAY

ONE HUNDRETH CALENDAR DAY

(Saturdays and Sundays Excepted)

**IN ASSEMBLY**

ASSEMBLY CHAMBER

Friday, May 19, 1961

The Assembly met at 9 a m  
 Hon Ralph M Brown, Speaker of the Assembly, presiding  
 Chief Clerk Arthur A Ohnimus at the desk.  
 Legislative Intern Marvin Ellenberg reading.

**ROLL CALL**

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

Bruce F Allen, Don A Allen, Bagley, Bane, Beaver, Bee, Bradley, Britschgi, George E Brown, Burke, Burton, Busterud, Cameron, Carrell, Casey, Chapel, Colher, Cologne, Conrad, Coolidge, Crown, Cusanovich, Dahl, Davis, DeLotto, Dills, Elliott, Flournoy, Francis, Frew, Gaffney, Garrigus, Grant, Hanna, Hawkins, Hegland, Hicks, Holmes, House, Kennick, Kilpatrick, Knox, Lanterman, Leggett, Levering, Lowrey, Luckel, Lunardi, Marks, Meyers, Mills, Mulford, Munnell, Nisbet, O'Connell, Pattee, Petris, Porter, Reagan, Rumford, Sedgwick, Shell, Sumner, Teln, Thomas, Unruh, Walde, Williamson, George A Willson, Charles H. Wilson, Winton, Wolfrum, Z'beig, and Mr Speaker—74.

Quorum present

**PRAYER**

Upon invitation of Speaker Brown, the following prayer was offered by The Right Reverend Monsignor Thomas H Markham, Pastor of Our Lady of Grace Church:

*O, Creator Ineffable, Thou, who are in truth the fountain of light and wisdom, deign to shed upon the darkness of my understanding the rays of Thine infinite brightness, and remove far from me the twofold darkness in which I was born, namely, sin and ignorance. Do Thou, who givest speech to the tongues of little children, instruct my tongue and pour into my lips the grace of Thy benediction. Give me keenness of apprehension, capacity for remembering, method and ease in learning, insight in interpretation, and copious eloquence in speech. Instruct my beginning, direct my progress, and set Thy seal upon the finished work, Thou, who art true God and true Man, Who livest and reignest world without end—AMEN.*

**MOTION TO DISPENSE WITH READING OF THE JOURNAL**

Further reading of the Journal of the previous legislative day was dispensed with on motion of Mr Shell.



**Amendment No. 9**

On page 9, line 9, strike out "SEC 9", and insert "SEC 13".

**Amendment No. 10**

On page 9, line 28, strike out "SEC 10", and insert "SEC 14".

Amendments read, and adopted.

Bill ordered reprinted, re-engrossed, and to be re-referred to the Committee on Ways and Means

**REPORTS OF STANDING COMMITTEES**

**Committee on Ways and Means**

ASSEMBLY CHAMBER, May 19, 1961

MR SPEAKER The Chairman of your Committee on Ways and Means reports:

Senate Bill No 703

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Ways and Means

UNRUH, Chairman

**SECOND READING OF SENATE BILL NO. 703  
(PURSUANT TO RULE NO. 59.5)**

Senate Bill No. 703—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414.1, and 3415 of the Public Resources Code, relating to oil and gas.

Bill read second time

**Motion to Amend**

Mr. Waldie moved the adoption of the following amendment.

**Amendment No. 1**

On page 4, line 51, of the printed bill, as amended in the Senate on April 12, 1961, strike out "thereof" and insert "hereof".

Amendment read, and adopted

Bill ordered reprinted, and re-referred to the Committee on Ways and Means

**REPORTS OF STANDING COMMITTEES**

**Committee on Transportation and Commerce**

ASSEMBLY CHAMBER, May 18, 1961

MR SPEAKER The Chairman of your Committee on Transportation and Commerce reports

Assembly Bill No 2628

With author's amendments with the recommendation. Amend, and re-refer to the Committee on Transportation and Commerce

BEAVER, Chairman

**SECOND READING OF ASSEMBLY BILL NO. 2628  
(PURSUANT TO RULE NO. 59.5)**

Assembly Bill No. 2628—An act to amend Section 35551 of the Vehicle Code, relating to vehicle weight limits.

Bill read second time.

**Motion to Amend**

Mr Porter moved the adoption of the following amendments:

**Amendment No. 1**

On page 2, line 15, of the printed bill, after "on", strike out "the", and insert "any state"





## CALIFORNIA LEGISLATURE

1961 REGULAR SESSION

**ASSEMBLY DAILY JOURNAL**

ONE HUNDRED TENTH LEGISLATIVE DAY  
 ONE HUNDRED SIXTEENTH CALENDAR DAY  
 (Saturdays and Sundays Excepted)

**IN ASSEMBLY**

ASSEMBLY CHAMBER  
 Monday, June 12, 1961

The Assembly met at 9 a m  
 Hon Ralph M Brown, Speaker of the Assembly, presiding  
 Chief Clerk Arthur A Ohnmus at the desk  
 Assistant Clerk Ken Hegland reading

**ROLL CALL**

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

Bruce F Allen, Don A Allen, Bagley, Bane, Beaver, Bee, Belotti, Bradley, Brutschgi, George E Brown, Buntin, Buxteud, Cameron, Carzell, Casey, Chapel, Collier, Cologne, Conrad, Coolidge, Crown, Cunningham, Cusanovich, Dahl, Davis, DeLotto, Dills, Elliott, Flournoy, Francis, Frew, Gaffney, Garrigus, Grant, Hanna, Hawkins, Hegland, Hicks, Holmes, House, Kennick, Kilpatrick, Knox, Lauterman, Leggett, Leving, Lowiey, Luckel, Lunardi, Marks, McMillan, Meyers, Mills, Monagan, Mulford, Munnell, Nisbet, O'Connell, Pattee Petrus, Putter, Reagan, Rees, Rumford, Schrade, Sedgwick, Shell, Sumner, Thelm, Unruh, Walde, Williamson, George A. Wilson, Charles H Wilson, Winton, Wolfium, Z'berg, and Mr Speaker—78

Quorum present.

**PRAYER**

Upon invitation of Speaker Brown, the following prayer was offered by Rev Keith B Kenny of the Catholic Youth Organization

*O God, Who hast brought to us the bright hopes of this new day, may every shadow of doubt, distrust, and discouragement be dissipated by the light of Thy grace. May our hearts be always hopeful, and may we radiate hope to others. When the sun of this day sets, may we be able to offer Thee the fruits of our labor here, and may the evening of life find us yet Thy good and faithful servants, who shall hear from Thee Thyself the words "Well done!"—AMEN*

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Upon request of Speaker Ralph M Brown, the Assembly then gave the pledge of allegiance to the Flag.



California Table Grape Commission, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read second time

**Consideration of Committee Amendments**

The following amendments, proposed by the Committee on Ways and Means, were read, and adopted.

**Amendment No. 1**

On page 6, line 43, of the printed bill, as amended in the Assembly on June 9, 1961, strike out "Governor", and insert "director"

**Amendment No. 2**

On page 7, strike out line 29, and insert "with the determination of the term of each such member to be made by lot"

**Amendment No. 3**

On page 12, line 1, strike out "assemblation", and insert "accumulation"

**Amendment No. 4**

On page 12, line 25, after "chapter", insert "except Sections 5550, 5551, 5553, 5554, 5555, 5556, 5558 to 5565, inclusive."

**Amendment No. 5**

On page 21, line 36, strike out "Department of Agriculture Fund", and insert "General Fund"

**Amendment No. 6**

On page 21, line 38, strike out "referendum pursuant to Section 5563", and insert "election at which the first members of the commission are nominated and the referendum pursuant to Section 5573".

**Amendment No. 7**

On page 21, line 41, strike out "Department of Agriculture Fund", and insert "General Fund"

Bill ordered reprinted, and to third reading

**REPORTS OF STANDING COMMITTEES**

**Committee on Ways and Means**

ASSEMBLY CHAMBER, June 12, 1961

MR. SPEAKER Your Committee on Ways and Means reports

Senate Bill No 64	Senate Bill No 718
Senate Bill No 332	Senate Bill No 833
Senate Bill No 565	Senate Bill No 857
Senate Bill No 584	Senate Bill No 942
Senate Bill No 588	Senate Bill No 993
Senate Bill No 642	Senate Bill No 1008
Senate Bill No 703	Senate Bill No 1052

With the recommendation: Do pass.

UNRUH, Chairman

**SECOND READING OF SENATE BILLS (BY UNANIMOUS CONSENT)**

**Senate Bill No. 64**—An act to add Section 19594.5 to the Education Code, relating to state school building aid, declaring the urgency thereof, to take effect immediately.

Bill read second time, and ordered to third reading

**Senate Bill No. 332**—An act to repeal Chapter 2 (commencing with Section 550) of Part 1 of Division 2 of, and to add Chapter 2 (commencing with Section 500) to Part 1 of Division 2 of, the Welfare and Institutions Code, and to add Section 272 to the Penal Code, and to add Chapter 4 (commencing with Section 232) to Title 2 of Part 3 of



Division 1 of the Civil Code, and to amend Section 27706 of the Government Code, Section 1407 of the Probate Code, and Section 40502 of the Vehicle Code and to repeal Sections 131 and 131 1 of, and to amend Sections 131 2 and 131 5 of, the Code of Civil Procedure, relating to care and custody of minors.

Bill read second time, and ordered to third reading.

**Senate Bill No. 568**—An act to amend Sections 1511 and 1557 of the Welfare and Institutions Code, relating to aid to needy children.

Bill read second time, and ordered to third reading

**Senate Bill No. 584**—An act to amend Section 5715 1 of the Education Code, relating to junior college classes, declaring the urgency thereof, to take effect immediately


Bill read second time, and ordered to third reading

**Senate Bill No. 588**—An act to add Section 9356 6 to the Government Code, relating to the Legislators' Retirement System.

Bill read second time, and ordered to third reading

**Senate Bill No. 642**—An act to amend Section 16625 of, and to add Sections 16625.1, 16625 2, and 16625 3 to, the Education Code, relating to child care centers

Bill read second time, and ordered to third reading.

