

SENATE BILL

INTRODUCED BY SENATOR QUINN

May 28, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507 and 1514 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, and providing for the reversion of certain funds to the General Fund.

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

SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of the Military and Veterans Code, and Chapter 662 of the Statutes of 1929 are repealed.

SEC. 2. The heading of Chapter 1 of Division 7 of the Military and Veterans Code is amended to read:

CHAPTER 1. ~~EMERGENCY WAR POWERS~~ DISASTER
PREPAREDNESS AND RELIEF

SEC. 3. Section 1500 of said code is amended to read:
1500. It is hereby found and declared that it is necessary, because of the war in which the United States of America is engaged, to grant to the Governor, to certain State officers, and

1 to the political subdivisions, municipal corporations and other
2 public agencies of the State and to the officers and employees
3 thereof, certain emergency war powers and the incidents thereof
4 enumerated herein. It is further declared to be the purpose of
5 this chapter, and the policy of the State thereby to assist the
6 Chief of the Army and Navy, in the successful prosecution of
7 the war, to cooperate with the Federal Government and other
8 States in matters relating to the war effort, to meet the exten-
9 sive conditions and problems resulting in this State from the
10 war by establishing such organizations and taking such steps
11 as are necessary and appropriate to carry out the provisions
12 hereof, and, generally, to defend the State, protect the public
13 peace, health, and safety and preserve the lives and property
14 of the people of the State. *The State has long recognized its*
15 *responsibility to provide for preparedness against disasters that*
16 *may result from such calamities as flood, fire, earthquake, pesti-*
17 *lence, war, sabotage and riot. It is hereby found and declared*
18 *that it is necessary, to enable the State to more effectively join*
19 *with political subdivisions, municipal corporations and other*
20 *public agencies of the State, in preparing to cope with and guard*
21 *against conditions which may result in extreme peril to life,*
22 *property and the resources of the State, and, generally to pro-*
23 *tect the health and safety and preserve the lives and property*
24 *of the people of the State, and, in times when the United States*
25 *of America is engaged in war, to assist the Federal Government*
26 *in the successful prosecution thereof, that a readjustment of the*
27 *provisions of law for dealing with such hazards be accomplished*
28 *in the light of wartime experience, and that advantage be taken*
29 *of those implements and methods, organizations and arrange-*
30 *ments that have already been developed to deal with possible*
31 *future disasters.*

32 Sec. 4. Section 1501 of said code is amended to read:

33 1501. This chapter may be cited as the "California War
34 Powers Disaster Act."

35 Sec. 5. Section 1502 of said code is amended to read:

36 1502. As used in this chapter, "War Disaster Council"
37 means the California State War Disaster Council.

38 Sec. 6. Section 1504 of said code is amended to read:

39 1504. As used in this chapter, "protective mutual aid
40 region" means an area within the State not wholly confined to
41 a single city, or city and county, or county, and not necessarily
42 coterminous with the boundary lines of any city, city and county,
43 or county; in which during periods of a "state of extreme
44 emergency" certain centralized responsibility and authority
45 with respect to the rendering of aid among public agencies is
46 vested in the Director over all protective services, personnel,
47 equipment, and facilities within such area.

48 Sec. 7. Section 1505 of said code is amended to read:

49 1505. As used in this chapter, "state of extreme emergency"
50 means the duly proclaimed existence of conditions of extreme
51 peril to the safety of persons and property within the State

1 caused by an enemy attack or threatened attack by land, sea, or
2 air, or when upon the advice of the commanding general of this
3 area, such an attack is imminent, an air raid alarm, sabotage, or
4 other cause such as fire, flood, storm, epidemic, riot, or earth-
5 quake, which conditions by reason of their magnitude are or are
6 likely to be beyond the control of the protective services, per-
7 sonnel, equipment and facilities of any single city, city and
8 county, or county and require the combined forces of a
9 "protective mutual aid region or regions" to combat. "State
10 of extreme emergency" does not include nor does any provision
11 of this chapter apply to any condition resulting from a labor
12 controversy.

13 Sec. 8. Section 1507 is added to said code, to read:
14 1507. The State Fire Disaster Plan as heretofore approved
15 by the State Council of Defense and as said plan may have been
16 modified or amended by the State War Council, and the State
17 Law Enforcement Mutual Aid Plan as heretofore approved by
18 the State War Council, shall continue to be in effect, and either
19 of them may hereafter be modified by the Disaster Council.
20 The State of California Standing Operational Plan and Alert
21 List as developed by the California State War Council shall
22 remain in full force and effect until and as it may be revised or
23 amended by the Governor upon the recommendation of the
24 Disaster Council.

25 Sec. 9. Section 1509.8 of said code is amended to read:

26 1509.8. Except as in this chapter otherwise provided the
27 War Council Governor succeeds to and is vested with all the
28 duties, powers, purposes, responsibilities and jurisdiction of the
29 California State War Council and of the State Council of
30 Defense; and except as in this chapter otherwise provided when-
31 ever by the provisions of any statute or law now in force or that
32 may hereafter may be enacted a duty or jurisdiction is imposed
33 or a jurisdiction or authority conferred upon the State War
34 Council or the State Council of Defense such duty, jurisdiction
35 and authority are hereby imposed upon and transferred to the
36 War Council and the appropriate officers thereof Governor and
37 his staff with the same force and effect as though the title of the
38 War Council Governor had been specifically set forth and
39 named therein in lieu of the State War Council or of the State
40 Council of Defense.

41 The War Council and the appropriate officers thereof Gov-
42 ernor shall be in possession and control of all records, books,
43 papers, offices, equipment, supplies, moneys, funds, appropria-
44 tions, land and other property, real or personal, now or hereafter
45 in the custody or under the control of the State War Council or
46 of the State Council of Defense or held for the benefit or use of
47 the State War Council or of the State Council of Defense.

48 Sec. 10. Section 1509.9 of said code is amended to read:
49 1509.9. The Governor and the War Council are empowered
50 to expend the moneys in any appropriation or in any special
51 fund in the State treasury now remaining or made available by
52 law for expenditure by the California State War Council or

1 Defense or for the use, support or maintenance of the California
2 State War Council ~~of Defense or appropriated for the purpose~~
3 ~~of carrying out the provisions of this chapter.~~

4 Sec. 11. The heading of Article 2 of Chapter 1 of Division 7
5 of said code is amended to read:

6 Article 2. Organization and Duties of the ~~War~~ California
7 State Disaster Council

8 Sec. 12. Section 1510 of said code is amended to read:
9 1510. There is hereby created a California State War
10 Disaster Council to consist of the following:

- 11 (a) The Governor;
- 12 (b) ~~The Lieutenant Governor;~~
- 13 (c) ~~The Director of the California State War Council;~~
- 14 (d) ~~The Attorney General;~~
- 15 (e) ~~Two (c) One representative of the city governments of~~
16 ~~the State, and one representative of the county governments of~~
17 ~~the State, to be appointed by the Governor and to serve at his~~
18 ~~pleasure, provided these members shall be from different coun-~~
19 ~~ties;~~
- 20 (f) ~~Two representatives of the county governments of the~~
21 ~~State to be appointed by the Governor and to serve at his~~
22 ~~pleasure.~~
- 23 (g) ~~A representative of the American Red Cross, to be~~
24 ~~appointed by the Governor;~~
- 25 (h) ~~A representative of the city or county fire services of the~~
26 ~~State, appointed by the Governor and to serve at his pleasure;~~
- 27 (i) ~~A representative of the city or county law enforcement~~
28 ~~services of the State, appointed by the Governor and to serve at~~
29 ~~his pleasure.~~

30 ~~Two members The President pro tempore of the Senate~~
31 ~~appointed by the Rules Committee of the Senate; and two mem-~~
32 ~~bers the Speaker of the Assembly appointed by the Speaker shall~~
33 ~~meet with and participate in the work of the War Disaster Coun-~~
34 ~~cil to the same extent as members of the council appointed by~~
35 ~~the Governor, excepting when such participation is constitu-~~
36 ~~tionally incompatible with their respective positions as Members~~
37 ~~of the Legislature.~~

38 Sec. 13. Section 1511 of said code is amended to read:

39 1511. Excepting those members of the War Council for
40 whom compensation is specifically provided herein, Neither the
41 members of the War Disaster Council; nor the members of the
42 Legislature shall receive compensation for their services under
43 this chapter, but they shall be reimbursed for their actual and
44 necessary expenses incurred in connection with their duties
45 hereunder, or in lieu thereof shall receive mileage and ten dol-
46 lars (\$10) per day of actual service.

47 Sec. 14. Section 1512 of said code is amended to read:

48 1512. The Governor shall be ex officio Chairman and the
49 Lieutenant Governor ~~ex officio vice chairman~~ of the War
50 Disaster Council.

1 Sec. 15. Section 1513 of said code is amended to read:

2 1513. It shall be the duty of the War Disaster Council, and
3 it is hereby empowered -

4 (a) To act as an advisory body to the Governor in all activities
5 made necessary by the times of war which requires State direc-
6 tion, administration, assistance or coordination; or disaster and
7 occurrences by recommending ameliorative action. The Disas-
8 ter Council shall meet upon call of the Governor.

9 It shall also be the duty of the Disaster Council, and it is
10 hereby empowered:

11 (b) (a) To prepare and recommend for consideration by the
12 Governor, rules or regulations or orders which are within the
13 province of the Governor to promulgate;

14 (c) (b) To consider and recommend to the Governor for
15 approval the boundaries of such "protective mutual aid
16 regions" of the State as may be designated;

17 (d) (c) To consider and approve inter-regional and regional
18 mutual aid plans;

19 (e) (d) To recommend to the Governor the assignment of any
20 protection or war service for which specific provision is not made
21 by Section 1532 or activity relative to disaster or disaster plan-
22 ning to a State department having duties related to such pro-
23 tection or war service - or activity;

24 (f) (e) To consider and recommend the creation by the Gov-
25 ernor of advisory committees in order to make available to the
26 State civilian participation and cooperation in civilian defense
27 disaster planning and activities;

28 (g) (f) To consider and recommend the expenditures of
29 moneys appropriated for any of the objects or purposes of this
30 chapter;

31 (h) (g) To develop a State Disaster Preparedness Plan built
32 around mutual aid and integrate into such plan the several State
33 departments and agencies whose resources are necessary in cop-
34 ing with disasters;

35 (i) (h) To encourage the development and maintenance of
36 mutual aid plans and agreements whereunder local agencies
37 may most effectively protect life and property during periods
38 of emergency;

39 (j) (i) To evaluate State communications systems with particu-
40 lar regard to their adequacy in case of disaster.

41 Sec. 16. Section 1514 is added to said code, to read:

42 1514. Nothing herein shall operate to prevent the Governor
43 from establishing a committee or board composed of heads of
44 State departments or agencies of the State Government, should
45 he deem it necessary to aid him or the Disaster Council or both
46 in obtaining information or advice, assisting in developing or
47 carrying out plans, or otherwise acting in accomplishment of
48 the purposes of this chapter.

1 Sec. 17. The heading of Article 3 of Chapter 1 of Division
2 7 of said code is amended to read:

3 Article 3. *Civilian Defense Citizens' Advisory Committees*

4
5 Sec. 18. Section 1520 of said code is amended to read:
6 1520. The Governor shall *may* create advisory committees to
7 assist in specific fields of civilian defense activity *protection and*
8 *disaster preparedness*. He shall appoint the members thereof
9 and they shall serve at his pleasure. He shall also designate
10 the chairman and vice chairman thereof. The committees shall
11 be under the direction of the Director *Governor or such State*
12 *department head as he shall designate*, and shall be wholly
13 advisory in character and shall not be delegated any administra-
14 tive authority or responsibility. Members of such committees
15 shall not receive compensation from the State for their services
16 under this chapter, but when called into conference or session
17 by the Governor *or a department head designated by him* shall
18 be reimbursed for their actual and necessary expenses incurred
19 in connection with such conferences or sessions, *or in lieu thereof*
20 *shall receive mileage and ten dollars (\$10) per day of actual*
21 *service*.

22
23 Sec. 19. The heading of Article 4 of Chapter 1 of Division
24 7 of said code is amended to read:

25 Article 4. *Creating the Office of Director of the California*
26 *State War Council and Prescribing his Succession of the*
27 *Governor to Certain Powers and Duties*

28
29 Sec. 20. Section 1530 of said code is amended to read:

30 1530. There is hereby created in the office of the Governor,
31 the office of Director of the California State War Council. Such
32 officer shall be appointed by the Governor with the advice and
33 consent of the War Council. He shall serve at the pleasure of
34 the Governor and receive such salary as the Governor shall
35 designate. The Governor shall also employ and fix the salaries
36 of such assistants and employees as he may deem necessary; and
37 shall prescribe their duties.

38 The director, under the direction and supervision of the Gov-
39 ernor, shall be the chief executive officer in carrying out the
40 objects and purposes of this chapter. All of the administrative
41 staff shall be under the supervision and direction of the director.
42 He *The Governor* is the successor of the State Director of
43 Civilian Defense, the State Director of Civilian Protection, and
44 the State Director of Civilian War Services *and the Director of*
45 *the California State War Council*. Whenever any law of this
46 State imposes duties upon or vests powers in the State Director
47 of Civilian Defense, the State Director of Civilian Protection,
48 or the State Director of Civilian War Services *or the Director of*
49 *the State War Council*, that duty shall be performed or that

1 power exercised by the Director of the California State War
2 Council *Governor* with the same force and effect as though said
3 director *the Governor* had been specifically named in such law.

4 Whenever conditions exist within any region or regions which
5 warrant the proclamation by the Governor of a state of extreme
6 emergency and the Governor has not acted under the provisions
7 of Section 1550 hereof by reason of the fact that he has been
8 inaccessible (due to causes other than those set forth in Section
9 16 of Article V of the Constitution), the director may proclaim
10 the existence of a state of extreme emergency in the name of
11 the Governor as to any region or regions of the State.

12 Sec. 21. Section 1540 of said code is amended to read:

13 1540. The Governor; whenever the War Council so recom-
14 mends, shall *may* assign to a State department any protection
15 of war services activity *concerned with disaster preparedness*
16 of a nature related to the existing powers and duties of such
17 agency, and it shall thereupon become the duty of such agency
18 to undertake and carry out such activity on behalf of the State
19 and in cooperation with the director.

20 Sec. 22. Section 1541 of said code is amended to read:

21 1541. Any unexpended and unencumbered balance remain-
22 ing on the effective date of this section of the sum appropriated
23 by Chapter 292, Statutes of 1942; and any such balance of the
24 sum appropriated by Section 2 of Chapter 1, First Extraor-
25 dinary Session of 1943 (Statutes of 1942, p. 2377), shall on
26 said effective date be transferred to the Emergency Fund. Item
27 221 of the Budget Act of 1942, said balance to be available
28 according to the procedure provided in said item 221, but only
29 for the purposes of this chapter; said moneys to *Any funds*
30 *appropriated for the support of the Disaster Council or for the*
31 *purposes of this chapter* shall be allotted by the Director of
32 Finance to a State agency having duties pursuant to Section
33 1540, or allotted to the Governor, to be expended under his direc-
34 tion; in carrying out, through the War Council and the office
35 of the director, the objects and purposes of this chapter.
36 Extraordinary services incurred by local governmental agencies
37 in executing mutual aid agreements shall constitute a legal
38 charge against the State when approved by the Governor; pro-
39 vided that such agreement has received the approval of said
40 Disaster Council, or the previous approval of the California
41 State War Council.

42 In addition to any appropriation made to support activities
43 contemplated by this act, the Governor is empowered to make
44 expenditures from any fund legally available in order to deal
45 with disaster or threatened disaster conditions should they
46 occur.

1 Sec. 23. The heading of Article 7 of Chapter 1 of Division
2 7 of said code is amended to read:

3 Article 7. Authorizing the Creation of Protective
4 Mutual Aid Regions
5

6 Sec. 24. Section 1560 of said code is amended to read:

7 1560. The Governor with the advice of the War Disaster
8 Council, is hereby authorized and empowered to divide the State
9 into protective mutual aid regions.

10 Sec. 25. Section 1562 of said code is amended to read:

11 1562. During the period of a any state of extreme emergency
12 when the need arises for outside aid in any county, city and
13 county, or city within the region, such aid shall be rendered in
14 accordance with the regional mutual aid plans developed in the
15 manner provided for herein on a regional or other basis. It is
16 the responsibility of the director to enforce the fulfillment and
17 carrying through of such regional mutual aid plans and it shall
18 be the duty of local public officials to whom the orders of the
19 director shall be directed in the enforcement thereof to comply
20 therewith.

21 The responsibility vested in the director to enforce such
22 regional mutual aid plans shall not be delegated to commanders
23 of defense corps or other officers, employees or agents of coun-
24 ties, cities and counties, cities or other public agencies. The
25 foregoing provision shall not preclude or interfere with the
26 vesting in officers or employees of such local agencies of govern-
27 ment as a part of such mutual aid plans; such authority, duties
28 and responsibilities as are deemed necessary in the operation and
29 administration of such plans. It shall be the duty of local pub-
30 lic officials to comply with such plans.

31 In periods of local peril or emergency local governmental
32 agencies have full power to exercise mutual aid powers in accord-
33 ance with agreements or plans therefor.

34 Sec. 26. Section 1563 of said code is amended to read:

35 1563. In the development of the regional mutual aid plans
36 the director shall provide provisions shall be made for the most
37 effective use of State personnel and equipment as a part of such
38 plans and during periods of a state of extreme emergency he
39 shall the Governor may exercise the same such authority over
40 the use of such equipment and personnel as he dees with respect
41 to the equipment and personnel of local agencies under the pro-
42 visions of Section 1562 hereof may see fit or place it under the
43 direction of such State or local officer as he may determine most
44 appropriate.

45 Sec. 27. Section 1571 of said code is amended to read:

46 1571. Every county, city and county, and city Counties,
47 cities and counties, and cities may create a disaster council s by
48 ordinance or resolution. A disaster council shall develop a plan
49 for meeting any condition of extreme peril or any condition
50 which is specified in Section 1505 as constituting the basis for
51 a declaration of extreme emergency; such plan shall provide for

1 the effective mobilization of all the resources of the community,
2 both public and private. Such ordinance or resolution shall
3 provide for the organization, powers, and duties of such officers
4 and committees as in the opinion of the local legislative body
5 are required.

6 Counties, cities and counties, and cities may enact ordinances
7 and either establish rules and regulations or authorize disaster
8 councils to establish rules and regulations for dealing with local
9 emergencies that can be adequately dealt with locally; and fur-
10 ther may act to carry out mutual aid on a voluntary basis, and
11 to this end may enter into agreements. In the absence of a
12 declaration of a state of extreme emergency, State personnel and
13 equipment may be employed in accordance with any mutual aid
14 plan or agreement, or at the direction of the Governor.

15 Any war, defense or disaster council established by any
16 county, city and county, or city, existing as of the effective date
17 of this chapter, and previously certified as an accredited war,
18 defense or disaster council by the California State War Council
19 shall, for the purposes of this chapter or any other law of this
20 State, constitute a disaster council.

21 Neither this chapter nor anything expressed in it is intended
22 to be or is to be construed as a denial of the power of such local
23 agencies to establish such departments pursuant to Article XI,
24 Section 11, of the Constitution.

25 Sec. 28. Section 1572 of said code is amended to read:

26 1572. The emergency power which may be vested in a local
27 public official during a period of a state of extreme emergency,
28 duly proclaimed as provided in this chapter, shall be subject or
29 subordinate to the powers herein vested in the Governor and in
30 the director when exercised by the Governor.

31 Sec. 29. Section 1580 of said code is amended to read:

32 1580. The Governor is hereby empowered to proclaim a state
33 of extreme emergency in the protective an area or region or
34 regions affected or likely to be affected thereby - when:

35 1. He finds that some or any of the circumstances described in
36 Section 1505 exist; and either

37 2. He is requested to do so (a) in the case of a city by the
38 mayor or chief executive, (b) in the case of a county by the chair-
39 man of the board of supervisors; or

40 3. He finds that local authority is inadequate to cope with
41 the peril.

42 Such proclamation shall be in writing and shall take effect
43 immediately upon its issuance. As soon thereafter as possible
44 it shall be filed in the office of the Secretary of State. The Gov-
45 ernor shall cause widespread publicity and notice to be given of
46 such proclamation.

47 Sec. 30. Section 1581 of said code is amended to read:

48 1581. During a period of a state of extreme emergency the
49 Governor shall have complete authority over all agencies of the
50 State Government and the right to exercise within the protective

1 *area or* regions designated all police power vested in the State
2 by the Constitution and the laws of the State of California, in
3 order to effectuate the purposes of this chapter. In exercise
4 thereof he is authorized to promulgate, issue and enforce rules,
5 regulations and orders which he considers necessary for the pro-
6 tection of life and property. Such rules, regulations and orders
7 shall be in writing and shall take effect upon their issuance.
8 They shall be filed in the office of the Secretary of State as soon
9 as possible after their issuance. A copy of such rules, regula-
10 tions and orders shall likewise be filed in the office of the county
11 clerk of each county any portion of which is included within
12 any one of the protective regions wherein a state of extreme
13 emergency has been proclaimed. Whenever the period of a state
14 of extreme emergency has been ended by either of the methods
15 provided for in this chapter, the rules, regulations or orders
16 promulgated or issued by the Governor during such period shall
17 be of no further force and effect.

18 Sec. 31. Section 1584 of said code is amended to read:
19 1584. During the period of a state of extreme emergency,
20 every department, commission, agency, board, officer and
21 employee of the State Government and of every political sub-
22 division, county, city and county, city, public district and
23 public corporation of or in this State is required to comply with
24 the lawful rules, regulations, and orders of the Governor and
25 with the lawful orders of the director made or given within the
26 limits of his authority as provided for herein. Every such
27 officer or employee who refuses or wilfully neglects to obey such
28 rules, regulations or orders of the Governor, or such orders of
29 the director or who wilfully resists, delays or obstructs the Gov-
30 ernor or the director in the discharge of any of their respective
31 functions hereunder, is guilty of a misdemeanor. In the
32 event that any such officer or employee shall refuse or wilfully
33 neglect to obey any such rules, regulations or orders, the Gov-
34 ernor may by his order temporarily suspend him from the per-
35 formance of any and all the rights, obligations and duties of his
36 office for the remainder of the period of the state of extreme
37 emergency, and the Governor may thereupon designate the per-
38 son who shall carry on the rights, obligations and duties of the
39 office for the duration of such suspension.

40 Sec. 32. Section 1586 of said code is amended to read:
41 1586. Before payment may be made by the State to any per-
42 son pursuant to the provisions of Section 1585 of this chapter in
43 reimbursement for taking or damaging private property neces-
44 sarily utilized by the Governor in carrying out his responsibil-
45 ties under this chapter during the period of a state of extreme
46 emergency, or for services rendered at the instance of the Gov-
47 ernor under said conditions, such person must present a claim to
48 the State Board of Control in accordance with the provisions of
49 the Political Code of the State of California governing the
50 presentation of claims against the State for the taking or damag-
51 ing of private property for public use which provisions shall

1 govern the presentment, allowance or rejection of such claims
2 and the conditions upon which suit may be brought against the
3 State. Payment for such property or services shall be made
4 from any funds appropriated by the State for such purpose.

5 Sec. 33. Section 1587 of said code is amended to read:
6 1587. In the event that the Governor, or the director, during
7 a state of extreme emergency and in the exercise of the
8 emergency war powers vested in such officers respectively him,
9 shall order the officers, employees, or agencies of any county,
10 city and county, city or district to perform duties outside of the
11 territorial limits of their respective agencies, any services per-
12 formed or expenditures made in connection therewith by any
13 such agency, shall be deemed conclusively to be for the direct
14 protection and benefit of the inhabitants and property of such
15 agency. *During a state of extreme emergency* in the event that
16 any equipment belonging to any county, city and county, city
17 or district, is damaged or destroyed while being used outside
18 of the territorial limits of the public agency owning such equip-
19 ment ~~during a state of extreme emergency~~, the public agency
20 suffering loss shall be entitled to file a claim for the amount
21 thereof against the State of California in the manner provided
22 in Section 1586 of this chapter. Such agency shall have no
23 claim against the State for services of such personnel or for the
24 rental, use or ordinary wear and tear of such equipment, *except*
25 *such extraordinary services incurred by local governmental*
26 *agencies in executing mutual aid agreements as provided in*
27 *Section 1541.* All of the privileges and immunities from lia-
28 bility, exemptions from laws, ordinances and rules, all pension,
29 relief, disability, workmen's compensation, and other benefits
30 which apply to the activity of such officers, agents or employees
31 of any such agency when performing their respective functions
32 within the territorial limits of their respective public agencies,
33 shall apply to them to the same degree and extent while engaged
34 in the performance of any of their functions and duties extra-
35 territorially under the provisions of this chapter.