 **Senate Bill No. 703**—An act to amend Sections 3106, 3227, 3417, and 3608 and to repeal Sections 3414, 3414 1, and 3415 of the Public Resources Code, relating to oil and gas.

Bill read second time, and ordered to third reading.

**Senate Bill No. 718**—An act to amend Section 7137 of, and to add Sections 7076 5 and 7117 5 to, the Business and Professions Code, relating to contractors

Bill read second time, and ordered to third reading

**Senate Bill No. 833**—An act to add Section 18959 to, and to amend Section 18958 of, the Education Code, relating to schools.

Bill read second time, and ordered to third reading

**Senate Bill No. 857**—An act to add Section 86 to the Military and Veterans Code, relating to acceptance or acquisition of property.

Bill read second time, and ordered to third reading.

**Senate Bill No. 942**—An act making an appropriation for the establishment of a branch office of the Department of Motor Vehicles in Manteca, California

Bill read second time, and ordered to third reading.

**Senate Bill No. 993**—An act to add Chapter 7 (commencing with Section 8600) to Division 1 of Title 2 of the Government Code, relating to agricultural labor-management relations, creating an Agricultural Labor Commission, prescribing its functions, powers and duties, pro-



Date JUN 28 1961

AUTHOR Muller, et al

RECEIVED 6-23 1961

LAST DAY 7-21 1961

ACTION OF GOVERNOR 7-19 1961

REQUESTS FOR DIGESTS

Received	Received	Received	Received
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Legislative Counsel	Attorney General	Legislative Analyst	

RECOMMENDATIONS

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Legislative Counsel     | <input checked="" type="checkbox"/> Attorney General       | <input checked="" type="checkbox"/> Legislative Analyst     |
| <b>RECOMMENDATIONS</b>                                      |  |   |
| <input type="checkbox"/> -Affiliated Teachers Org. of L. A. | <input type="checkbox"/> -County Assessors                 | <input type="checkbox"/> -Adjutant General                  |
| <input type="checkbox"/> -Agricultural Council              | <input type="checkbox"/> -County Clerks' Association       | <input type="checkbox"/> -Aeronautics Commission            |
| <input type="checkbox"/> -American Legion                   | <input type="checkbox"/> -County Counsel County            | <input type="checkbox"/> -Agriculture                       |
| <input type="checkbox"/> -Associated Sportsmen              | <input type="checkbox"/> -County Supt. of Schools          | <input type="checkbox"/> -Alcoholic Beverage Control        |
| <input type="checkbox"/> -Association of Cas. & Surety Cos. | <input type="checkbox"/> -County Supervisors Association   | <input type="checkbox"/> -Atomic Energy Development         |
| <input type="checkbox"/> -Automobile Club of So. Calif.     | <input type="checkbox"/> -County Tax Collectors Assn.      | <input type="checkbox"/> -Banks                             |
| <input type="checkbox"/> -Board of Sup County               | <input type="checkbox"/> -C.S.E.A.                         | <input type="checkbox"/> -Compensation Insurance Fund       |
| <input type="checkbox"/> -Calif. Assn. of Hwy. Patrolmen    | <input type="checkbox"/> -Dairy Institute of Calif.        | <input type="checkbox"/> -Consumer Counsel                  |
| <input type="checkbox"/> -Calif. Assn. of Insurance Agents  | <input type="checkbox"/> -Disabled American Veterans       | <input type="checkbox"/> -Controller                        |
| <input type="checkbox"/> -Calif. Bankers Assn.              | <input type="checkbox"/> -District Attorneys Assn.         | <input type="checkbox"/> -Corporation Commissioner          |
| <input type="checkbox"/> -Calif. Barbers School Assn.       | <input type="checkbox"/> -Grand Jury County                | <input type="checkbox"/> -Corrections                       |
| <input type="checkbox"/> -Calif. Congress of P. and T.      | <input type="checkbox"/> -Irrigation Districts Association | <input type="checkbox"/> -Disaster Office                   |
| <input type="checkbox"/> -California Farm Bureau Fed.       | <input type="checkbox"/> -Judges, Marshals and Con. Assn.  | <input type="checkbox"/> -Education                         |
| <input type="checkbox"/> -California Farmers                | <input type="checkbox"/> -League of California Cities      | <input type="checkbox"/> -Employees Retirement              |
| <input type="checkbox"/> -Calif. Grocers Association        | <input type="checkbox"/> -League of Women Voters           | <input type="checkbox"/> -Employment                        |
| <input type="checkbox"/> -Calif. Inst. of Social Welfare    | <input type="checkbox"/> -Motor Vehicle Advisory Com.      | <input checked="" type="checkbox"/> -Equalization           |
| <input type="checkbox"/> -Calif. Insurance Cos.             | <input type="checkbox"/> -Organized Sportsmen of Calif.    | <input type="checkbox"/> -Finance                           |
| <input type="checkbox"/> -Calif. Manufacturers Assn.        | <input type="checkbox"/> -Pacific Tel. & Tel.              | <input type="checkbox"/> -Fire Marshal                      |
| <input type="checkbox"/> -Calif. Newspapers Association     | <input type="checkbox"/> -Peace Officers Assn. of Calif.   | <input type="checkbox"/> -Fish and Game                     |
| <input type="checkbox"/> -California Real Estate Assn.      | <input type="checkbox"/> -Public Health League             | <input type="checkbox"/> -Franchise Tax Board               |
| <input type="checkbox"/> -California Retailers Assn.        | <input type="checkbox"/> -Registrar of Voters, L. A.       | <input type="checkbox"/> -Highway Patrol                    |
| <input type="checkbox"/> -California Savings and Loan L.    | <input type="checkbox"/> -Registrar of Voters, S. D.       | <input type="checkbox"/> -Industrial Accident Commission    |
| <input type="checkbox"/> -California School Board Assn.     | <input type="checkbox"/> -Registrar of Voters, S. F.       | <input type="checkbox"/> -Industrial Relations              |
| <input type="checkbox"/> -California State Auto. Assn.      | <input type="checkbox"/> -Retailers Assn.                  | <input type="checkbox"/> -Insurance                         |
| <input type="checkbox"/> -Calif. State Chamber of Com.      | <input type="checkbox"/> -School Superintendents Assn.     | <input type="checkbox"/> -Judicial Council                  |
| <input type="checkbox"/> -California State Fed. of Labor    | <input type="checkbox"/> -Sportsmen Council of Cal.        | <input type="checkbox"/> -Law Revision Commission           |
| <input type="checkbox"/> -California State Sheriff's Assn.  | <input type="checkbox"/> -State Bar                        | <input type="checkbox"/> -Mental Hygiene                    |
| <input type="checkbox"/> -California Taxpayers Assn.        | <input type="checkbox"/> -State Chamber of Commerce        | <input type="checkbox"/> -Military Department               |
| <input type="checkbox"/> -California Teachers Association   | <input type="checkbox"/> -State Grange                     | <input checked="" type="checkbox"/> -Motor Vehicles         |
| <input type="checkbox"/> -Calif. Teamsters Legis. Council   | <input type="checkbox"/> -Taxpayers Assn.                  | <input type="checkbox"/> -Natural Resources                 |
| <input type="checkbox"/> -Calif. Trucking Association       | <input type="checkbox"/> -United Air Lines                 | <input type="checkbox"/> -Personnel Board                   |
| <input type="checkbox"/> -Calif. West. States Life Ins. Co. | <input type="checkbox"/> -Veterans of Foreign Wars         | <input type="checkbox"/> -Professional and Voc. Scds.       |
|   | <input type="checkbox"/> -Western Fair Assn.               | <input type="checkbox"/> -Public Health                     |
|   |  | <input type="checkbox"/> -Public Utilities Commission       |
|   |  | <input type="checkbox"/> -Public Works                      |
|   |  | <input type="checkbox"/> -Real Estate                       |
|   |  | <input type="checkbox"/> -Reclamation Board                 |
|   |  | <input type="checkbox"/> -Savings and Loan Commission       |
|   |  | <input type="checkbox"/> -Secretary of State                |
|   |  | <input type="checkbox"/> -Social Welfare                    |
|   |  | <input checked="" type="checkbox"/> -State Lands Commission |
|   |  | <input type="checkbox"/> -Teachers Retirement System        |
|   |  | <input type="checkbox"/> -Treasurer                         |
|   |  | <input type="checkbox"/> -Veterans Affairs                  |
|   |  | <input type="checkbox"/> -Water Pollution Control Board     |
|   |  | <input type="checkbox"/> -Water Resources                   |
|   |  | <input type="checkbox"/> -Youth Authority                   |

LIS - 6

PE - 1



Senator Miller says: "If AB 1594 (Winton) is signed  
there is no need to sign SB 703 (Miller)."  
Per Jeannie 7-14-61.

Caroline

Legislative Analyst  
May 18, 1961

ANALYSIS OF SENATE BILL NO. 403 (Miller)  
As Amended in the Senate April 12, 1961

Cost: None

Analysis:

This bill makes a series of technical amendments to the Public Resources Code relating to oil and gas.

The first general category involves the spacing of wells. The second category involves the duties of the supervisors of the Division of Oil and Gas with respect to secondary recovery methods to assure maximum recovery of underground hydrocarbons. In effect the supervisors have already been doing work in this area and the bill merely provides the necessary authorization to do so.

The bill in the third category eliminates a review committee which has never functioned and which, therefore, should be eliminated in order to clean up accounting procedures.

There are no indications of cost to the State in this bill.

HEK/hd



STATE OF CALIFORNIA  
SACRAMENTO 14

**To:** [ Honorable Edmund G. Brown  
Governor of California  
State Capitol  
Sacramento 14, California

**Date:** June 27, 1961

**Subject:** Senate Bill No. 703

**From:** [ Attention: Mr. Alexander H. Pope  
Legislative Secretary  
Department of Natural Resources  
Office of the Director

Reference is made to Senate Bill No. 703, introduced by Senator Miller.

This is actually a departmental bill which was cleared initially with the Governor's office before submission to Senator Miller. Due to delays in the Senator's office, it was introduced too late to be labeled a departmental bill.

Changes are technical, to correct defects in spacing regulations and in requirements for filing of production reports. Provisions establishing Board of Review for assessment procedure are repealed because of lack of need for such a board. Provisions are added to assist and encourage the oil industry in the use of secondary recovery operations in California oil fields and thereby increase the ultimate oil recovery percentage.

Approval of Senate Bill No. 703 by the Governor is recommended.



DeWitt Nelson, Director

cc: Mr. E. H. Musser

LEGISLATIVE INTENT SERVICE (800) 666-1917



GOVERNOR'S OFFICE

mm

Sacramento.....

Subject: ~~A.B.~~ 703  
S.B.

Please reply forthwith

- HONORABLE A. ALAN POST
- Legislative Analyst
- Room 306, State Capitol
- SACRAMENTO 14, CALIFORNIA

The attached bill has been received at this office for Governor Brown's consideration.

The Governor will appreciate a digest of this bill at your earliest convenience.

ALEXANDER H. POPE  
*Legislative Secretary*

28129 10-00 3M 51

LEGISLATIVE INTENT SERVICE (800) 666-1917





MAIL ROOM ADDRESS  
P. O. BOX 909  
MARTINEZ, CALIFORNIA  
MARTINEZ 3262

SACRAMENTO ADDRESS  
STATE CAPITOL  
ZONE 14

GEORGE MILLER, JR.  
SEVENTEENTH SENATORIAL DISTRICT

COMMITTEES  
RULES  
REVENUE AND TAXATION  
VICE CHAIRMAN  
EDUCATION  
FINANCE  
INSURANCE AND FINANCIAL  
INSTITUTIONS  
NATURAL RESOURCES

## CALIFORNIA LEGISLATURE

# Senate

June 30, 1961

The Honorable Edmund G. Brown  
Governor  
State Capitol  
Sacramento, California

Re: Senate Bill 703

Dear Governor Brown:

Senate Bill 703 was introduced at the request of the Division of Oil and Gas to correct some defects in existing law and to add new language beneficial to the oil industry.

Specifically, an addition to Section 3106 of the Public Resources Code will assist oil operators in the use of secondary recovery operations in the production of oil. Such methods are becoming more important each year as California's production declines because of lack of discoveries of new reserves.

The amendment to Section 3227 is technical in nature to require reporting of idle wells on a monthly production statement to facilitate the publication of this information as required in a sub-section of that section.

The amendment to Section 3417 and the repeal of Sections 3414, 3414.1, and 3415 eliminate the board of review assessments. This board has never functioned and since there are other means in the laws for correction of errors, it is entirely superfluous.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



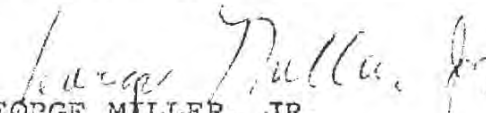
The Honorable Edmund G. Brown  
June 30, 1961  
Page two

Re: SB 703

Technical amendments to Section 3608 are helpful to owners of small parcels of land which are surrounded by leases.

There was no opposition to this measure and I respectfully recommend your approval.

Very truly yours,

  
GEORGE MILLER, JR.



6/23  
11/23

STATE OF CALIFORNIA  
SACRAMENTO 14

Interdepartmental Communication

Honorable Edmund G. Brown  
Governor of California

Date: July 6, 1961

To:

Attention: Mr. Alexander H. Pope  
Legislative Secretary

From: Department of Finance—Executive Offices

Subject: SB 703

HISTORY, SPONSOR AND PURPOSE:

This bill is designed to set forth authority for actions which have been performed by the Oil and Gas Supervisor in the past. Prior to this, the Supervisor has acted on the basis that the law did not prohibit such action.

- In brief this bill:
1. Permits the Oil and Gas Supervisor to approve the methods for increasing oil recovery and provides that oil lease grants or contracts convey the right to utilize these methods when approved by the Supervisor, provided that there is no express condition in the grant or contract to the contrary.
  2. Provides that owners of idle wells file a monthly report.
  3. Changes filing dates and requirements to file on certain statements.
  4. Provides for payment of royalty under unit operation to all unit interest holders.

FINANCIAL EFFECT AND COMMENT:

The Oil and Gas Supervisor has assured us that no additional expenditures will be required by the State if this bill is enacted.

RECOMMENDATION:

Favor.

Hale Champion  
Director of Finance

HC:sg  
65421

LEGISLATIVE INTENT SERVICE (800) 666-1917



To: Honorable Edmund G. Brown  
Governor of California

Bill Report

From: Office of the Attorney General

S.B. No. 703

By JOHN MORRIS  
Deputy Attorney General

June 30, 1964

We have examined the above bill and find no substantial  
legal objection thereto.

*J. Morris*  
JOHN MORRIS 9/23

30301 11-60 6M SETS SPO

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STATE OF CALIFORNIA  
SACRAMENTO 14

Inter-Departmental Communication

To: [ Honorable Edmund G. Brown  
Governor of California  
State Capitol  
Sacramento 14, California

Date: July 6, 1961  
Subject: S.B. 703

From: [ Attention: Mr. Alexander H. Pope  
Legislative Secretary  
Department of Finance—Executive Offices  
Office of the Director

HISTORY, SPONSOR, AND PURPOSE:

S.B. 703 was introduced by Senators Miller, Stiern, McBride, Robert D. Williams, Murdy, and Richards, to amend Sections 3106, 3227, 3417 and 3608, and to repeal Sections 3414, 3414.1 and 3415 of the Public Resources Code, relating to oil and gas, so as to permit owners and operators of oil and gas wells to utilize all methods and practices known to the oil industry which will increase the ultimate recovery of underground hydrocarbons, to provide for review of Petroleum and Gas Fund assessments by the State Controller instead of by a board of review, and to provide clarification of administrative procedures.

FINANCIAL EFFECT AND COMMENT:

There would be no cost to the State other than the routine costs of supervision. Potential waste in the recovery of underground hydrocarbons would be minimized to whatever extent becomes feasible through technological developments.

RECOMMENDATION:

The Department of Finance has no position on this bill.

*for* Daniel M. Luévano  
Hale Champion  
Director of Finance

HC:js  
700039

LEGISLATIVE INTENT SERVICE (800) 666-1917





Controller of the State of California

SACRAMENTO

July 7, 1961

Honorable Edmund G. Brown  
Governor of California  
State Capitol  
Sacramento 14, California

Attention: Alexander H. Pope,  
Legislative Secretary

Re: Senate Bill 703

HISTORY, SPONSOR, AND PURPOSE:

S.B. 703 was introduced by Senators Miller, Stiern, McBride, Robert D. Williams, Murdy and Richards, to amend Sections 3106, 3227, 3417 and 3608, and to repeal Sections 3414, 3414.1 and 3415 of the Public Resources Code, relating to oil and gas. This bill permits owners and operators of oil and gas wells to utilize all methods and practices which become known to the oil industry to increase the ultimate recovery of underground hydrocarbons. It provides for review of Petroleum and Gas Fund assessments by the State Controller instead of by a Board of Review, and provides for clarification of administrative procedures. Changes, apparently technical, are made in the procedure for requiring lands of less than an acre to be included in an oil lease, where the drilling for oil upon such lands would be a public nuisance. Monthly reports would be required of owners of idle wells as well as producing wells.

COMMENT:

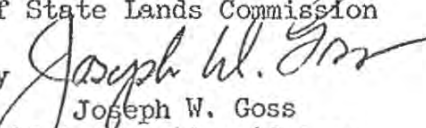
Potential waste in the recovery of underground hydrocarbons would be minimized to whatever extent becomes feasible through technological developments. The proposed amendments would not affect any of the State Lands Commission leases, which already contain provisions similar to those in the bill. The substitution of the Controller for the Board of Review was suggested on behalf of the Board, the correction of assessments involving little more than a mathematical calculation and there never yet having been a requirement for a Board meeting.

RECOMMENDATION:

We see no objection to the bill.

ALAN CRANSTON, Chairman  
of State Lands Commission

By

  
Joseph W. Goss  
Administrative Adviser  
to the State Controller



RALPH N. KLEPS  
LEGISLATIVE COUNSEL  
ANGUS C. MORRISON  
CHIEF DEPUTY  
BERNARD CZEBLA  
GEORGE H. MURPHY  
PRINCIPAL DEPUTIES  
STANLEY M. LOURIMORE  
DEPUTY IN CHARGE  
LOS ANGELES OFFICE



STATE OF CALIFORNIA  
*Office of Legislative Counsel*

3021 STATE CAPITOL, SACRAMENTO 14  
311 STATE BUILDING, LOS ANGELES 12

July 10, 1961

TERRY L. BAUM  
BARBARA C. CALAIS  
VIRGINIA COKER  
JOSEPH E. COOMES, JR.  
KENT L. DECHAMBEAU  
J. GOULD  
ROBERT G. HINSHAW  
OWEN K. KUNS  
ERNEST H. KUNZI  
ANN M. MACKEY  
EDWARD F. NOWAK  
EDWARD K. PURCELL  
RAY H. WHITAKER  
FRED G. WILLIAMS  
RICHARD T. WILSDON  
ROSE WOODS  
DEPUTIES

REPORT ON SENATE BILL NO. 703.

MILLER.

SUMMARY: Amends and repeals various secs., P.R.C.,  
re oil and gas resources.

Permits the oil and gas supervisor to approve utilization of methods for increasing oil recovery and provides that oil lease grants or contracts, in the absence of an express condition to the contrary, convey the right to utilize these methods for increasing oil recovery when such methods employed have been approved by the supervisor.

Provides for filing of monthly reports by owners of idle wells in addition to those who have producing wells.

Provides additional time for the supervisor to record the unitization statement, 20 days, rather than 10 days, and eliminates the filing of a notice of intent to drill as a basis for the inclusion of parcels of land of less than one acre in area into the lease of surrounding lands. Authorizes the owner of surrounding lands to request inclusion of such parcels in lease and permits oil and gas supervisor to act on his own motion.

Provides for payment of royalty under unit operation on same basis as other unit interest holders.