36 Sec. 34. Section 1591 of said code is amended to read:

37 1591. (a) Volunteers duly enrolled or registered with any
38 war, defense, or disaster council of any public agency, in carry-
39 ing out, complying with, or attempting to comply with, any
40 order, rule or regulation issued or promulgated pursuant to the
41 provisions of this chapter or any local ordinance, or performing
42 any of their authorized functions or duties or training for the
43 performance of their authorized functions or duties, shall have
44 the same degree of responsibility for their actions and enjoy the
45 same immunities as officers and employees of counties or cities
46 performing similar work for their respective entities.

47 (b) No political subdivision, municipal corporation or other
48 public agency under any circumstances, nor the officers,
49 employees, agents, or duly enrolled or registered volunteers
50 thereof acting within the scope of their official duties under this

1 chapter or any local ordinance shall be liable for personal injury
2 or property damage sustained by any duly enrolled or registered
3 volunteer engaged in ~~civilian~~ defense or training for disaster
4 preparedness or relief activity. The foregoing shall not affect
5 the right of any such person to receive benefits or compensation
6 which may be specifically provided by the provisions of any
7 Federal or State statute nor shall it affect the right of any per-
8 son to recover under the terms of any policy of insurance.

9 Sec. 35. Any unexpended balance of funds appropriated
10 by Chapter 662 of the Statutes of 1929 and any other money
11 appropriated to the State Emergency Council shall revert to the
12 General Fund in the State treasury.

13 Sec. 36. All mutual aid agreements which are in effect at
14 the time this act becomes effective are continued in effect until
15 modified by the parties thereto.

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May 28, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507 and 1514 AND 1589 to, the Military and Veterans Code, relating to preparedness against the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, MAKING AN APPROPRIATION, and providing for the reversion of certain funds to the General Fund.

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

- 1 SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508,
- 2 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and
- 3 1589 of the Military and Veterans Code, and Chapter 662 of the
- 4 Statutes of 1929 are repealed.
- 5 Sec. 2. The heading of Chapter 1 of Division 7 of the Mil-
- 6 itary and Veterans Code is amended to read:
- 7

8 CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

- 9
- 10 SEC. 3. Section 1500 of said code is amended to read:
- 11 1500. The State has long recognized its responsibility to pro-
- 12 vide for preparedness against disasters that may result from
- 13 such calamities as flood, fire, earthquake, pestilence, war, sabo-
- 14 tage and riot. It is hereby found and declared that it is neces-

1 sary, to enable the State to more effectively join with political
2 subdivisions, municipal corporations and other public agencies
3 of the State, in preparing to cope with and guard against condi-
4 tions which may result in extreme peril to life, property and the
5 resources of the State and generally to protect the health and
6 safety and preserve the lives and property of the people of the
7 State, and, in times when the United States of America is engaged
8 in war, to assist the Federal Government in the successful prose-
9 cution thereof, that a readjustment of the provisions of law for
10 dealing with such hazards be accomplished in the light of war-
11 time experience, and that advantage be taken of those imple-
12 ments and methods, organizations and arrangements that have
13 already been developed to deal with possible future disasters
14 SEC. 4. Section 1501 of said code is amended to read:
15 1501. This chapter may be cited as the "California Disaster
16 Act."

17 SEC. 5. Section 1502 of said code is amended to read:

18 1502. As used in this chapter, "Disaster Council" means
19 the California State Disaster Council.

20 SEC. 6. Section 1504 of said code is amended to read:

21 1504. As used in this chapter, "mutual aid region" means
22 an area within the State not wholly confined to a single city, or
23 city and county, or county, and not necessarily coterminous
24 with the boundary lines of any city, county, or county
25 SEC. 7. Section 1505 of said code is amended to read:

26 1505. As used in this chapter, "state of extreme emergency"
27 means the duly proclaimed existence of conditions of extreme
28 peril to the safety of persons and property within the State
29 caused by an enemy attack or threatened attack by land, sea, or
30 air, or when upon the advice of the commanding general of this
31 area, such an attack is imminent, an air raid alarm, sabotage, or
32 other cause such as fire, flood, storm, epidemic, riot or earth-
33 quake, which conditions by reason of their magnitude are or are
34 likely to be beyond the control of the protective services, per-
35 sonnel, equipment and facilities of any single county, city and
36 county, or city and require the combined forces of a "mutual
37 aid region or regions" to combat. "State of extreme emer-
38 gency" does not include nor does any provision of this chapter
39 apply to any condition resulting from a labor controversy.

40 SEC. 8. Section 1507 is added to said code, to read:

41 1507. The State Fire Disaster Plan as heretofore approved
42 by the State Council of Defense and as said plan may have been
43 modified or amended by the State War Council, and the State
44 Law Enforcement Mutual Aid Plan as heretofore approved by
45 the State War Council, shall continue to be in effect, and either
46 of them may hereafter be modified by the Disaster Council.
47 The State of California Standing Operational Plan and Alert
48 List as developed by the California State War Council shall
49 remain in full force and effect until and as it may be revised or
50 amended by the Governor upon the recommendation of the
51 Disaster Council.

1 SEC. 9. Section 1509.8 of said code is amended to read:

2 1509.8. Except as in this chapter otherwise provided the
3 Governor succeeds to and is vested with all the duties, powers,
4 purposes, responsibilities and jurisdiction of the California
5 State War Council and of the State Council of Defense; and
6 except as in this chapter otherwise provided whenever by the
7 provisions of any statute or law now in force or that hereafter
8 may be enacted a duty is imposed or a jurisdiction or authority
9 conferred upon the State War Council or the State Council of
10 Defense such duty, jurisdiction and authority are hereby
11 imposed upon and transferred to the Governor and his staff with
12 the same force and effect as though the title of the Governor had
13 been specifically set forth and named therein in lieu of the State
14 War Council or of the State Council of Defense.

15 The Governor shall be in possession and control of all records,
16 books, papers, offices, equipment, supplies, moneys, funds, appro-
17 priations, land and other property, real or personal, now or
18 hereafter in the custody or under the control of the State War
19 Council or of the State Council of Defense or held for the benefit
20 or use of the State War Council or of the State Council of
21 Defense.

22 SEC. 10. Section 1509.9 of said code is amended to read:

23 1509.9. The Governor is empowered to expend ~~during the~~
24 *Ninety-seventh and Ninety-eighth Fiscal Years fifty thousand*
25 *dollars (\$50,000) of any moneys in any appropriation or in any*
26 *special fund in the State treasury now remaining or made avail-*
27 *able by law for expenditure by the California State War Coun-*
28 *cil on June 30, 1945, or for the use, support or maintenance of the*
29 *California State War Council or appropriated for the purpose*
30 *of carrying out the provisions of this chapter.*

31 SEC. 11. The heading of Article 2 of Chapter 1 of Division 7
32 of said code is amended to read:

33 Article 2. Organization and Duties of the California 34 State Disaster Council

35 SEC. 12. Section 1510 of said code is amended to read:

36 1510. There is hereby created a California State Disaster
37 Council to consist of the following:

38 (a) The Governor;

39 (b) The Attorney General;

40 (c) One representative of the city governments of the State,
41 and one representative of the county governments of the State,
42 to be appointed by the Governor and to serve at his pleasure,
43 provided these members shall be from different counties;

44 (d) A representative of the American Red Cross, to be
45 appointed by the Governor;

46 (e) A representative of the city or county fire services of the
47 State, appointed by the Governor and to serve at his pleasure;

48 (f) A representative of the city or county law enforcement
49 services of the State, appointed by the Governor and to serve at
50 his pleasure.
51
52

1 The President pro tempore of the Senate and the Speaker of
2 the Assembly shall meet with and participate in the work of the
3 Disaster Council to the same extent as members of the council
4 appointed by the Governor, excepting when such participation
5 is constitutionally incompatible with their respective positions
6 as members of the Legislature.

7 Sec. 13. Section 1511 of said code is amended to read:

8 1511. Neither the members of the Disaster Council nor the
9 members of the Legislature shall receive compensation for their
10 services under this chapter, but they shall be reimbursed for
11 their actual and necessary expenses incurred in connection with
12 their duties hereunder, or in lieu thereof shall receive mileage
13 and ten dollars (\$10) per day of actual service.

14 Sec. 14. Section 1512 of said code is amended to read:

15 1512. The Governor shall be ex officio Chairman of the
16 Disaster Council.

17 Sec. 15. Section 1513 of said code is amended to read:

18 1513. It shall be the duty of the Disaster Council, and it is
19 hereby empowered

20 To act as an advisory body to the Governor in times of war or
21 disaster and with reference thereto in order to minimize the
22 effects of such occurrences by recommending ameliorative action.
23 The Disaster Council shall meet upon call of the Governor.
24 It shall also be the duty of the Disaster Council, and it is
25 hereby empowered:

(a) To prepare and recommend for consideration by the Gov-
26 ernor, rules or regulations or orders which are within the prov-
27 ince of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval
28 the boundaries of such "mutual aid regions" of the State as
29 may be designated;

(c) To consider and approve inter-regional and regional
30 mutual aid plans;

(d) To recommend to the Governor the assignment of any
31 service or activity relative to disaster or disaster planning to a
32 State department having duties related to such service or
33 activity;

(e) To consider and recommend the creation by the Governor
34 of advisory committees in order to make available to the State
35 civilian participation and cooperation in disaster planning and
36 activities;

(f) To consider and recommend the expenditures of moneys
37 appropriated for any of the objects or purposes of this chapter;

(g) To develop a State Disaster Preparedness Plan built
38 around mutual aid and integrate into such plan the several State
39 departments and agencies whose resources are necessary in cop-
40 ing with disasters;

(h) To encourage the development and maintenance of
41 mutual aid plans and agreements whereunder local agencies
42 may most effectively protect life and property during periods
43 of emergency;

(i) To evaluate State communications systems with particu-
lar regard to their adequacy in case of disaster.

Sec. 16. Section 1514 is added to said code, to read:

1514. Nothing herein shall operate to prevent the Governor
from establishing a committee or board composed of heads of
State departments or agencies of the State Government, should
he deem it necessary to aid him or the Disaster Council or both
in obtaining information or advice, assisting in developing or
carrying out plans, or otherwise acting in accomplishment of
the purposes of this chapter.

Sec. 17. The heading of Article 3 of Chapter 1 of Division
7 of said code is amended to read:

Article 3. Citizens' Advisory Committees

Sec. 18. Section 1520 of said code is amended to read:

1520. The Governor may create advisory committees to assist
in specific fields of civilian protection and disaster prepared-
ness. He shall appoint the members thereof and they shall
serve at his pleasure. He shall also designate the chairman
and vice chairman thereof. The committees shall be under the
direction of the Governor or such State department head as he
shall designate, and shall be wholly advisory in character and
shall not be delegated any administrative authority or responsi-
bility. Members of such committees shall not receive compensa-
tion from the State for their services under this chapter, but
when called into conference or session by the Governor or a
department head designated by him shall be reimbursed for
their actual and necessary expenses incurred in connection with
such conferences or sessions, or in lieu thereof shall receive
mileage and ten dollars (\$10) per day of actual service.

Sec. 19. The heading of Article 4 of Chapter 1 of Division
7 of said code is amended to read:

Article 4. Succession of the Governor to Certain Powers and Duties

Sec. 20. Section 1530 of said code is amended to read:

1530. The Governor is the successor of the State Director of
Civilian Defense, the State Director of Civilian Protection, the
State Director of Civilian War Services and the Director of
the California State War Council. Whenever any law of this
State imposes duties upon or vests powers in the State Director
of Civilian Defense, the State Director of Civilian Protection,
the State Director of Civilian War Services or the Director of
the State War Council, that duty shall be performed or that
power exercised by the Governor with the same force and effect
as though the Governor had been specifically named in such law.

Sec. 21. Section 1540 of said code is amended to read:

1540. The Governor may assign to a State department
any activity concerned with disaster preparedness of a
nature related to the existing powers and duties of such agency,

1 and it shall thereupon become the duty of such agency to under-
 2 take and carry out such activity on behalf of the State.

3 Sec. 22. Section 1541 of said code is amended to read:

4 1541. Any funds appropriated for the support of the
 5 Disaster Council or for the purposes of this chapter shall be
 6 allotted by the Director of Finance to a State agency having
 7 duties pursuant to Section 1540, or allotted to the Governor, to
 8 be expended under his direction in carrying out the objects and
 9 purposes of this chapter. Extraordinary services incurred by
 10 local governmental agencies in executing mutual aid agreements
 11 shall constitute a legal charge against the State when approved
 12 by the Governor; provided that such agreement has received
 13 the approval of said Disaster Council, or the previous approval
 14 of the California State War Council.

15 In addition to any appropriation made to support activities
 16 contemplated by this act, the Governor is empowered to make
 17 expenditures from any fund legally available in order to deal
 18 with disaster or threatened disaster conditions should they
 19 occur.

20 Sec. 23. The heading of Article 7 of Chapter 1 of Division
 21 7 of said code is amended to read:

Article 7. Mutual Aid Regions

24 Sec. 24. Section 1560 of said code is amended to read:
 25 1560. The Governor with the advice of the Disaster Council
 26 is hereby authorized and empowered to divide the State into
 27 mutual aid regions.

28 Sec. 25. Section 1562 of said code is amended to read:

29 1562. During any state of extreme emergency when the
 30 need arises for outside aid in any county, city and county, or
 31 city within the region, such aid shall be rendered in accordance
 32 with the mutual aid plans developed on a regional or other basis.
 33 It shall be the duty of local public officials to comply with
 34 such plans.

35 In periods of local peril or emergency local governmental
 36 agencies have full power to exercise mutual aid powers in
 37 accordance with agreements or plans therefor.

38 Sec. 26. Section 1563 of said code is amended to read:

39 1563. In the development of the regional mutual aid plans
 40 provisions shall be made for the most effective use of State
 41 personnel and equipment as a part of such plans and during
 42 a state of extreme emergency the Governor may exercise such
 43 authority over the use of such equipment and personnel as he
 44 may see fit or place it under the direction of such State or local
 45 officer as he may determine most appropriate.

46 Sec. 27. Section 1571 of said code is amended to read:

47 1571. Counties, cities and counties, and cities may create
 48 disaster council by ordinance. A disaster council shall develop
 49 a plan for meeting any condition of extreme peril or any condi-
 50 tion which is specified in Section 1505 as constituting the basis
 51 for a declaration of extreme emergency; such plan shall provide
 52

1 for the effective mobilization of all the resources of the com-
 2 munity, both public and private. Such ordinance shall provide
 3 for the organization, powers and duties of such officers and
 4 committees as in the opinion of the local legislative body are
 5 required.

6 Counties, cities and counties, and cities may enact ordinances
 7 and either establish rules and regulations or authorize disaster
 8 councils to establish rules and regulations for dealing with local
 9 emergencies that can be adequately dealt with locally; and fur-
 10 ther may act to carry out mutual aid on a voluntary basis, and
 11 to this end may enter into agreements. In the absence of a
 12 declaration of a state of extreme emergency, State personnel
 13 and equipment may be employed in accordance with any mutual
 14 aid plan or agreement, or at the direction of the Governor.

15 Any war, defense or disaster council established by any
 16 county, city and county, or city, existing as of the effective date
 17 of this chapter, and previously certified as an accredited war,
 18 defense or disaster council by the California State War Council
 19 shall, for the purposes of this chapter or any other law of this
 20 State, constitute a disaster council.

21 Neither this chapter nor anything expressed in it is intended
 22 to be or is to be construed as a denial of the power of such local
 23 agencies to establish such departments pursuant to Article XI,
 24 Section 11, of the Constitution.

25 Sec. 28. Section 1572 of said code is amended to read:

26 1572. The emergency power which may be vested in a local
 27 public official during a period of extreme emergency, duly pro-
 28 claimed as provided in this chapter, shall be subject or sub-
 29 ordinate to the powers herein vested in the Governor when
 30 exercised by the Governor.

31 Sec. 29. Section 1580 of said code is amended to read:

32 1580. The Governor is hereby empowered to proclaim a state
 33 of extreme emergency in an area or region affected or likely to
 34 be affected thereby when:

35 1. He finds that some or any of the circumstances described in
 36 Section 1505 exist; and either

37 2. He is requested to do so (a) in the case of a city by the
 38 mayor or chief executive, (b) in the case of a county by the chair-
 39 man of the board of supervisors; or

40 3. He finds that local authority is inadequate to cope with
 41 the peril.

42 Such proclamation shall be in writing and shall take effect
 43 immediately upon its issuance. As soon thereafter as possible
 44 it shall be filed in the office of the Secretary of State. The Gov-
 45 ernor shall cause widespread publicity and notice to be given of
 46 such proclamation.

47 Sec. 30. Section 1581 of said code is amended to read:

48 1581. During a period of a state of extreme emergency the
 49 Governor shall have complete authority over all agencies of the

1 State Government and the right to exercise within the
2 area or regions designated all police power vested in the
3 by the Constitution and the laws of the State of California, in
4 order to effectuate the purposes of this chapter. In exercise
5 thereof he is authorized to promulgate, issue and enforce rules,
6 regulations and orders which he considers necessary for the pro-
7 tection of life and property. Such rules, regulations and orders
8 shall be in writing and shall take effect upon their issuance.
9 They shall be filed in the office of the Secretary of State as soon
10 as possible after their issuance. A copy of such rules, regula-
11 tions and orders shall likewise be filed in the office of the county
12 clerk of each county any portion of which is included within
13 any one of the protective regions wherein a state of extreme
14 emergency has been proclaimed. Whenever the period of a state
15 of extreme emergency has been ended by either of the methods
16 provided for the expiration of the period for which it was pro-
17 claimed or by proclamation of the Governor declaring the period
18 of a state of extreme emergency to be at an end or as provided in
19 this chapter, the rules, regulations or orders promulgated or
20 issued by the Governor during such period shall be of no further
21 force and effect.

22 Sec. 31. Section 1584 of said code is amended to read:
23 1584. During the period of a state of extreme emergency,
24 every department, commission, agency, board, officer and
25 employee of the State Government and of every political sub-
26 division, county, city and country, city, public district and public
27 corporation of or in this State is required to comply with the
28 lawful rules, regulations, and orders of the Governor made or
29 given within the limits of his authority as provided for herein.
30 Every such officer or employee who refuses or wilfully neglects
31 to obey such rules, regulations or orders of the Governor, or who
32 wilfully resists, delays or obstructs the Governor in the dis-
33 charge of any of his functions hereunder, is guilty of a mis-
34 demeanor. In the event that any such officer or employee shall
35 refuse or wilfully neglect to obey any such rules, regulations or
36 orders, the Governor may by his order temporarily suspend him
37 from the performance of any and all the rights, obligations and
38 duties of his office for the remainder of the period of the state
39 of extreme emergency, and the Governor may thereupon desig-
40 nate the person who shall carry on the rights, obligations and
41 duties of the office for the duration of such suspension.

42 Sec. 32. Section 1536 of said code is amended to read:
43 1536. Before payment may be made by the State to any per-
44 son in reimbursement for taking or damaging private property
45 necessarily utilized by the Governor in carrying out his responsi-
46 bilities under this chapter during the period of a state of extreme
47 emergency, or for services rendered at the instance of the Gover-
48 nor under said conditions, such person must present a claim to
49 the State Board of Control in accordance with the provisions of
50 the Political Code of the State of California governing the
51 presentation of claims against the State for the taking or damag-
52 ing of private property for public use which provisions shall

1 govern the presentment, allowance or rejection of such claims
2 and the conditions upon which suit may be brought against the
3 State. Payment for such property or services shall be made
4 from any funds appropriated by the State for such purpose.

5 SEC. 33. Section 1587 of said code is amended to read:

6 1587. In the event that the Governor, during the state of
7 extreme emergency and in the exercise of the emergency war
8 powers vested in him, shall order the officers, employees, or
9 agencies of any county, city and country, city or district to per-
10 form duties outside of the territorial limits of their respective
11 agencies, any services performed or expenditures made in con-
12 nection therewith by any such agency, shall be deemed con-
13 clusively to be for the direct protection and benefit of the inhabi-
14 tants and property of such agency. During a state of extreme
15 emergency in the event that any equipment belonging to any
16 county, city and country, city or district, is damaged or destroyed
17 while being used outside of the territorial limits of the public
18 agency owning such equipment, the public agency suffering
19 loss shall be entitled to file a claim for the amount thereof
20 against the State of California in the manner provided in Sec-
21 tion 1586 of this chapter. Such agency shall have no claim
22 against the State for services of such personnel or for the
23 rental, use or ordinary wear and tear of such equipment, except
24 such extraordinary services incurred by local governmental
25 agencies in executing mutual aid agreements as provided in
26 Section 1541. All of the privileges and immunities from lia-
27 bility, exemptions from laws, ordinances and rules, all pension,
28 relief, disability, workmen's compensation, and other benefits
29 which apply to the activity of such officers, agents or employees
30 of any such agency when performing their respective functions
31 within the territorial limits of their respective public agencies,
32 shall apply to them to the same degree and extent while engaged
33 in the performance of any of their functions and duties extra-
34 territorially under the provisions of this chapter.

35 SEC. 34. Section 1539 is added to said code, to read:

36 1539. (a) Whenever it appears that a state of extreme
37 emergency proclaimed by the Governor in accordance with this
38 chapter will continue for more than seven days, the Governor
39 shall call a meeting of the Disaster Council to commence not
40 later than the expiration of such seven days.

41 (b) All of the powers of the Governor during a state of
42 extreme emergency proclaimed by him pursuant to this chapter
43 shall terminate with respect to such state of extreme emergency
44 and any other emergency related to or growing out of such
45 emergency when:

46 (1) The Governor has failed to call a meeting of the Disaster
47 Council within the period prescribed in subdivision (a) of this
48 section, or

49 (2) The Governor has not within 30 days after proclaiming
50 such state of extreme emergency convened the Legislature for
51 the purpose of legislating on subjects relating to such state of

1 extreme emergency, except when the Legislature is already con-
2 vened with power to legislate on such subjects.

3 SEC. 34-35. Section 1591 of said code is amended to read:

4 1591. (a) Volunteers duly enrolled or registered with any
5 war, defense, or disaster council of any public agency, in carry-
6 ing out, complying with, or attempting to comply with, any
7 order, rule or regulation issued or promulgated pursuant to the
8 provisions of this chapter or any local ordinance, or performing
9 any of their authorized functions or duties or training for the
10 performance of their authorized functions or duties, shall have
11 the same degree of responsibility for their actions and enjoy the
12 same immunities as officers and employees of counties or cities
13 performing similar work for their respective entities.

14 (b) No political subdivision, municipal corporation or other
15 public agency under any circumstances, nor the officers,
16 employees, agents, or duly enrolled or registered volunteers
17 thereof acting within the scope of their official duties under this
18 chapter or any local ordinance shall be liable for personal injury
19 or property damage sustained by any duly enrolled or registered
20 volunteer engaged in or training for disaster preparedness or
21 relief activity. The foregoing shall not affect the right of any
22 such person to receive benefits or compensation which may be
23 specifically provided by the provisions of any Federal or State
24 statute nor shall it affect the right of any person to recover
25 under the terms of any policy of insurance.

26 SEC. 35-36. Any unexpended balance of funds appropri-
27 ated by Chapter 662 of the Statutes of 1929 and any other money
28 appropriated to the State Emergency Council shall revert to the
29 General Fund in the State treasury.

30 SEC. 36-37. All mutual aid agreements which are in effect
31 at the time this act becomes effective are continued in effect until
32 modified by the parties thereto.

33 SEC. 38. Any of the funds made available by Section 1509.9
34 of said code may be allocated by the Director of Finance to a
35 State agency having had assigned to it any protection or war
36 services activity under the provisions of Section 1540 of said
37 code before said Section 1540 was amended by this act.

AMENDED IN SENATE JUNE 7, 1945
AMENDED IN SENATE JUNE 4, 1945

SENATE BILL

No. 1302

INTRODUCED BY SENATOR QUINN

May 28, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

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

1 SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508,
2 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and
3 1589 of the Military and Veterans Code, and Chapter 662 of the
4 Statutes of 1929 are repealed.

5 SEC. 2. The heading of Chapter 1 of Division 7 of the Mili-
6 tary and Veterans Code is amended to read:

7
8 CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

9 SEC. 3. Section 1500 of said code is amended to read:

10 1500. The State has long recognized its responsibility to pro-
11 vide for preparedness against disasters that may result from
12

1 such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary, to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally, to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of wartime experience, and that advantage be taken of those improvements and methods, organizations and arrangements that have already been developed to deal with possible future disasters.

Sec. 4. Section 1501 of said code is amended to read:

1501. This chapter may be cited as the "California Disaster Act."

This chapter shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Sec. 5. Section 1502 of said code is amended to read:

1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

Sec. 6. Section 1504 of said code is amended to read:

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or city and county, or county, and not necessarily coterminous with the boundary lines of any city, city and county, or county.