Abolishes board of review, correction, and equalization, and provides, in lieu thereof, for review by Controller of assessments against oil and gas producing property levied to pay cost of

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state supervision of oil and gas.

FORM: Approved. TITLE: Approved.


CONSTITUTIONALITY: Approved.

COMMENT: A.B. 1594, now before the Governor, also abolishes the board of review, correction, and equalization referred to above, and the provisions providing for publication of notice of assessments (Secs. 3416 and 3417), which this bill retains.

Since the last chaptered bill will prevail, if both bills are signed and this bill is signed last, Section 3417 of the Public Resources Code, prescribing the contents of the notice of assessments, will be retained, but Section 3416, requiring that such a notice be published will have been repealed by A.B. 1594, thereby leaving Section 3417 inoperative.

If A.B. 1594 is signed last, the publication of notice requirements and the reference to an appeal to correct the assessments will be deleted.

Ralph N. Kleps  
Legislative Counsel

  
By  
Robert G. Hinshaw  
Deputy Legislative Counsel

RGH: TG

Two copies to Honorable George Miller, Jr.,  
and Gordon H. Winton, Jr., pursuant to  
Joint Rule 34.





## STATE OF CALIFORNIA

San Francisco

## Interdepartmental Communication

[
   
 HONORABLE EDMUND G. BROWN
   
 To: Governor, State of California

Date: July 12, 1961

File No.

L
   
 From: Office of The Attorney General
   
           Department of Justice
   
           Clayton P. Roche, Deputy

Subject: A.B. 1594

This bill amends and repeals various provisions of our codes and statutes relating to the reorganization of the State government. The main purpose of this bill is to abolish various boards and commissions. Among the provisions to be repealed by this bill are sections 3414 through 3417 of the Public Resources Code. Such sections presently constitute the Director of Natural Resources, the Director of Finance, and the Chairman of the State Board of Equalization as a board of equalization on oil and gas production assessments. Presently, section 3416 sets forth the requirement that the Department of Natural Resources shall publish notice in various counties in June, such notice to specify those things set forth in 3417 of the Code, which generally are that assessments have been completed and that application to correct an assessment may be made to the above named officers serving as a board of equalization.

S.B. 703, also passed by the Legislature this year and reported upon by us on June 30, 1961, amends and repeals various sections of the Public Resources Code. Included are repeals of sections 3414 through 3415 and an amendment to section 3417, the section setting forth the contents of the notice regarding the completion of assessments and appeal procedure as above outlined. The amendment to section 3417 substitutes the Controller as the person to whom appeals from assessments are to be taken instead of the officers presently designated as set forth above by section 3414 of the Code.

Therefore, under this bill, A.B. 1594, the functions of equalization, review and correction of oil and gas production assessments are apparently completely eliminated, whereas under S.B. 703 the notice and correction of assessment provisions are retained with the Controller being vested with the authority to correct assessments. As these are conflicting bills, the one last signed by you will prevail in this respect.


  
 CLAYTON P. ROCHE, Deputy

LEGISLATIVE INTENT SERVICE (800) 666-1917



# BILL MEMORANDUM

Date: July 18, 1961

To: GOVERNOR BROWN

From: Alexander H. Pope

AP

Senate BILL No. 703 By Miller, et al

VOTE: Senate Unanimous

Assembly 65 ayes 1 noe - Burton

This bill makes numerous changes in the Public Resources Code relating to oil and gas resources. Among other provisions, the bill includes: (1) a requirement that the owners of idle wells file production reports in addition to the present provision requiring reports from owners of producing wells; (2) a series of provisions designed to assist and encourage the oil industry in the use of secondary-recovery operations; (3) the bill abolishes the existing Board of Review, Correction, and Equalization and provides in lieu thereof for review by the State Controller of assessments against oil and gas producing property.

Senator Miller, the author, advises that the bill was introduced at the request of Division of Oil and Gas to correct defects in the existing law and to add new language beneficial to the oil industry. This information is confirmed by the Department of Natural Resources which advises that the bill was drafted by it, and that a substantial part the changes are technical to correct defects in spacing regulations and in requirements for the filing of production reports. The Controller's Office has no objection to the bill and notes that its provisions will permit a more rapid use of technological developments for the recovery of underground hydrocarbons. The Controller advises that the amendments to the bill are substantially contained in leases of the State Land Commission now. The Department of Finance has no position on the bill.

The Legislative Counsel and the Attorney General note that this bill conflicts in minor details with AB 1594, one of the bills relating to the reorganization of government. The overlap concerns the abolishment of the Board of Review. The conflict relates to the provisions in AB 1594, which in addition abolishes certain provisions relating to the publication of notice of assessments. The Department of Natural Resources advises that AB 1594 should be signed after this bill, and this information has been confirmed in Senator Miller's office.

There is no opposition.

RECOMMENDATION: Approve (Stolz)

M. Stolz

Note: This bill should be signed before AB 1594.

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# SUMMARY DIGEST

of

# STATUTES ENACTED

and

Proposed Constitutional Amendments  
Submitted to the Electors  
Including  
Table of Sections Affected

California Legislature  
1961 Regular Session



J. A. Beek  
*Secretary of the Senate*

Arthur A. Ohnimus  
*Chief Clerk of the Assembly*

Compiled by  
Ralph N. Kleps  
Legislative Counsel

LEGISLATIVE INTENT SERVICE (800) 666-1917



S.B. 696 (Ch. 455). RATTIGAN. Amends Secs. 61402.5, 61430, Gov.C., re elections in community services districts.

Provides for appointment by board of supervisors of directors for district where only one person has been nominated or there are no candidates for office on 54th rather than 65th day prior to date fixed for district general election. Prohibits holding election where there is only one nominee or no candidate on 54th rather than 50th day prior to such election and no petition has been filed requesting holding of election.

S.B. 699 (Ch. 2073). COLLIER. Amends and adds various secs., Gov.C., Veh.C., re Highway Transportation Agency.

Creates Highway Transportation Agency consisting of Departments of Public Works, Motor Vehicles, and California Highway Patrol.

Provides agency is under supervision of executive officer known as Administrator of Highway Transportation, appointed by Governor at annual salary of \$25,000. Prescribes powers and duties of administrator.

Names act Collier-Burns Act of 1951.

Operative October 1, 1961.

S.B. 700 (Ch. 1270). COLLIER. Amends, adds and repeals various secs., R. & T.C., re Motor Vehicle Fuel License Tax Law.

Defines gallon, as used in determining motor vehicle and license tax, in terms of volumetric gallonage without adjustment for temperature correction, except that temperature corrected gallonage is permitted with respect to certain specified distributions.

Provides that distributor or broker who acquires fuel pursuant to taxable distribution measured by temperature corrected gallonage and redistributes it on a volumetric gallonage basis, is liable for tax on excess of gallonage redistributed over gallonage acquired.

S.B. 702 (Ch. 552). MILLER. Amends Sec. 13407, Gov.C., re state purchases.

Provides that upon written request of any bidder who has submitted bid, notice of award of contract or purchase order under State Purchasing Act shall be publicly posted in offices of Department of Finance at least 24 hours prior to making award.

Provides that if, prior to award, bidder protests award on grounds that he is lowest responsible bidder, award shall not be made until protest is withdrawn or determined by Board of Control; and requires protesting bidder to file within 10 days after filing his protest full and complete written statement in support thereof.

Provides that in computing 24-hour periods required for notice to lowest bidder when bid is awarded to another and for public posting of notice of award, Saturdays, Sundays and legal holidays shall be excluded.

S.B. 703 (Ch. 2074). MILLER. Amends and repeals various secs., P.R.C., re oil and gas resources.

Permits oil and gas supervisor to approve utilization of methods for increasing oil recovery and provides that oil lease grants or contracts, in absence of express condition to contrary, convey right to utilize these methods for increasing oil recovery when such methods employed have been approved by supervisor. Provides for filing of monthly reports by owners of idle wells in addition to those who have producing wells.

Provides additional time for supervisor to record unitization statement, 20 days, rather than 10 days, and eliminates filing of notice of intent to drill as basis for inclusion of parcels of land of less than one acre in area into lease of surrounding lands. Authorizes owner of surrounding lands to request inclusion of such parcels in lease and permits oil and gas supervisor to act on his own motion. Provides for payment of royalty under unit operation on same basis as other unit interest holders.

Abolishes board of review, correction, and equalization, and provides, in lieu thereof, for review by Controller of assessments against oil and gas producing property levied to pay cost of state supervision of oil and gas.

S.B. 708 (Ch. 929). DOLWIG. Adds Secs. 4179.1, 4179.2, 4181.1, amends Sec. 4182, H. & S.C., re garbage and refuse disposal districts.

Authorizes appointment of members of appointing authority to district board of garbage and refuse disposal district, provides for staggered four-year term for mem-



STATE OF CALIFORNIA  
SACRAMENTO 14

Date: March 2, 1961

Subject: SENATE BILL 703

To: DeWitt Nelson, Director

From: Department of Natural Resources  
Division of Administrative Services

I have just received a telephone communication from the Office of the Controller relating to Senate Bill 703. This is a departmental bill.

Section 3417c as amended provides that if any person is dissatisfied with the assessment made or charge fixed by the department he may, at any time before the first Monday in July apply to the State Controller to have the assessment or charge corrected in any particular.

It is the feeling of the Controller's Office, in which I concur, that any correction prior to the time that the roll is submitted to the Controller should be made by this Department and I, therefore, suggest that the Bill be amended to strike the word "Controller" and to substitute, therefore, the words "Director of Natural Resources."