Sec. 7. Section 1505 of said code is amended to read:

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

Sec. 8. Section 1507 is added to said code, to read:

1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by

the State War Council, shall continue to be in effect, and either of them may hereafter be modified by the Disaster Council. The State of California Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

Section 1509.8 of said code is amended to read:

1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

Section 1509.9 of said code is amended to read:

1509.9. The Governor is empowered to expend during the Ninety-seventh and Ninety-eighth Fiscal Years ~~five thousand one hundred seven thousand five hundred twenty-eight~~ dollars ~~(\$50,000)~~ (\$107,528) of any moneys in any appropriation or in any special fund in the State treasury remaining or made available by law for expenditure by the California State War Council on June 30, 1945, or for the use, support or maintenance of the California State War Council or appropriated for the purpose of carrying out the provisions of this chapter.

Sec. 11. The heading of Article 2 of Chapter 1 of Division 7 of said code is amended to read:

Article 2. Organization and Duties of the California State Disaster Council

Sec. 12. Section 1510 of said code is amended to read:

1510. There is hereby created a California State Disaster Council to consist of the following:

- (a) The Governor;
- (b) The Attorney General;
- (c) One representative of the city governments of the State, and one representative of the county governments of the State,

1 to be appointed by the Governor and to serve at his pleasure
2 provided these members shall be from different counties;

3 (d) A representative of the American Red Cross, to be
4 appointed by the Governor;

5 (e) A representative of the city or county fire services of the
6 State, appointed by the Governor and to serve at his pleasure;

7 (f) A representative of the city or county law enforcement
8 services of the State, appointed by the Governor and to serve at
9 his pleasure.

10 The President pro tempore of the Senate and the Speaker of
11 the Assembly shall meet with and participate in the work of the
12 Disaster Council to the same extent as members of the council
13 appointed by the Governor, excepting when such participation
14 is constitutionally incompatible with their respective positions
15 as Members of the Legislature.

16 Sec. 13. Section 1511 of said code is amended to read:
17 1511. Neither the members of the Disaster Council nor the
18 members of the Legislature shall receive compensation for their
19 services under this chapter, but they shall be reimbursed for
20 their actual and necessary expenses incurred in connection with
21 their duties hereunder, or in lieu thereof shall receive mileage
22 and ten dollars (\$10) per day of actual service.

23 Sec. 14. Section 1512 of said code is amended to read:
24 1512. The Governor shall be ex officio Chairman of the
25 Disaster Council.

26 Sec. 15. Section 1513 of said code is amended to read:
27 1513. It shall be the duty of the Disaster Council, and it is
28 hereby empowered

29 To act as an advisory body to the Governor in times of war or
30 disaster and with reference thereto in order to minimize the
31 effects of such occurrences by recommending ameliorative action.
32 The Disaster Council shall meet upon call of the Governor.

33 It shall also be the duty of the Disaster Council, and it is
34 hereby empowered:

35 (a) To prepare and recommend for consideration by the Gov-
36 ernor, rules or regulations or orders which are within the prov-
37 ince of the Governor to promulgate;

38 (b) To consider and recommend to the Governor for approval
39 the boundaries of such "mutual aid regions" of the State as
40 may be designated;

41 (c) To consider and approve inter-regional and regional
42 mutual aid plans;

43 (d) To recommend to the Governor the assignment of any
44 service or activity relative to disaster or disaster planning to a
45 State department having duties related to such service or
46 activity;

47 (e) To consider and recommend the creation by the Governor
48 of advisory committees in order to make available to the State
49 civilian participation and cooperation in disaster planning and
50 activities;

51 (f) To consider and recommend the expenditures of moneys
52 appropriated for any of the objects or purposes of this chapter;

1 (g) To develop a State Disaster Preparedness Plan built
2 around mutual aid and integrate into such plan the several State
3 departments and agencies whose resources are necessary in cop-
4 ing with disasters;

5 (h) To encourage the development and maintenance of
6 mutual aid plans and agreements whereunder local agencies
7 may most effectively protect life and property during periods
8 of emergency;

9 (i) To evaluate State communications systems with particu-
10 lar regard to their adequacy in case of disaster.

11 Sec. 16. Section 1514 is added to said code, to read:

12 1514. Nothing herein shall operate to prevent the Governor
13 from establishing a committee or board composed of heads of
14 State departments or agencies of the State Government, should
15 he deem it necessary to aid him or the Disaster Council or both
16 in obtaining information or advice, assisting in developing or
17 carrying out plans, or otherwise acting in accomplishment of
18 the purposes of this chapter.

19 Sec. 17. The heading of Article 3 of Chapter 1 of Division
20 7 of said code is amended to read:

Article 3. Citizens' Advisory Committees

23 Sec. 18. Section 1520 of said code is amended to read:

24 1520. The Governor may create advisory committees to assist
25 in specific fields of civilian protection and disaster prepared-
26 ness. He shall appoint the members thereof and they shall
27 serve at his pleasure. He shall also designate the chairman
28 and vice chairman thereof. The committees shall be under the
29 direction of the Governor or such State department head as he
30 shall designate, and shall be wholly advisory in character and
31 shall not be delegated any administrative authority or responsi-
32 bility. Members of such committees shall not receive compensa-
33 tion from the State for their services under this chapter, but
34 when called into conference or session by the Governor or a
35 department head designated by him shall be reimbursed for
36 their actual and necessary expenses incurred in connection with
37 such conferences or sessions, or in lieu thereof shall receive
38 mileage and ten dollars (\$10) per day of actual service.

39 Sec. 19. The heading of Article 4 of Chapter 1 of Division
40 7 of said code is amended to read:

Article 4. Succession of the Governor to Certain Powers and Duties

46 Sec. 20. Section 1530 of said code is amended to read:

47 1530. The Governor is the successor of the State Director of
48 Civilian Defense, the State Director of Civilian Protection, the
49 State Director of Civilian War Services and the Director of
50 the California State War Council. Whenever any law of this
51 State imposes duties upon or vests powers in the State Director
52 of Civilian Defense, the State Director of Civilian Protection,

1 the State Director of Civilian War Services or the Director of
2 the State War Council, that duty shall be performed or that
3 power exercised by the Governor with the same force and effect
4 as though the Governor had been specifically named in such law.
5 Sec. 21. Section 1540 of said code is amended to read:

6 1540. The Governor may assign to a State agency any
7 activity concerned with disaster preparedness of a nature
8 related to the existing powers and duties of such agency, and
9 it shall thereupon become the duty of such agency to undertake
10 and carry out such activity on behalf of the State.

11 Sec. 22. Section 1541 of said code is amended to read:

12 1541. Any funds appropriated for the support of the
13 Disaster Council or for the purposes of this chapter shall be
14 allotted by the Director of Finance to a State agency having
15 duties pursuant to Section 1540, or allotted to the Governor, to
16 be expended under his direction in carrying out the objects and
17 purposes of this chapter. Extraordinary services incurred by
18 local governmental agencies in executing mutual aid agreements
19 shall constitute a legal charge against the State when approved
20 by the Governor; provided that such agreement has received
21 the approval of said Disaster Council, or the previous approval
22 of the California State War Council.

23 In addition to any appropriation made to support activities
24 contemplated by this act, the Governor is empowered to make
25 expenditures from any fund legally available in order to deal
26 with disaster or threatened disaster conditions should they
27 occur.

28 Sec. 23. The heading of Article 7 of Chapter 1 of Division
29 7 of said code is amended to read:

30 Article 7. Mutual Aid Regions

31 Sec. 24. Section 1560 of said code is amended to read:

32 1560. The Governor with the advice of the Disaster Council
33 is hereby authorized and empowered to divide the State into
34 mutual aid regions.

35 Sec. 25. Section 1562 of said code is amended to read:

36 1562. During any state of extreme emergency when the
37 need arises for outside aid in any county, city and county, or
38 city within the region, such aid shall be rendered in accordance
39 with the mutual aid plans developed on a regional or other basis.
40 It shall be the duty of local public officials to comply with
41 such plans.

42 In periods of local peril or emergency local governmental
43 agencies have full power to exercise mutual aid powers in
44 accordance with agreements or plans therefor.

45 Sec. 26. Section 1563 of said code is amended to read:

46 1563. In the development of the regional mutual aid plans
47 provisions shall be made for the most effective use of State
48 personnel and equipment as a part of such plans and during
49 a state of extreme emergency the Governor may exercise such
50 authority over the use of such equipment and personnel as he
51

1 may see fit or place it under the direction of such State or local
2 officer as he may determine most appropriate.

3 Sec. 27. Section 1571 of said code is amended to read:

4 1571. Counties, cities and counties, and cities may create
5 disaster council by ordinance. A disaster council shall develop
6 a plan for meeting any condition of extreme peril or any condi-
7 tion which is specified in Section 1505 as constituting the basis
8 for a declaration of extreme-emergency; such plan shall provide
9 for the effective mobilization of all the resources of the com-
10 munity, both public and private. Such ordinance shall provide
11 for the organization, powers and duties of such officers and
12 committees as in the opinion of the local legislative body are
13 required.

14 Counties, cities and counties, and cities may enact ordinances
15 and either establish rules and regulations or authorize disaster
16 councils to establish rules and regulations for dealing with local
17 emergencies that can be adequately dealt with locally; and fur-
18 ther may act to carry out mutual aid on a voluntary basis, and
19 to this end may enter into agreements. In the absence of a
20 declaration of a state of extreme emergency, State personnel
21 and equipment may be employed in accordance with any mutual
22 aid plan or agreement, or at the direction of the Governor.

23 Any war, defense or disaster council established by any
24 county, city and county, or city, existing as of the effective date
25 of this chapter, and previously certified as an accredited war,
26 defense or disaster council by the California State War Council
27 shall, for the purposes of this chapter or any other law of this
28 State, constitute a disaster council.

29 Neither this chapter nor anything expressed in it is intended
30 to be or is to be construed as a denial of the power of such local
31 agencies to establish such departments pursuant to Article XI,
32 Section 11, of the Constitution.

33 Sec. 28. Section 1572 of said code is amended to read:

34 1572. The emergency power which may be vested in a local
35 public official during a period of extreme emergency, duly pro-
36 claimed as provided in this chapter, shall be subject or sub-
37 ordinate to the powers herein vested in the Governor when
38 exercised by the Governor.

39 Sec. 29. Section 1580 of said code is amended to read:

40 1580. The Governor is hereby empowered to proclaim a state
41 of extreme emergency in an area or region affected or likely to
42 be affected thereby when:

43 1. He finds that some or any of the circumstances described in
44 Section 1505 exist; and either

45 2. He is requested to do so (a) in the case of a city by the
46 mayor or chief executive, (b) in the case of a county by the chair-
47 man of the board of supervisors; or

48 3. He finds that local authority is inadequate to cope with
49 the peril.

50 Such proclamation shall be in writing and shall take effect
51 immediately upon its issuance. As soon thereafter as possible

1 it shall be filed in the office of the Secretary of State. The Gov-
 2 ernor shall cause widespread publicity and notice to be given of
 3 such proclamation.

4 Sec. 30. Section 1561 of said code is amended to read:

5 1561. During a period of a state of extreme emergency the
 6 Governor shall have complete authority over all agencies of the
 7 State Government and the right to exercise within the
 8 area or regions designated all police power vested in the State
 9 by the Constitution and the laws of the State of California, in
 10 order to effectuate the purposes of this chapter. In exercise
 11 thereof he is authorized to promulgate, issue and enforce rules,
 12 regulations and orders which he considers necessary for the pro-
 13 tection of life and property. Such rules, regulations and orders
 14 shall be in writing and shall take effect upon their issuance.
 15 They shall be filed in the office of the Secretary of State as soon
 16 as possible after their issuance. A copy of such rules, regula-
 17 tions and orders shall likewise be filed in the office of the county
 18 clerk of each county any portion of which is included within
 19 any one of the protective regions wherein a state of extreme
 20 emergency has been proclaimed. Whenever the period of a state
 21 of extreme emergency has been ended by either the expiration
 22 of the period for which it was proclaimed or by proclamation
 23 of the Governor declaring the period of a state of extreme
 24 emergency to be at an end or as provided in this chapter, the
 25 rules, regulations or orders promulgated or issued by the Gov-
 26 ernor during such period shall be of no further force and effect.

27 Sec. 31. Section 1584 of said code is amended to read:

28 1584. During the period of a state of extreme emergency,
 29 every department, commission, agency, board, officer and
 30 employee of the State Government and of every political sub-
 31 division, county, city and county, city, public district and public
 32 corporation of or in this State is required to comply with the
 33 lawful rules, regulations, and orders of the Governor made or
 34 given within the limits of his authority as provided for herein.
 35 Every such officer or employee who refuses or wilfully neglects
 36 to obey such rules, regulations or orders of the Governor, or who
 37 wilfully resists, delays or obstructs the Governor in the dis-
 38 charge of any of his functions hereunder, is guilty of a mis-
 39 demeanor. In the event that any such officer or employee shall
 40 refuse or wilfully neglect to obey any such rules, regulations or
 41 orders, the Governor may by his order temporarily suspend him
 42 from the performance of any and all the rights, obligations and
 43 duties of his office for the remainder of the period of the state
 44 of extreme emergency, and the Governor may thereupon design-
 45 nate the person who shall carry on the rights, obligations and
 46 duties of the office for the duration of such suspension.

47 Sec. 32. Section 1586 of said code is amended to read:

48 1586. Before payment may be made by the State to any per-
 49 son in reimbursement for taking or damaging private property
 50 necessarily utilized by the Governor in carrying out his responsi-
 51 bilities under this chapter during the period of a state of extreme

1 emergency, or for services rendered at the instance of the Gover-
 2 nor under said conditions, such person must present a claim to
 3 the State Board of Control in accordance with the provisions of
 4 the Political Code of the State of California governing the
 5 presentation of claims against the State for the taking or damag-
 6 ing of private property for public use which provisions shall
 7 govern the presentment, allowance or rejection of such claims
 8 and the conditions upon which suit may be brought against the
 9 State. Payment for such property or services shall be made
 10 from any funds appropriated by the State for such purpose.

11 Sec. 33. Section 1587 of said code is amended to read:
 12 1587. In the event that the Governor, during the state of
 13 extreme emergency and in the exercise of the emergency war
 14 powers vested in him, shall order the officers, employees, or
 15 agencies of any county, city and county, city or district to per-
 16 form duties outside of the territorial limits of their respective
 17 agencies, any services performed or expenditures made in con-
 18 nection therewith by any such agency, shall be deemed con-
 19 clusively to be for the direct protection and benefit of the inhabi-
 20 tants and property of such agency. During a state of extreme
 21 emergency in the event that any equipment belonging to any
 22 county, city and county, city or district, is damaged or destroyed
 23 while being used outside of the territorial limits of the public
 24 agency owning such equipment, the public agency suffering
 25 loss shall be entitled to file a claim for the amount thereof
 26 against the State of California in the manner provided in Sec-
 27 tion 1586 of this chapter. Such agency shall have no claim
 28 against the State for services of such personnel or for the
 29 rental, use or ordinary wear and tear of such equipment, except
 30 such extraordinary services incurred by local governmental
 31 agencies in executing mutual aid agreements as provided in
 32 Section 1541. All of the privileges and immunities from lia-
 33 bility, exemptions from laws, ordinances and rules, all pension,
 34 relief, disability, workmen's compensation, and other benefits
 35 which apply to the activity of such officers, agents or employees
 36 of any such agency when performing their respective functions
 37 within the territorial limits of their respective public agencies,
 38 shall apply to them to the same degree and extent while engaged
 39 in the performance of any of their functions and duties extra-
 40 territorially under the provisions of this chapter.

41 Sec. 34. Section 1589 is added to said code, to read:

42 1589. (a) Whenever it appears that a state of extreme
 43 emergency proclaimed by the Governor in accordance with this
 44 chapter will continue for more than seven days, the Governor
 45 shall call a meeting of the Disaster Council to commence not
 46 later than the expiration of such seven days.

47 (b) All of the powers of the Governor during a state of
 48 extreme emergency proclaimed by him pursuant to this chapter
 49 shall terminate with respect to such state of extreme emergency

1 and any other emergency related to or growing out of such
2 emergency when:

3 (1) The Governor has failed to call a meeting of the Disaster
4 Council within the period prescribed in subdivision (a) of this
5 section, or

6 (2) The Governor has not within 30 days after proclaiming
7 such state of extreme emergency convened the Legislature for
8 the purpose of legislating on subjects relating to such state of
9 extreme emergency, except when the Legislature is already con-
10 vened with power to legislate on such subjects.

11 Sec. 35. Section 1591 of said code is amended to read

12 1591. (a) Volunteers duly enrolled or registered with any
13 war, defense, or disaster council of any public agency, in carry-
14 ing out, complying with, or attempting to comply with, any
15 order, rule or regulation issued or promulgated pursuant to the
16 provisions of this chapter or any local ordinance, or performing
17 any of their authorized functions or duties or training for the
18 performance of their authorized functions or duties, shall have
19 the same degree of responsibility for their actions and enjoy the
20 same immunities as officers and employees of counties or cities
21 performing similar work for their respective entities.

22 (b) No political subdivision, municipal corporation or other
23 public agency under any circumstances, nor the officers
24 employees, agents or duly enrolled or registered volunteers
25 thereof acting within the scope of their official duties under this
26 chapter or any local ordinance shall be liable for personal injury
27 or property damage sustained by any duly enrolled or registered
28 volunteer engaged in or training for disaster preparedness or
29 relief activity. The foregoing shall not affect the right of any
30 such person to receive benefits or compensation which may be
31 specifically provided by the provisions of any Federal or State
32 statute nor shall it affect the right of any person to recover
33 under the terms of any policy of insurance.

34 Sec. 36. Any unexpended balance of funds appropriated
35 by Chapter 662 of the Statutes of 1929 and any other money
36 appropriated to the State Emergency Council shall revert to the
37 General Fund in the State treasury.

38 Sec. 37. All mutual aid agreements which are in effect
39 at the time this act becomes effective are continued in effect until
40 modified by the parties thereto.

41 Sec. 38. Any of the funds made available by Section 1509.9
42 of said code may be allocated by the Director of Finance to a
43 State agency having had assigned to it any protection or war
44 services activity under the provisions of Section 1540 of said
45 code before said Section 1540 was amended by this act.

AMENDED IN ASSEMBLY JUNE 12, 1945
AMENDED IN SENATE JUNE 7, 1945
AMENDED IN SENATE JUNE 4, 1945

SENATE BILL

No. 1302

INTRODUCED BY SENATOR QUINN

May 28, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1513, 1515, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

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

- 1 SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508,
- 2 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and
- 3 1589 of the Military and Veterans Code, and Chapter 662 of the
- 4 Statutes of 1929 are repealed.
- 5 SEC. 2. The heading of Chapter 1 of Division 7 of the Mil-
- 6 itary and Veterans Code is amended to read:
- 7
- 8
- 9
- 10 CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF
- 11
- 12 SEC. 3. Section 1500 of said code is amended to read:
- 13 1500. The State has long recognized its responsibility to pro-
- 14 vide for preparedness against disasters that may result from

1 such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary, to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of wartime experience, and that advantage be taken of those improvements and methods, organizations and arrangements that have already been developed to deal with possible future disasters.

Sec. 4. Section 1501 of said code is amended to read:

1501. This chapter may be cited as the "California Disaster Act."

This chapter shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Sec. 5. Section 1502 of said code is amended to read:

1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

Sec. 6. Section 1504 of said code is amended to read:

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or city and county, or county, and not necessarily coterminous with the boundary lines of any city, city and county, or county.

Sec. 7. Section 1505 of said code is amended to read:

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

Sec. 8. Section 1507 is added to said code, to read:

1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by

the State War Council, shall continue to be in effect, and either of them may hereafter be modified by the Disaster Council. The State of California, Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

Sec. 9. Section 1509.8 of said code is amended to read:

1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

Sec. 10. Section 1509.9 of said code is amended to read:

1509.9. The Governor is empowered to expend during the Ninety-seventh and Ninety-eighth Fiscal Years one hundred seven thousand five hundred twenty-eight dollars (\$107,528) of any moneys in any appropriation or in any special fund in the State treasury remaining or made available by law for expenditure by the California State War Council on June 30, 1945, or for the use, support or maintenance of the California State War Council or appropriated for the purpose of carrying out the provisions of this chapter.

Sec. 11. The heading of Article 2 of Chapter 1 of Division 7 of said code is amended to read:

Article 2. Organization and Duties of the California State Disaster Council

Sec. 12. Section 1510 of said code is amended to read:

1510. There is hereby created a California State Disaster Council to consist of the following:

(a) The Governor;

(b) The Lieutenant Governor;

(c) The Attorney General;

(d) One representative of the city governments of the State, and one representative of the county governments of the

1 State, to be appointed by the Governor and to serve at his
 2 pleasure, provided these members shall be from different
 3 counties;
 4 (d) (e) A representative of the American Red Cross, to be
 5 appointed by the Governor;

6 (e) (f) A representative of the city or county fire services of
 7 the State, appointed by the Governor and to serve at his
 8 pleasure;
 9 (f) (g) A representative of the city or county law enforce-
 10 ment services of the State, appointed by the Governor and to
 11 serve at his pleasure.

12 The President pro tempore of the Senate and the Speaker of
 13 the Assembly shall meet with and participate in the work of the
 14 Disaster Council to the same extent as members of the council
 15 appointed by the Governor, excepting when such participation
 16 is constitutionally incompatible with their respective positions
 17 as Members of the Legislature.

18 Sec. 13. Section 1511 of said code is amended to read:
 19 1511. Neither the members of the Disaster Council nor the
 20 members of the Legislature shall receive compensation for their
 21 services under this chapter, but they shall be reimbursed for
 22 their actual and necessary expenses incurred in connection with
 23 their duties hereunder, or in lieu thereof shall receive mileage
 24 and ten dollars (\$10) per day of actual service.

25 Sec. 14. Section 1512 of said code is amended to read:
 26 1512. The Governor shall be ex officio Chairman of the
 27 Disaster Council.

28 Sec. 15. Section 1513 of said code is amended to read:
 29 1513. It shall be the duty of the Disaster Council, and it is
 30 hereby empowered

31 To act as an advisory body to the Governor in times of war or
 32 disaster and with reference thereto in order to minimize the
 33 effects of such occurrences by recommending ameliorative action.
 34 The Disaster Council shall meet upon call of the Governor.

35 It shall also be the duty of the Disaster Council, and it is
 36 hereby empowered:

37 (a) To prepare and recommend for consideration by the Gov-
 38 ernor, rules or regulations or orders which are within the prov-
 39 ince of the Governor to promulgate;

40 (b) To consider and recommend to the Governor for approval
 41 the boundaries of such "mutual aid regions" of the State as
 42 may be designated;

43 (c) To consider and approve inter-regional and regional
 44 mutual aid plans;

45 (d) To recommend to the Governor the assignment of any
 46 service or activity relative to disaster or disaster planning to a
 47 State department having duties related to such service or
 48 activity;

49 (e) To consider and recommend the creation by the Governor
 50 of advisory committees in order to make available to the State
 51 civilian participation and cooperation in disaster planning and
 52 activities;

1 (f) To consider and recommend the expenditures of moneys
 2 appropriated for any of the objects or purposes of this chapter;
 3 (g) To develop a State Disaster Preparedness Plan built
 4 around mutual aid and integrate into such plan the several State
 5 departments and agencies whose resources are necessary in cop-
 6 ing with disasters;

7 (h) To encourage the development and maintenance of
 8 mutual aid plans and agreements whereunder local agencies
 9 may most effectively protect life and property during periods
 10 of emergency;

11 (i) To evaluate State communications systems with particu-
 12 lar regard to their adequacy in case of disaster.

13 Sec. 16. Section 1514 is added to said code, to read:

14 1514. Nothing herein shall operate to prevent the Governor
 15 from establishing a committee or board composed of heads of
 16 State departments or agencies of the State Government, should
 17 he deem it necessary, to aid him or the Disaster Council or both
 18 in obtaining information or advice, assisting in developing or
 19 carrying out plans, or otherwise acting in accomplishment of
 20 the purposes of this chapter.

21 Sec. 17. The heading of Article 3 of Chapter 1 of Division
 22 7 of said code is amended to read:

Article 3. Citizens' Advisory Committees

26 Sec. 18. Section 1520 of said code is amended to read:

27 1520. The Governor may create advisory committees to assist
 28 in specific fields of civilian protection and disaster prepared-
 29 ness. He shall appoint the members thereof and they shall
 30 serve at his pleasure. He shall also designate the chairman
 31 and vice chairman thereof. The committees shall be under the
 32 direction of the Governor or such State department head as he
 33 shall designate, and shall be wholly advisory in character and
 34 shall not be delegated any administrative authority or responsi-
 35 bility. Members of such committees shall not receive compensa-
 36 tion from the State for their services under this chapter, but
 37 when called into conference or session by the Governor or a
 38 department head designated by him shall be reimbursed for
 39 their actual and necessary expenses incurred in connection with
 40 such conferences or sessions, or in lieu thereof shall receive
 41 mileage and ten dollars (\$10) per day of actual service.