*E. A. Aronstein*  
E. A. ARONSTEIN, CHIEF

EAA:CH:mf

cc E. H. Musser

RECEIVED  
MARCH 10 1961  
DIVISION OF ADMINISTRATIVE SERVICES  
STATE OF CALIFORNIA

*Handwritten notes:*  
H. H. Musser  
1/2

LEGISLATIVE INTENT SERVICE (800) 666-1917



STATE OF CALIFORNIA  
SACRAMENTO 14

Received by  
[unclear]  
[unclear]

Date: March 2, 1961

Subject: SENATE BILL 703

To: DeWitt Nelson, Director

From: Department of Natural Resources  
Division of Administrative Services

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*[Signature]*  
E. A. ARONSTEIN, CHIEF

EAA:CH:mE  
cc E. H. Musser

*Has handwritten OK on*

Message to:  
*[Handwritten initials]*  
LEGISLATIVE INTENT SERVICE (800) 666-1917  
(date)

*Senators  
Oil - Gas*

**December 18, 1961**

**Honorable Randolph Collier  
206 Fourth Street  
Truckee, California**

**Dear Senator Collier:**

Reference is made to the hearing held by the Senate Fact Finding Committee on Transportation and Public Utilities in San Francisco on November 22, 1961, at which you were searching for knowledge in the field of gas production and gas reserves in the State of California.

As a result of our discussion at the hearing and the testimony given by others, I think I better understand the type of information which your committee is searching for; however, because of definitions and questions followed by the professional engineers in the field of oil and gas production, I am not sure that I can give you the specific answers to the questions that you and your committee wished raised.

As a result of that hearing, I have had created a new chart on which we have shown both the dry gas and oil well gas production, the gas brought in from out-of-state, the California gas supply available for sale, and the estimated known gas reserves from both dry gas and oil well gas for the period from 1951 through 1960.

As I review this with the engineers, I find that even this chart can be rather confusing, nor does it tell the full story. Unfortunately, I have been unable to develop a chart that does give the full picture for the following reasons:

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- 1) As shown on the chart the present known reserves from oil-well gas are of much greater magnitude than of dry gas. Yet, as Mr. Murray-Aaron pointed out at the hearing, all of this oil-well gas reserves supply is not and will not be available for general use or sale. A very large part of each year's oil-well gas production is consumed by the producers themselves and another substantial amount is withheld underground for oil well pressure maintenance purposes. Ultimately this latter amount of gas will become available when the oil production terminates perhaps twenty to forty years hence.
- 2) In the dry gas production the known reserves in volume have not changed greatly during recent years in spite of the fact that new fields have been discovered which appear to have a good potential. In exploring this portion of the problem, I am informed that the known reserves of such fields can not be determined until the wells have been hooked into distribution lines and until the fields have been in active production for some time in order to provide adequate testing opportunities. Therefore, some of the new fields are not included in this known dry gas reserves chart at this time nor will they be placed in that category until the production has received adequate test.
- 3) Further, even though we do establish these factors it should be recognized that production must be held to a properly established rate in order to ensure the maximum recovery over the life of the field. The rate of withdrawal of oil-well gas is also dependent upon the rate of oil production. From all of this it appears that with our known and anticipated gas reserves there is an insufficient supply of natural gas in California to meet all of our industrial needs and that we must, both currently and on the long range basis, recognize that imported gas must be made available. The question, of course, is how much and will it prevent the utilization of California's production which not only is important to our industries and our gas producers but also of vital importance to the leasing of new opportunities for offshore production by the State Division of Lands.





**Hon. Randolph Collier**  
**December 18, 1961**  
**Page 2**

**Not only must we have a market for our dry gas fields,  
but we must also have a market for our oil-well gas if  
we are to efficiently produce and utilize the oil and  
gas supply found in the offshore lands.**

**I fear that I have not adequately clarified the situation for you.  
If it would be helpful, I would suggest that we sit down with Mr.  
Murray-Lawson and Mr. F. J. Hertig for a complete discussion of the  
problem.**

**Sincerely yours,**

**Walter Nelson, Director**

**cc: Mr. F. J. Hertig**  
**Mr. E. R. Murray-Lawson**



SENATE FACT FINDING COMMITTEE ON TRANSPORTATION AND PUBLIC UTILITIES

SAN FRANCISCO

November 28, 1961

by

DeWITT NELSON, DIRECTOR  
DEPARTMENT OF CONSERVATION

Mr. Chairman and Members of the Committee:

I am DeWitt Nelson, Director of the Department of Conservation, of which the Division of Oil and Gas is a component.

I will confine my remarks to the functions, responsibilities and authorities of the Division of Oil and Gas. Mr. E. R. Murray-Aaron, Deputy Chief Supervisor of the Division, will present a statement dealing with natural gas production and reserves in the State of California.

The Division of Oil and Gas is now a part of the Conservation Department of the Resources Agency. The responsibilities are set forth in Section 3106 of the Public Resources Code as follows:

"The supervisor shall so supervise the drilling, operation, maintenance, and abandonment of wells as to prevent, as far as possible, damage to underground oil and gas deposits from infiltrating water and other causes, loss of oil, gas or reservoir energy, and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or the addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells."



Senate Fact Finding Committee on Transportation and Public Utilities

Thus it may be seen that authority of the Division relates solely to oil and gas wells from the initial location through the drilling, production and abandonment phases. The handling and disposition of the oil and gas, with one exception, is beyond the jurisdiction of the Division. This exception is that natural gas may not be wasted unreasonably. Thus the functions of supply, transportation, refining and marketing are phases of the industry in which the Division has no statutory interest.

The work of the Division may be broadly divided into two parts: first, the actual supervision of drilling, producing, and abandoning operations to prevent waste or damage; second, the collection of records and reports and the compiling of statistics and reports for publication. In the course of the former, field inspections of blowout prevention equipment, cementing and plugging operations and water shut-off demonstrations are made on a year-round 24-hours-per-day basis. A total of 42 oil and gas engineers are employed, ranging from the junior rating to the supervising level. The administrative head is the Division Chief or State Oil and Gas Supervisor. He is assisted by a Deputy Chief.

The statistical phase has included for many years a table on Natural Gas Production and Gas Reserves in the State. The gas reserve figures are prepared by Division engineers and are revised annually. The first figures were the result of a joint study by the Division of Oil and Gas and the

**Senate Fact Finding Committee on Transportation and Public Utilities**

Public Utilities Commission (then the Railroad Commission) in 1941-1942.

This report was published as Special Study No. S-258 on September 15, 1942,  
by the Railroad Commission.

The Division has cooperated since that time with the Public Utilities  
Commission by furnishing data regularly for a yearly report of the  
Commission on Production and Utilization of Natural Gas and as requested  
for a variety of special purposes.

**DeWITT NELSON  
DIRECTOR  
DEPARTMENT OF CONSERVATION**



SENATE FACT FINDING COMMITTEE ON TRANSPORTATION AND PUBLIC UTILITIES  
SAN FRANCISCO, NOVEMBER 28, 1961

Statement of E.R. Murray-Aaron, Deputy Chief, Division of Oil and Gas,  
Department of Conservation

Mr. Chairman and Members of the Committee:

My name is E. R. Murray-Aaron and I am Deputy Chief of the Division of Oil and Gas of the Department of Conservation.

The legal authority under which the Division of Oil and Gas operates relates only to the production phase of the oil and gas industry. The Division has no control over the amount of production except through the unreasonable waste of gas sections of the Public Resources Code. Unreasonable waste may come from blowing of gas to the air or from an excessive proportion of gas to the amount of oil produced, with the excess gas wasting reservoir energy. Numerous legal actions have been taken by the Division to curb excessive gas production from oil wells.

The supply of natural gas is now obtained from two sources, out of state and from in-state wells. The in-state supply is likewise from two sources, dry gas wells and oil wells. Dry gas production can be shut in or taken (aside from contractual obligations) as desired by the purchaser. The oil well gas supply, however, is dependent upon the amount of oil produced and the needs of the producer (again subject to contractual obligations). Further, only a part of the gas production from this source will be available for sale to the public utilities or private buyers, since the oil producer must first satisfy his own needs for power purposes or for use in the stimulation of oil production.

At this point it may be best to give a few simple statistics. The total California 1960 gas production was about 520 million Mcf. Of this, 180 million Mcf., or roughly 36 per cent, came from dry gas wells and the balance from oil wells. As of January 1, 1961, the total gas reserves of the state were calculated at 9,071 million Mcf. Of this, 2,105 million Mcf., or roughly 23 per cent, was in dry gas fields and the balance in oil fields. This means that over one-third (36%) of the production is coming from fields containing less than one-fourth (23%) of the state's <sup>known</sup> gas reserves.

Another factor to be considered is that a substantial part of the total California gas production is unavailable for general use or sale because it is used by the operators themselves in their own operations of producing, transporting, and refining of oil or in the manufacturing of other products. In 1960 this usage amounted to 241 million Mcf., according to Public Utilities Commission figures, or 46 per cent of the total gas production for the state. This gas is used in a great variety of ways, such as: to generate power for pumping, cleaning or transporting oil; to extract liquid hydrocarbons from the gas; to generate power in refineries or other plants owned by the operators; or as raw material in chemical manufacturing plants also owned by the oil or gas operators.

Another factor on the positive side is that a substantial quantity of oil well gas that is unavailable now will be released for general sale or use in the future. This is gas used now in repressuring oil fields to aid in increasing oil recovery. There are several fields in which a very substantial amount of gas is in effect stored underground. Actually some of this gas has been purchased from foreign sources for such use. When the gas repressuring



projects are completed, the gas will become available for general use. In some cases the gas repressuring may be augmented or followed by water flooding. The release of this gas will tend to bolster up the gas production curve temporarily.

The future production of oil and gas in California is important to the gas supply picture, although much less so, as more foreign supplies of gas become available. The trend of oil production and its associated gas over the past five years is downward, from roughly 356 million barrels of oil in 1955 to 305 million in 1960. We estimate that the amount of oil will decline steadily in the future, although there may be temporary increases. Since 1949 there have been no major additions to oil reserves from new fields. There have been additions from extensions of old fields or revisions of previous estimates but these have been insufficient to offset withdrawals by production. There is some hope that offshore development may stem the downward trend but results of recent years have not changed the picture. It is true that there have been a number of offshore fields discovered, notably off Santa Barbara County, but none of these appears to be in the major field category. (A "major field" is defined as one that may be expected to ultimately produce 100 million barrels of oil.) There are several, however, that appear to contain gas mostly and the production of these fields should be available for general use in the near future. The extent of these deposits is not known to us at present.