42 Sec. 19. The heading of Article 4 of Chapter 1 of Division
 43 7 of said code is amended to read:

Article 4. Succession of the Governor to Certain Powers and Duties

48 Sec. 20. Section 1530 of said code is amended to read:

49 1530. The Governor is the successor of the State Director of
 50 Civilian Defense, the State Director of Civilian Protection, the
 51 State Director of Civilian War Services and the Director of
 52 the California State War Council. Whenever any law of this

1 State imposes duties upon or vests powers in the State Director
2 of Civilian Defense, the State Director of Civilian Protection,
3 the State Director of Civilian War Services or the Director of
4 the State War Council, that duty shall be performed or that
5 power exercised by the Governor with the same force and effect
6 as though the Governor had been specifically named in such law
7

8 Sec. 21. Section 1540 of said code is amended to read:

9 1540. The Governor may assign to a State agency any
10 activity concerned with disaster preparedness of a nature
11 related to the existing powers and duties of such agency, and
12 it shall thereupon become the duty of such agency to undertake
13 and carry out such activity on behalf of the State.

14 Sec. 22. Section 1541 of said code is amended to read:

15 1541. Any funds appropriated for the support of the
16 Disaster Council or for the purposes of this chapter shall be
17 allotted by the Director of Finance to a State agency having
18 duties pursuant to Section 1540, or allotted to the Governor, to
19 be expended under his direction in carrying out the objects and
20 purposes of this chapter. Extraordinary services incurred by
21 local governmental agencies in executing mutual aid agreements
22 shall constitute a legal charge against the State when approved
23 by the Governor; provided that such agreement has received
24 the approval of said Disaster Council, or the previous approval
25 of the California State War Council.

26 In addition to any appropriation made to support activities
27 contemplated by this act, the Governor is empowered to make
28 expenditures from any fund legally available in order to deal
29 with disaster or threatened disaster conditions should they
30 occur.

31 Sec. 23. The heading of Article 7 of Chapter 1 of Division
32 7 of said code is amended to read:

33 Article 7. Mutual Aid Regions

34 Sec. 24. Section 1560 of said code is amended to read:

35 1560. The Governor with the advice of the Disaster Council
36 is hereby authorized and empowered to divide the State into
37 mutual aid regions.

38 Sec. 25. Section 1562 of said code is amended to read:

39 1562. During any state of extreme emergency when the
40 need arises for outside aid in any county, city and county, or
41 city within the region, such aid shall be rendered in accordance
42 with the mutual aid plans developed on a regional or other basis.
43 It shall be the duty of local public officials to comply with
44 such plans.

45 In periods of local peril or emergency local governmental
46 agencies have full power to exercise mutual aid powers in
47 accordance with agreements or plans therefor.

48 Sec. 26. Section 1563 of said code is amended to read:

49 1563. In the development of the regional mutual aid plans
50 provisions shall be made for the most effective use of State
51 personnel and equipment as a part of such plans and during
52

1 a state of extreme emergency the Governor may exercise such
2 authority over the use of such equipment and personnel as he
3 may see fit or place it under the direction of such State or local
4 officer as he may determine most appropriate.

5 Sec. 27. Section 1571 of said code is amended to read:

6 1571. Counties, cities and counties, and cities may create
7 disaster council by ordinance. A disaster council shall develop
8 a plan for meeting any condition of extreme peril or any condi-
9 tion which is specified in Section 1505 as constituting the basis
10 for a declaration of extreme emergency; such plan shall provide
11 for the effective mobilization of all the resources of the com-
12 munity, both public and private. Such ordinance shall provide
13 for the organization, powers and duties of such officers and
14 committees as in the opinion of the local legislative body are
15 required.

16 Counties, cities and counties, and cities may enact ordinances
17 and either establish rules and regulations or authorize disaster
18 councils to establish rules and regulations for dealing with local
19 emergencies that can be adequately dealt with locally; and fur-
20 ther may act to carry out mutual aid on a voluntary basis, and
21 to this end may enter into agreements. In the absence of a
22 declaration of a state of extreme emergency, State personnel
23 and equipment may be employed in accordance with any mutual
24 aid plan or agreement, or at the direction of the Governor.

25 Any war, defense or disaster council established by any
26 county, city and county, or city, existing as of the effective date
27 of this chapter, and previously certified as an accredited war,
28 defense or disaster council by the California State War Council
29 shall, for the purposes of this chapter or any other law of this
30 State, constitute a disaster council.

31 Neither this chapter nor anything expressed in it is intended
32 to be or is to be construed as a denial of the power of such local
33 agencies to establish such departments pursuant to Article XI,
34 Section 11, of the Constitution.

35 Sec. 28. Section 1572 of said code is amended to read:

36 1572. The emergency power which may be vested in a local
37 public official during a period of extreme emergency, duly pro-
38 claimed as provided in this chapter, shall be subject or sub-
39 ordinate to the powers herein vested in the Governor when
40 exercised by the Governor.

41 Sec. 29. Section 1580 of said code is amended to read:

42 1580. The Governor is hereby empowered to proclaim a state
43 of extreme emergency in an area or region affected or likely to
44 be affected thereby when:

- 45 1. He finds that some or any of the circumstances described in
- 46 Section 1505 exist; and either
- 47 2. He is requested to do so (a) in the case of a city by the
- 48 mayor or chief executive, (b) in the case of a county by the chair-
- 49 man of the board of supervisors; or
- 50 3. He finds that local authority is inadequate to cope with
- 51 the peril.

1 Such proclamation shall be in writing and shall take effect
2 immediately upon its issuance. As soon thereafter as possible
3 it shall be filed in the office of the Secretary of State. The Gov-
4 ernor shall cause widespread publicity and notice to be given of
5 such proclamation.

6 Sec. 30. Section 1581 of said code is amended to read:
7 1581. During a period of a state of extreme emergency the
8 Governor shall have complete authority over all agencies of the
9 State Government and the right to exercise within the
10 area or regions designated all police power vested in the State
11 by the Constitution and the laws of the State of California, in
12 order to effectuate the purposes of this chapter. In exercise
13 thereof he is authorized to promulgate, issue and enforce rules,
14 regulations and orders which he considers necessary for the pro-
15 tection of life and property. Such rules, regulations and orders
16 shall be in writing and shall take effect upon their issuance.
17 They shall be filed in the office of the Secretary of State as soon
18 as possible after their issuance. A copy of such rules, regula-
19 tions and orders shall likewise be filed in the office of the county
20 clerk of each county any portion of which is included within
21 any one of the protective regions wherein a state of extreme
22 emergency has been proclaimed. Whenever the period of a state
23 of extreme emergency has been ended by either the expiration
24 of the period for which it was proclaimed or by proclamation
25 of the Governor declaring the period of a state of extreme
26 emergency to be at an end or as provided in this chapter, the
27 rules, regulations or orders promulgated or issued by the Gov-
28 ernor during such period shall be of no further force and effect.

29 Sec. 31. Section 1584 of said code is amended to read:
30 1584. During the period of a state of extreme emergency,
31 every department, commission, agency, board, officer and
32 employee of the State Government and of every political sub-
33 division, county, city and county, city, public district and public
34 corporation of or in this State is required to comply with the
35 lawful rules, regulations, and orders of the Governor made or
36 given within the limits of his authority as provided for herein.
37 Every such officer or employee who refuses or wilfully neglects
38 to obey such rules, regulations or orders of the Governor, or who
39 wilfully resists, delays or obstructs the Governor in the dis-
40 charge of any of his functions hereunder, is guilty of a mis-
41 demeanor. In the event that any such officer or employee shall
42 refuse or wilfully neglect to obey any such rules, regulations or
43 orders, the Governor may by his order temporarily suspend him
44 from the performance of any and all the rights, obligations and
45 duties of his office for the remainder of the period of the state
46 of extreme emergency, and the Governor may thereupon desig-
47 nate the person who shall carry on the rights, obligations and
48 duties of the office for the duration of such suspension.

49 Sec. 32. Section 1586 of said code is amended to read:
50 1586. Before payment may be made by the State to any per-
51 son in reimbursement for taking or damaging private property

1 necessarily utilized by the Governor in carrying out his responsi-
2 bilities under this chapter during the period of a state of extreme
3 emergency, or for services rendered at the instance of the Gover-
4 nor under said conditions, such person must present a claim to
5 the State Board of Control in accordance with the provisions of
6 the Political Code of the State of California governing the
7 presentation of claims against the State for the taking or damag-
8 ing of private property for public use which provisions shall
9 govern the presentment, allowance or rejection of such claims
10 and the conditions upon which suit may be brought against the
11 State. Payment for such property or services shall be made
12 from any funds appropriated by the State for such purpose.

13 Sec. 33. Section 1587 of said code is amended to read:
14 1587. In the event that the Governor, during the state of
15 extreme emergency and in the exercise of the emergency war
16 powers vested in him, shall order the officers, employees, or
17 agencies of any county, city and county, city or district to per-
18 form duties outside of the territorial limits of their respective
19 agencies, any services performed or expenditures made in con-
20 nection therewith by any such agency, shall be deemed con-
21 clusively to be for the direct protection and benefit of the inhabi-
22 tants and property of such agency. During a state of extreme
23 emergency in the event that any equipment belonging to any
24 county, city and county, city or district, is damaged or destroyed
25 while being used outside of the territorial limits of the public
26 agency owning such equipment, the public agency suffering
27 loss shall be entitled to file a claim for the amount thereof
28 against the State of California in the manner provided in Sec-
29 tion 1586 of this chapter. Such agency shall have no claim
30 against the State for services of such personnel or for the
31 rental, use or ordinary wear and tear of such equipment, except
32 such extraordinary services incurred by local governmental
33 agencies in executing mutual aid agreements as provided in
34 Section 1541. All of the privileges and immunities from lia-
35 bility, exemptions from laws, ordinances and rules, all pension,
36 relief, disability, workmen's compensation, and other benefits
37 which apply to the activity of such officers, agents or employees
38 of any such agency when performing their respective functions
39 within the territorial limits of their respective public agencies,
40 shall apply to them to the same degree and extent while engaged
41 in the performance of any of their functions and duties extra-
42 territorially under the provisions of this chapter.

43 Sec. 34. Section 1589 is added to said code, to read:
44 1589. (a) Whenever it appears that a state of extreme
45 emergency proclaimed by the Governor in accordance with this
46 chapter will continue for more than seven days, the Governor
47 shall call a meeting of the Disaster Council to commence not
48 later than the expiration of such seven days.

49 (b) All of the powers of the Governor during a state of
50 extreme emergency proclaimed by him pursuant to this chapter
51 shall terminate with respect to such state of extreme emergency

1 and any other emergency related to or growing out of such
2 emergency when:

3 (1) The Governor has failed to call a meeting of the Disaster
4 Council within the period prescribed in subdivision (a) of this
5 section, or

6 (2) The Governor has not within 30 days after proclaiming
7 such state of extreme emergency convened the Legislature for
8 the purpose of legislating on subjects relating to such state of
9 extreme emergency, except when the Legislature is already con-
10 vened with power to legislate on such subjects.

11 Sec. 35. Section 1591 of said code is amended to read:

12 1591. (a) Volunteers duly enrolled or registered with any
13 war, defense, or disaster council of any public agency, in carry-
14 ing out, complying with, or attempting to comply with, any
15 order, rule or regulation issued or promulgated pursuant to the
16 provisions of this chapter or any local ordinance, or performing
17 any of their authorized functions or duties or training for the
18 performance of their authorized functions or duties, shall have
19 the same degree of responsibility for their actions and enjoy the
20 same immunities as officers and employees of counties or cities
21 performing similar work for their respective entities.

22 (b) No political subdivision, municipal corporation or other
23 public agency under any circumstances, nor the officers,
24 employees, agents, or duly enrolled or registered volunteers
25 thereof acting within the scope of their official duties under this
26 chapter or any local ordinance shall be liable for personal injury
27 or property damage sustained by any duly enrolled or registered
28 volunteer engaged in or training for disaster preparedness or
29 relief activity. The foregoing shall not affect the right of any
30 such person to receive benefits or compensation which may be
31 specifically provided by the provisions of any Federal or State
32 statute nor shall it affect the right of any person to recover
33 under the terms of any policy of insurance.

34 Sec. 36. Any unexpended balance of funds appropriated
35 by Chapter 662 of the Statutes of 1929 and any other money
36 appropriated to the State Emergency Council shall revert to the
37 General Fund in the State treasury.

38 Sec. 37. All mutual aid agreements which are in effect
39 at the time this act becomes effective are continued in effect until
40 modified by the parties thereto.

41 Sec. 38. Any of the funds made available by Section 1509.9
42 of said code may be allocated by the Director of Finance to a
43 State agency having had assigned to it any protection or war
44 services activity under the provisions of Section 1540 of said
45 code before said Section 1540 was amended by this act.