Dry gas production is more difficult to assess. Drilling is still active in the Sacramento Valley and the Delta Regions. The 1960 production of 180 million Mcf. of dry gas is considerably higher than the figure of 148 million Mcf. for 1955. The increase all came in one year, however, as the figure for 1959 was also about 148 million and the intervening years were lower. A prediction on future behavior is difficult because dry gas production is



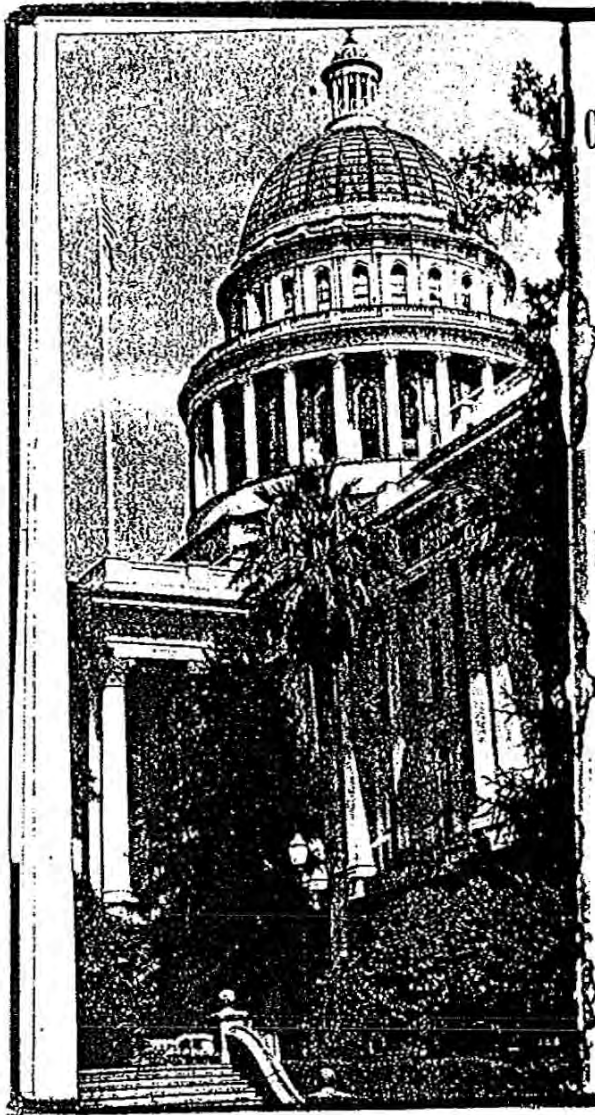
dependent upon needs of the purchasers. Over the past six years (1955-1960 inclusive), the withdrawal of gas has been at about 7 per cent of total reserve per year. In that time the dry gas reserves have increased roughly 260 million Mcf. despite withdrawals.

Since exploration is still very active for dry gas production, it seems reasonable that the average rate of withdrawal of around 150 million Mcf. per year during the past five years can be maintained for the next ten years or more, depending upon new discoveries.

A chart showing California natural gas production, available California gas, and gas brought in from out of state during the period 1945-1960 is attached hereto.







**CALIFORNIA LEGISLATURE**  
AT SACRAMENTO

*Biographies and Photographs of*  
**SENATE MEMBERS AND OFFICERS**

*List of*  
**SENATE AND ASSEMBLY MEMBERS,**  
**OFFICERS, ATTACHES, COMMITTEES**  
*and*  
**RULES OF THE TWO HOUSES**

*Together With a List of the Members of Congress,  
Supreme Court, State Officers, Boards, Commis-  
sions, Classification of Counties, Etc.*

**1961 REGULAR SESSION**  
**Convened January 2, 1961**



**JOSEPH A. BEEK**  
*Secretary of the Senate*

**ARTHUR A. OHNIMUS**  
*Chief Clerk of the Assembly*

2—L-2423

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SEN.

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REGULAR SESSION  
1961

*Compiled Under the Direction of*  
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by  
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Minute Clerk  
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Chief Assistant Secretary

4 L-2423

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**McATEER, "J" Eugene (D)** 14th District—San Francisco County — elected 1958; attorney and restaurant owner; b. San Francisco, February 28, 1916. Graduate Mission High School; University of California, A.B. 1937; School of Law, University of San Francisco, LL.B., 1952; 1941-46 U. S. Navy, Pacific Theatre; 1948-52 Member, California Veterans Board; 1952-53 Naval Aide, General Ridgway, SHARP, Paris; 1953-58 Member, Board of Supervisors, City and County of San Francisco; Member, American Legion; Veterans of Foreign Wars; Disabled American Veterans; Pile Drivers, Bridge Wharf and Dock Builders Union, Local 34; Elks No. 3; Native Sons of Golden West; Big "C" Society; Phi Alpha Delta (Legal Honorary); Press and Union League Club; South End Rowing Club; California Bar Association; Old Timers Baseball Association; The Olympic Club (President 1957).



**McBRIDE, James J. (D)** 33d District—Ventura County—b. Ireland—re-elected consistently since 1932; insurance broker; attended Pasadena and Los Angeles schools. Legislation has benefited agriculture, education, mental health, created Camarillo State Hospital, education and rehabilitation of physically handicapped children. Oil, agricultural products and small industry are mainsprings of county's economy; also United States Navy installations Port Huene and Point Mugu guided missiles base. Chairman Committee on Finance, member Revenue and Taxation, Financial Institutions, Governmental Efficiency, Natural Resources, Legislative Representation. Chairman Senate Committee on Interstate Cooperation, Vice President Board of Managers, Commission on Interstate Government. Active in many facets of community life. "Dean" of the Senate with 28 years of active public service.

**McCARTHY, John F. (R)** 13th District—Marin County—elected 1950 (youngest member of Senate); Vice President Robert McCarthy Construction Co.; b. San Francisco, 1924; educated at University of San Francisco and Heald's Engineering College; served three years overseas, U. S. Maritime Service, World War II; married Ursula Mulligan; five sons, one daughter; vitally interested in transportation problems; legislation includes creation of San Rafael-Richmond Bridge and Bay Area Rapid Transit District; Chairman Interim Committee on Bay Area Problems; member, Committees on Rules, Natural Resources, Transportation, Governmental Efficiency, Business and Professions; member: Native Sons, Elks, Eagles, Knights of Columbus; enthusiastic sportsman, enjoys baseball, golf, hunting.



**MILLER, George, Jr. (D)** 17th District—Contra Costa County—re-elected consecutively since 1948; served in Assembly, 1946-48; businessman; b. Oakland; attended Richmond public schools and St. Mary's College; LL.B. degree, U. C. School of Jurisprudence; Deputy Collector, Internal Revenue (Berkeley, Contra Costa), 1938-42; appointed Labor Relations Director, Henry J. Kaiser Corp., Richmond, 1943; married Dorothy Rumsey; three daughters, one son; legislation has affected highway development, state purchasing procedures, teachers' benefits, and aid to handicapped children; Vice Chairman, Fact Finding Committee on Governmental Administration; member, Committee on Rules.



L-2423

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1	A Arnold, Stanley, Lassen, Modoc, Plumas.....	Attorney.....	D.	Box 150, Susanville....	State Capitol	Dec. 1955-56- 57-58-59- 60-61
37	B Backstrand, L. M., Riverside.	Insurance- Realtor.....	R.	3620 Market St., River- side.....	State Capitol	1953-54-55- 56-57-58- 59-60-61
9	Begovich, John C., El Dorado, Amador.....	Legislator.....	D.	P.O. Box 24, Jackson...	State Capitol	1961

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73



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80

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13	McCarthy, John F., Marin.	General Contractor.....	R.	P.O. Box, 870 San Rafael.....	State Capitol.	Nov., 1950-51-52-53-54-55-56-57-58-59-60-61
17	Miller, George, Jr., Contra Costa.....	Businessman.....	D.	P.O. Box 909, Martinez	State Capitol.	1947-48-49-50-51-52-53-54-55-56-57-58-59-60-61
35	Murdy, John A., Jr., Orange.....	Farmer.....	R.	1623 W. 17th St., Santa Ana	State Capitol.	1953-54-55-56-57-58-59-60-61

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8	<sup>O</sup> O'Sullivan, Virgil, Colusa, Glenn, Tehama.....	Attorney.....	D.	Box 427, Williams.....	State Capitol.	1959-60-61
39	<sup>O</sup> Quick, Aaron W., Imperial.	Retired.....	D.	14 10th St., Calexico.....	State Capitol.	1961
12	<sup>R</sup> Rattigan, Joseph A., Sonoma.....	Attorney.....	D.	1041 College Ave., Santa Rosa.....	State Capitol.	1959-60-61
5	Regan, Edwin J., Shasta, Trinity.....	Attorney.....	D.	P.O. Box 176, Weaverville.....	State Capitol.	1949-50-51-52-53-54-55-56-57-58-59-60-61
38	Richards, Richard, Los Angeles.....	Attorney.....	D.	State Building, Los Angeles.....	State Capitol.	1955-56-57-58-59-60-61

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81



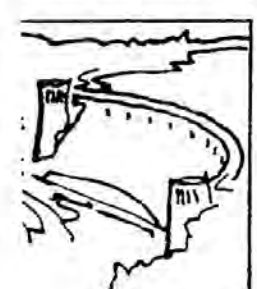
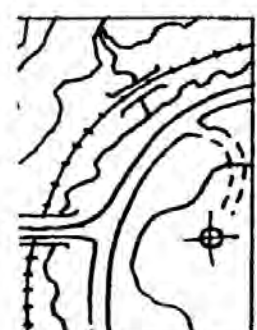
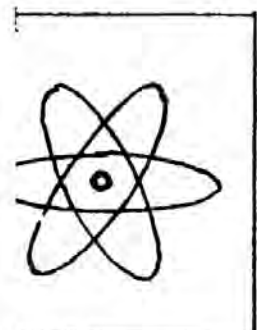
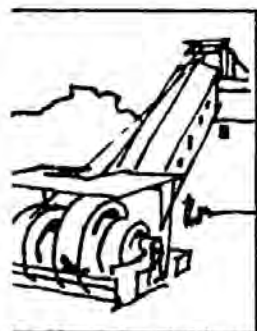
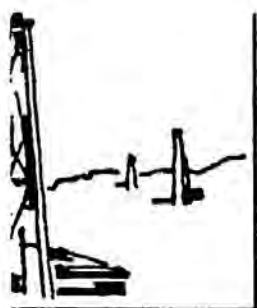
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# Section of Mineral and Natural Resources Law

## 1962 Proceedings

San Francisco, California  
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Look through the Roster by States of the members of our Section appearing at the end of your volume of 1962 Proceedings. If you have a friend who is not a member of our Section, you can interest him in joining by showing him this volume and handing him one of the Section Membership Information brochures containing a membership application which was recently sent you with a committee preference questionnaire. This volume and the volume of 1962 Committee Reports previously mailed you show the many and varied activities of our Committees and the interesting discussions and addresses which are a part of our programs at Annual and Regional Meetings.

If you no longer have a Section Membership Information brochure, tell your friend that he may enroll in our Section by sending his check for \$7.00 for Section membership to Farrington B. Kinne, Director of Section Services, American Bar Association, 1155 East 60th Street, Chicago 37, Illinois. Your friend, of course, must be a member of the American Bar Association to enroll in our Section.

### **MARK YOUR CALENDAR**

Our Program Committee is now arranging a full program for our Section for Monday and Tuesday, August 12 and 13, 1963, at the Annual Meeting in Chicago. Plan to attend.

### **SUGGESTIONS**

If you have any suggestions for the operation of the Section or any of its Committees, please send them to Howard A. Twitty, Section Chairman, whose address is 414 Title and Trust Building, Phoenix 3, Arizona.



SECTION OF  
MINERAL  
AND NATURAL  
RESOURCES LAW

PROCEEDINGS  
SAN FRANCISCO, CALIFORNIA  
AUGUST 6-8, 1962

SALT LAKE CITY, UTAH  
MAY 31, 1962

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1962-1963

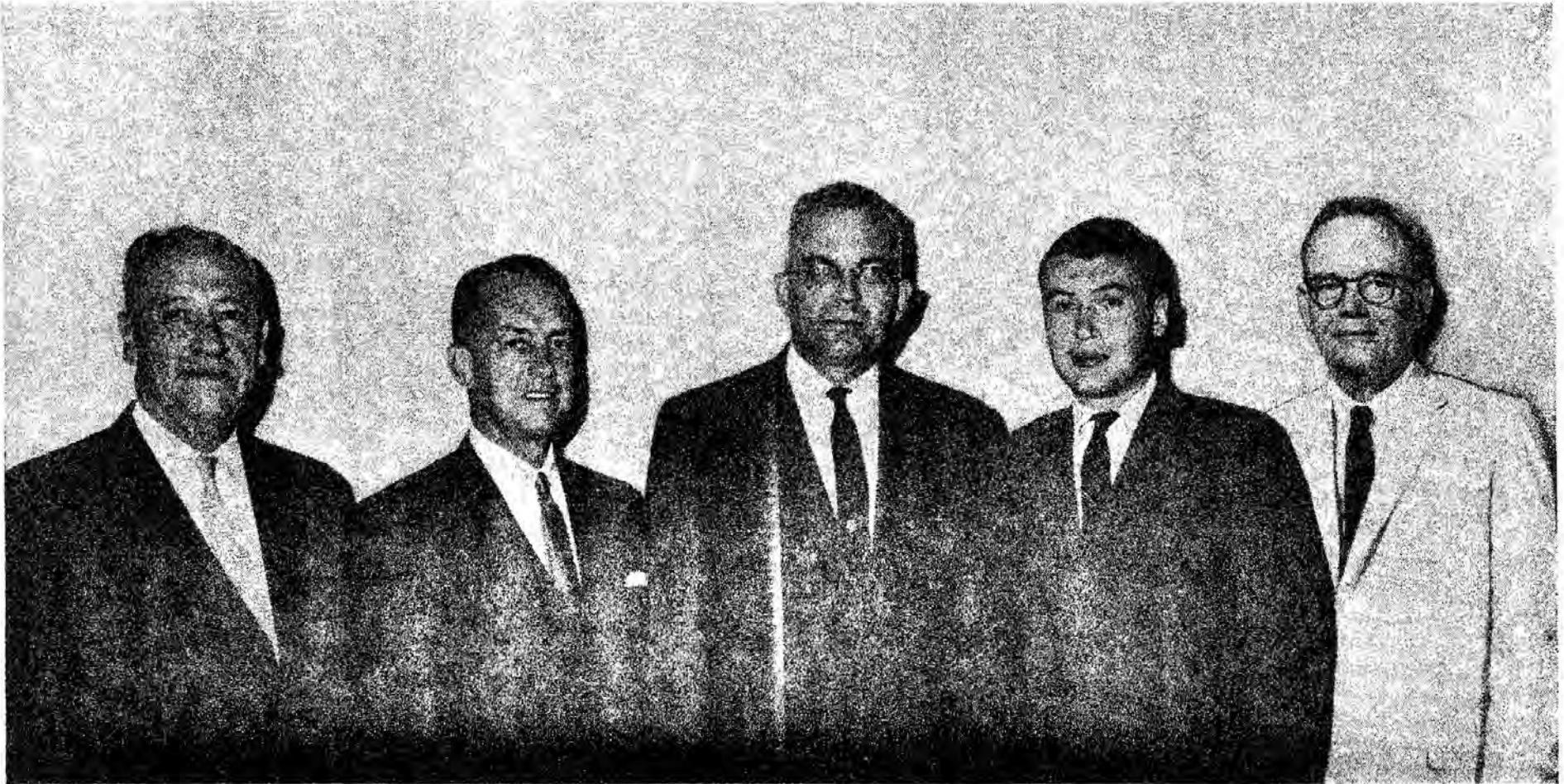
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## TABLE OF CONTENTS

1962-1963 OFFICERS AND MEMBERS OF THE COUNCIL . . . . .	v
PAST CHAIRMEN OF THE SECTION . . . . .	v
1962-1963 COMMITTEES OF THE SECTION . . . . .	vi
General . . . . .	vi
Special . . . . .	viii
PROCEEDINGS AT THE SAN FRANCISCO, CALIF., MEETING . . . . .	1
SUMMARY OF PROCEEDINGS—Howard A. Twitty . . . . .	1
THE CHALLENGE OF NATURAL GAS REGULATION—Joseph C. Swidler . . . . .	2
LEGAL AND LEGISLATIVE ASPECTS OF COAL PIPELINES—	
I. Cecil H. Underwood . . . . .	8
II. L. James Huegel . . . . .	10
PENDING LEGISLATION AFFECTING MINING LAWS—W. Howard Gray . . . . .	18
RECENT DEVELOPMENTS IN OIL AND GAS LAW—Robert E. Sullivan . . . . .	22
THE DOMINANT OIL AND GAS ESTATE—MASTER OR SERVANT OF THE SERVIENT ESTATE—William B. Browder . . . . .	45
THE EXPANDING ATOMIC ENERGY LEGAL ACTIVITIES—Herzel H. E. Plaine . . . . .	64
THE ROLE OF MINERALS AND NATURAL RESOURCES IN THE FUTURE DEVELOP- MENT OF THE WESTERN STATES—Stephen L. R. McNichols . . . . .	70
ISSUES AFFECTING NATURAL RESOURCES—1962—Panel Discussion . . . . .	74
Richard Wagner . . . . .	74
John M. Kelly . . . . .	75
Arch A. Moore, Jr. . . . .	77
Frank N. Ikard . . . . .	81
C. William Cooper . . . . .	84
OUTDOOR RECREATION—NEW PROBLEMS IN LAND USE—Henry L. Diamond . . . . .	89



SECTION OF MINERAL AND NATURAL RESOURCES LAW

CURRENT PROBLEMS RELATING TO ACQUISITION OF FEDERAL OIL AND GAS LEASES—Frederic L. Kirgis . . . . .	94
THE RELATIONSHIP BETWEEN THE LAWS GOVERNING WATER RIGHTS AND THOSE GOVERNING OTHER NATURAL RESOURCES—Northcutt Ely . . . . .	106
CONGRESS AND THE NATION'S WATER RESOURCES—Walter E. Rogers . . . . .	113
PROBLEMS OF FEDERAL AND STATE RELATIONSHIPS IN THE FIELD OF WATER LAW—Stanley Mosk . . . . .	120
MINUTES OF MEETINGS—Alfred C. DeCrane, Jr., Secretary . . . . .	126
REVISED BY-LAWS . . . . .	134
PROCEEDINGS AT THE SALT LAKE CITY REGIONAL MEETING . . . . .	138
THE EROSION OF THE LAW OF DISCOVERY—Howard A. Twitty . . . . .	138
TO CUT, TO GRAZE, TO CROSS—THESE ARE THE QUESTIONS—James P. Rogers . . . . .	147
REGULATION OF OIL AND GAS DEVELOPMENT—Clyde O. Martz . . . . .	159
NEW BATTLEFIELDS IN THE WAR FOR WATER—Edward W. Clyde . . . . .	170
ROSTER OF MEMBERS . . . . .	176



**SECTION OF MINERAL AND NATURAL RESOURCES LAW  
1962-1963**

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**PROCEEDINGS OF THE  
SECTION OF MINERAL AND NATURAL RESOURCES LAW**

**SAN FRANCISCO, CALIFORNIA**

**August 6-8, 1962**

**SUMMARY OF PROCEEDINGS**

Under the able guidance of Bernard A. Foster, Jr., the Section of Mineral and Natural Resources Law had a very successful year. The Section participated in the program of the Regional Salt Lake City Meeting of the Association held on May 31-June 2 of this year. The papers presented by this Section at this Regional Meeting are printed in these Proceedings. Clair Senior deserves a special word of thanks for making this Section's part in this Regional Meeting a success.

Again the 1962 Committee Reports of this Section were published and mailed to each Section member prior to the Annual Meeting held at San Francisco on August 6-8 of this year. These Committee Reports review the legislation and judicial and administrative decisions over the past year in their respective fields. They are a valuable acquisition to the law library of any lawyer whose practice takes him into these fields.

It is planned to continue the practice this year of having the Committee Reports printed and mailed to members of the Section prior to the Annual Meeting. Committee Chairmen and Vice-Chairmen have been appointed for the various Committees for 1962-1963. Committee Chairmen have made many assignments of work in their various Committees. In order to assure every member of the Section an opportunity to express his desire for work on one of the Committees, the Council voted at a meeting at San Francisco that the members of the Section should all be contacted by mail in order to ascertain those

who may desire to work on one of the various Committees. Until the various Committee Chairmen have been able to study the information thus obtained, the complete roster of the various Committees cannot be announced.

The Program Committee, under the Chairmanship of Jesse P. Luton, Jr., presented last August 6-8 at the San Francisco Annual Meeting an outstanding, well-balanced program. All of these papers are printed in these Proceedings. The Program Committee instituted two highly successful innovations. A Section luncheon was held on August 7 at which Hon. Stephen L. R. McNichols, Governor of Colorado, was the speaker. Besides the customary reception, the Section had an enjoyable dinner at Goman's Gay 90's, which attracted a capacity crowd.

Plans are already being made for the Program at the Annual Meeting at Chicago next August. Jesse P. Luton, Jr. has agreed to serve next year as Chairman of the Program Committee. With him as Chairman, we can be assured the Program will be outstanding.

It is intended to continue the special efforts which commenced last year to increase the membership of the Section. Every member of the Section can help in these efforts to increase the membership by asking other attorneys interested in the natural resources fields of law to join the Section. With a larger membership, the work of the Section can be made even more effective.

HOWARD A. TWITTY, *Chairman*



if the owners of the small tracts had been given an opportunity to pool them on reasonable terms.

*Railroad Commission v. Williams*, 356 S.W.2d 131 (Oct. 1961), (motion for rehearing pending).

This is another consideration of the right to drill a well on a small tract as an exception to the spacing pattern. The court recognized that each separate tract is not entitled to a well as a matter of right and that in the absence of the question of waste, the owner of a tract can get a well as a spacing exception only if he can show that without the well the minerals under his tract will be confiscated. The court held that this was not shown in the Williams case because the owner of the 3.3 acre tract in question would have an opportunity to produce the minerals under that tract from a nearby well on another tract.

*Coloma Oil & Gas Corp. v. Railroad Commission*, 348 S.W.2d 490 (1961, writ of error granted).

This case is similar to the *Williams* case except that it involves two commonly owned tracts which are not adjoining but are separated by about 200 feet. The Court of Civil Appeals held that each tract was entitled to a well as a matter of right. The Texas Supreme Court reversed the lower court and held that the owner was not entitled to a well on each tract.

*Lone Star Gas Co. v. Murchison*, 353 S.W.2d 870 (Tex. Civ. App. 1962)

This is a case involving underground gas storage, a case of first impression in Texas. The Dallas Court of Civil Appeals held that title to gas is not lost by injection of it into a depleted gas reservoir. An application for writ of error has been filed in the Supreme Court but has not yet been acted upon.

*Rudman v. Railroad Commission*, 349 S.W.2d 717 (1961).

In this case the Texas Supreme Court held a gas proration order void because it assigned allowables retroactively instead of assigning them in advance. Orders like this,

called "Henze type orders," have been used in a number of gas fields in Texas.

## C. LEGISLATIVE

### Arizona

Arizona has adopted significant conservation legislation during the last year:

1. Section 27-507-01 (ARS) is a common purchaser statute for crude oil and petroleum and provides for ratable taking and also prohibits discrimination as to purchases.

2. Section 27-508-0 (ARS) is a common purchaser statute for gas. It prescribes the duties of the purchaser, provides for ratable taking, and prohibits discrimination in purchases.

3. Section 27-531 (ARS) is a fieldwide unitization statute. It is patterned after the Oklahoma, Arkansas and Alaska statutes.

4. Waste has been defined in Section 27-501 (ARS) as follows:

(f) The production of oil and gas when it is unprofitable to dispose of such production.

5. Section 27-504 (ARS) has been amended to provide for administrative approval of an unorthodox location when the original location is classified as "being unduly burdensome."

6. Section 27-513-01 (ARS) provides a method for service upon an operator.

### California

S.B. 703, effective September 15, 1961, amended and repealed various sections of the Public Resources Code concerning oil and gas conservation and well spacing. The amendment to Section 3106 permits the oil and gas supervisor to approve utilization of methods for increasing oil recovery and, in order to further the elimination of waste, provides that oil lease grants or contracts, in the absence of an express condition to the contrary, convey the right to utilize these methods for increasing oil recovery when such methods employed have been approved by the supervisor. Section 3227 was amended to provide for the filing of monthly reports with the supervisor by owners of idle wells in addition



to those who have producing wells. In connection with the unitization statement required for the "blanketing-in" of a parcel of land less than one acre in area into the surrounding lease, Section 3608 was amended to provide additional time for the supervisor to record such statement, to eliminate the need to file a notice of intention to drill, and to provide that the owner of such parcel shall receive a pro rata share of royalty and other benefits accruing to lessors of the surrounding lease. The board of review, correction, and equalization was abolished and, in lieu thereof, provision was made for review by the controller of assessments against oil and gas-producing property levied to pay the cost of state supervision of oil and gas.

S.B. 1298, effective September 15, 1961, added Sections 6830.1, 6830.2, and 6830.3 to the Public Resources Code, authorizing the State Lands Commission and any holder of a lease in the Huntington Beach Oil and Gas Field to mutually agree to modifications of the lease to permit secondary recovery operations and prescribing certain conditions and provisions to be included in such modified leases. The announced purpose of this legislation is to prevent waste and assure production of optimum quantities of oil and gas from lands owned by the State and specifically the tide and submerged lands within this field.

S.B. 1458, effective September 15, 1961, added Section 731c to the Code of Civil Procedure, providing that injury to formations bearing oil or gas or to oil or gas wells caused by the subsurface migration of any substance as a result of secondary recovery operations conducted in accordance with good oil field practices shall not be grounds for enjoining such operations if adequate security, to be approved by the court, is given for the payment of any compensable damages to which the owners of interests in such formations or wells may be entitled resulting from such injury. Any benefit to the injured property from such operations shall be considered in mitigation of such injury.

#### *Florida*

The 1961 Legislature enacted Chapter 61-229 (Senate Bill 678), supplementing

Section 377.24 of Title 14 of the Florida Statutes relating to well permits. The new provisions set up guidelines to be followed by the State Board of Conservation in issuing permits and also classify permits into two categories: one for drilling, exploring and extracting through "well holes" and another for surface exploration and extraction will not be issued until the applicant has posted bond in an amount determined by the Board to insure restoration of the surface to its original state.

#### *Michigan*

House Bill No. 542 reported in our May 3, 1961, report has been passed into law. This law amends and clarifies Act 61, "Oil Conservation Act" as to (1) the regulating of uniform spacing of oil and gas wells and (2) regulating the drilling of wells for natural gas and liquified petroleum gas storage.

The Commissioner will soon hold the first of a series of hearings as to the new proposed rules and regulations provided for and required by the amending of Act 61. These hearings should terminate prior to the end of this year.

#### *Mississippi*

A compulsory fieldwide unitization bill was introduced in the regular 1962 Session, passed the Senate, but failed to pass the House.

#### *Nebraska*

LB 244 amending Section 57-911, Revised Statutes of Nebraska, 1943, eliminates the requirement of personal service on interested parties in the case of an application for an exception from an established spacing pattern.

#### *Oregon*

The 1961 session of the legislature enacted unitization rules. The suggested Interstate Oil Compact Commission's unitization law was used as a model for the legislation. Statutes concerning unitization are now found at O.R.S. 520.210 through 520.330.

The legislature also enacted provisions controlling the issuance of oil and gas





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## DECLARATION OF JENNY S. LILLGE

I, Jenny S. Lillge, declare:

I am an attorney licensed to practice in California, State Bar No. 265046, and am employed by Legislative Intent Service, Inc., a company specializing in researching the history and intent of legislation.

Under my direction and the direction of other attorneys on staff, the research staff of Legislative Intent Service, Inc. undertook to locate and obtain documents relevant to the enactment of Senate Bill 703 of 1961. The documents listed below were obtained through Legislative Intent Service, Inc.'s online quick purchase service of previously-compiled legislative histories. Senate Bill 703 was approved by the Legislature and was enacted as Chapter 2074 of the Statutes of 1961.

The following list identifies all documents purchased on January 28, 2022, through Legislative Intent Service, Inc.'s online quick purchase service of compiled legislative histories, on Senate Bill 703 of 1961. All documents listed in this Declaration are true and correct copies of the originals gathered by Legislative Intent Service, Inc.

### **SENATE BILL 703 OF 1961:**

1. All versions of Senate Bill 703 (Miller-1961);
2. Procedural history of Senate Bill 703 from the 1961 *Senate Final History*;
3. Excerpt of Governor's Message from the 1961 *Journal of the Senate*;
4. Excerpt regarding Senate Bill 703 from the *Journal of the Senate*, 1961;
5. Excerpt regarding Senate Bill 703 from the *Journal of the Assembly*, 1961;
6. Post-enrollment documents regarding Senate Bill 703;

7. Excerpt regarding Senate Bill 703 from the 1961 *Summary Digest of Statutes Enacted*, prepared by Legislative Counsel;
8. Material from the legislative bill file of the Department of Natural Resources on Senate Bill 703 as follows:
  - a. Previously Obtained Material,
  - b. Updated Collection of Material;
- + 9. Excerpt regarding Senator George Miller from the 1961 “Legislative Handbook”;
10. Excerpt regarding Senate Bill 703 from the 1962 Proceedings of the American Bar Association, Section of Mineral and Natural Resources Law.

+ Because it is not unusual for more materials to become publicly available after our earlier research of legislation, we re-gathered these file materials, denoting them as “updated collection of material.”

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 23rd day of March, 2022 at Woodland, California.



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JENNY S. LILLGE