AMENDED IN ASSEMBLY JUNE 13, 1945
AMENDED IN ASSEMBLY JUNE 12, 1945
AMENDED IN SENATE JUNE 7, 1945
AMENDED IN SENATE JUNE 4, 1945

SENATE BILL

No. 1302

INTRODUCED BY SENATOR QUINN

May 28, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to repeal Chapter 662 of the Statutes of 1929 and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

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

- 1 SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508,
- 2 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and
- 3 1589 of the Military and Veterans Code, and Chapter 662 of the
- 4 Statutes of 1929 are repealed.
- 5 SEC. 2. The heading of Chapter 1 of Division 7 of the Mil-
- 6 itary and Veterans Code is amended to read:
- 7
- 8

CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

- 9
- 10 SEC. 3. Section 1500 of said code is amended to read:
- 11 1500. The State has long recognized its responsibility to pro-
- 12 vide for preparedness against disasters that may result from

1 such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of wartime experience, and that advantage be taken of those improvements and methods, organizations and arrangements that have already been developed to deal with possible future disasters.

Sec. 4. Section 1501 of said code is amended to read:

1501. This chapter may be cited as the "California Disaster Act."

This chapter shall remain in effect until the ninety-first day after final adjournment of the Fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Sec. 5. Section 1502 of said code is amended to read:

1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

Sec. 6. Section 1504 of said code is amended to read:

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or county, or city and county, and not necessarily coterminous with the boundary lines of any city, county, or city and county.

Sec. 7. Section 1505 of said code is amended to read:

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

Sec. 8. Section 1507 is added to said code, to read:

1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by

the State War Council, shall continue to be in effect, and either of them may hereafter be modified by the Disaster Council.

The State of California Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

Sec. 9. Section 1509.8 of said code is amended to read:

1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

Sec. 10. Section 1509.9 of said code is amended to read:

1509.9. The Governor is empowered to expend during the Ninety-seventh and Ninety-eighth Fiscal Years one hundred seven thousand five hundred twenty-eight dollars (\$107,528) of any moneys in any appropriation or in any special fund in the State treasury remaining or made available by law for expenditure by the California State War Council on June 30, 1945, or for the use, support or maintenance of the California State War Council or appropriated for the purpose of carrying any appropriation for support of the California Disaster Act to carry out the provisions of this chapter.

Sec. 11. The heading of Article 2 of Chapter 1 of Division 7 of said code is amended to read:

Article 2. Organization and Duties of the California State Disaster Council

Sec. 12. Section 1510 of said code is amended to read:

1510. There is hereby created a California State Disaster Council to consist of the following:

- (a) The Governor;
- (b) The Lieutenant Governor;
- (c) The Attorney General;

(d) One representative of the city governments of the State and one representative of the county governments of the State to be appointed by the Governor and to serve at his pleasure; provided these members shall be from different counties;

(e) A representative of the American Red Cross, to be appointed by the Governor;

(f) A representative of the city or county fire services of the State, appointed by the Governor and to serve at his pleasure;

(g) A representative of the city or county law enforcement services of the State, appointed by the Governor and to serve at his pleasure.

The President pro tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Disaster Council to the same extent as members of the council.

appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as Members of the Legislature.

Sec. 13. Section 1511 of said code is amended to read: 1511. Neither the members of the Disaster Council nor the members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

Sec. 14. Section 1512 of said code is amended to read: 1512. The Governor shall be ex officio Chairman of the Disaster Council.

Sec. 15. Section 1513 of said code is amended to read: 1513. It shall be the duty of the Disaster Council, and it is hereby empowered

To act as an advisory body to the Governor in times of war or disaster and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action.

The Disaster Council shall meet upon call of the Governor. It shall also be the duty of the Disaster Council, and it is hereby empowered:

(a) To prepare and recommend for consideration by the Governor, rules or regulations or orders which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such "mutual aid regions" of the State as may be designated;

(c) To consider and approve inter-regional and regional mutual aid plans;

(d) To recommend to the Governor the assignment of any service or activity relative to disaster or disaster planning to a State department having duties related to such service or activity;

(e) To consider and recommend the creation by the Governor of advisory committees in order to make available to the State civilian participation and cooperation in disaster planning and activities;

(f) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter;

(g) To develop a State Disaster Preparedness Plan built around mutual aid and integrate into such plan the several State departments and agencies whose resources are necessary in coping with disasters;

(h) To encourage the development and maintenance of mutual aid plans and agreements whereunder local agencies may most effectively protect life and property during periods of emergency;

(i) To evaluate State communications systems with particular regard to their adequacy in case of disaster.

Sec. 16. Section 1514 is added to said code, to read:

1514. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of State departments or agencies of the State Government, should he deem it necessary to aid him or the Disaster Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

Sec. 17. The heading of Article 3 of Chapter 1 of Division 7 of said code is amended to read:

Article 3. Citizens' Advisory Committees

Sec. 18. Section 1520 of said code is amended to read: 1520. The Governor may create advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness. He shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the Governor or such State department head as he shall designate, and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall not receive compensation from the State for their services under this chapter, but when called into conference or session by the Governor or a department head designated by him shall be reimbursed for their actual and necessary expenses incurred in connection with such conferences or sessions, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

Sec. 19. The heading of Article 4 of Chapter 1 of Division 7 of said code is amended to read:

Article 4. Succession of the Governor to Certain Powers and Duties

Sec. 20. Section 1530 of said code is amended to read:

1530. The Governor is the successor of the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services and the Director of the California State War Council. Whenever any law of this

1 State imposes duties upon or vests powers in the State Director
2 of Civilian Defense, the State Director of Civilian Protection,
3 the State Director of Civilian War Services or the Director of
4 the State War Council, that duty shall be performed or that
5 power exercised by the Governor with the same force and effect
6 as though the Governor had been specifically named in such law.

7 Sec. 21. Section 1540 of said code is amended to read:

8 1540. The Governor may assign to a State agency any
9 activity concerned with disaster preparedness of a nature
10 related to the existing powers and duties of such agency, and
11 it shall thereupon become the duty of such agency to undertake
12 and carry out such activity on behalf of the State.

13 Sec. 22. Section 1541 of said code is amended to read:

14 1541. Any funds appropriated for the support of the
15 Disaster Council or for the purposes of this chapter shall be
16 allotted by the Director of Finance to a State agency having
17 duties pursuant to Section 1540, or allotted to the Governor, to
18 be expended under his direction in carrying out the objects and
19 purposes of this chapter. Extraordinary services incurred by
20 local governmental agencies in executing mutual aid agreements
21 shall constitute a legal charge against the State when approved
22 by the Governor; provided that such agreement has received
23 the approval of said Disaster Council, or the previous approval
24 of the California State War Council.

25 In addition to any appropriation made to support activities
26 contemplated by this act, the Governor is empowered to make
27 expenditures from any fund legally available in order to deal
28 with disaster or threatened disaster conditions should they
29 occur.

30 Sec. 23. The heading of Article 7 of Chapter 1 of Division
31 7 of said code is amended to read:

Article 7. Mutual Aid Regions

33 Sec. 24. Section 1560 of said code is amended to read:
34 1560. The Governor with the advice of the Disaster Council
35 is hereby authorized and empowered to divide the State into
36 mutual aid regions.

37 Sec. 25. Section 1562 of said code is amended to read:
38 1562. During any state of extreme emergency when the
39 need arises for outside aid in any county, city and county, or
40 city within the region, such aid shall be rendered in accordance
41 with the mutual aid plans developed on a regional or other basis.
42 It shall be the duty of local public officials to comply with
43 such plans.

44 In periods of local peril or emergency local governmental
45 agencies have full power to exercise mutual aid powers in
46 accordance with agreements or plans therefor.

47 Sec. 26. Section 1563 of said code is amended to read:
48 1563. In the development of the regional mutual aid plans
49 provisions shall be made for the most effective use of State
50 personnel and equipment as a part of such plans and during
51

1 a state of extreme emergency the Governor may exercise such
2 authority over the use of such equipment and personnel as he
3 may see fit or place it under the direction of such State or local
4 officer as he may determine most appropriate.

5 Sec. 27. Section 1571 of said code is amended to read:

6 1571. Counties, cities and counties, and cities may create
7 disaster council by ordinance. A disaster council shall develop
8 a plan for meeting any condition of extreme peril or any condi-
9 tion which is specified in Section 1505 as constituting the basis
10 for a declaration of extreme emergency; such plan shall provide
11 for the effective mobilization of all the resources of the com-
12 munity, both public and private. Such ordinance shall provide
13 for the organization, powers and duties of such officers and
14 committees as in the opinion of the local legislative body are
15 required.

16 Counties, cities and counties, and cities may enact ordinances
17 and either establish rules and regulations or authorize disaster
18 councils to establish rules and regulations for dealing with local
19 emergencies that can be adequately dealt with locally; and fur-
20 ther may act to carry out mutual aid on a voluntary basis, and
21 to this end may enter into agreements. In the absence of a
22 declaration of a state of extreme emergency, State personnel
23 and equipment may be employed in accordance with any mutual
24 aid plan or agreement, or at the direction of the Governor.

25 Any war, defense or disaster council established by any
26 county, city and county, or city, existing as of the effective date
27 of this chapter, and previously certified as an accredited war,
28 defense or disaster council by the California State War Council
29 shall, for the purposes of this chapter or any other law of this
30 State, constitute a disaster council.

31 Neither this chapter nor anything expressed in it is intended
32 to be or is to be construed as a denial of the power of such local
33 agencies to establish such departments pursuant to Article XI,
34 Section 11, of the Constitution.

35 Sec. 28. Section 1572 of said code is amended to read:

36 1572. The emergency power which may be vested in a local
37 public official during a period of extreme emergency, duly pro-
38 claimed as provided in this chapter, shall be subject or sub-
39 ordinate to the powers herein vested in the Governor when
40 exercised by the Governor.

41 Sec. 29. Section 1580 of said code is amended to read:

42 1580. The Governor is hereby empowered to proclaim a state
43 of extreme emergency in an area or region affected or likely to
44 be affected thereby when:

45 1. He finds that some or any of the circumstances described in
46 Section 1505 exist; and either

47 2. He is requested to do so (a) in the case of a city by the
48 mayor or chief executive, (b) in the case of a county by the chair-
49 man of the board of supervisors; or

50 3. He finds that local authority is inadequate to cope with
51 the peril.

1 Such proclamation shall be in writing and shall take effect
2 immediately upon its issuance. As soon thereafter as possible
3 it shall be filed in the office of the Secretary of State. The Gov-
4 ernor shall cause widespread publicity and notice to be given of
5 such proclamation.

6 Sec. 30. Section 1581 of said code is amended to read:

7 1581. During a period of a state of extreme emergency the
8 Governor shall have complete authority over all agencies of the
9 State Government and the right to exercise within the
10 area or regions designated all police power vested in the State
11 by the Constitution and the laws of the State of California, in
12 order to effectuate the purposes of this chapter. In exercise
13 thereof he is authorized to promulgate, issue and enforce rules,
14 regulations and orders which he considers necessary for the pro-
15 tection of life and property. Such rules, regulations and orders
16 shall be in writing and shall take effect upon their issuance.
17 They shall be filed in the office of the Secretary of State as soon
18 as possible after their issuance. A copy of such rules, regula-
19 tions and orders shall likewise be filed in the office of the county
20 clerk of each county any portion of which is included within
21 any one of the protective regions wherein a state of extreme
22 emergency has been proclaimed. Whenever the period of a state
23 of extreme emergency has been ended by either the expiration
24 of the period for which it was proclaimed or by proclamation
25 of the Governor declaring the period of a state of extreme
26 emergency to be at an end or as provided in this chapter, the
27 rules, regulations or orders promulgated or issued by the Gov-
28 ernor during such period shall be of no further force and effect.

29 Sec. 31. Section 1584 of said code is amended to read:

30 1584. During the period of a state of extreme emergency,
31 every department, commission, agency, board, officer and
32 employee of the State Government and of every political sub-
33 division, county, city and county, city, public district and public
34 corporation of or in this State is required to comply with the
35 lawful rules, regulations, and orders of the Governor made or
36 given within the limits of his authority as provided for herein.
37 Every such officer or employee who refuses or wilfully neglects
38 to obey such rules, regulations or orders of the Governor, or who
39 wilfully resists, delays or obstructs the Governor in the dis-
40 charge of any of his functions hereunder, is guilty of a mis-
41 demeanor. In the event that any such officer or employee shall
42 refuse or wilfully neglect to obey any such rules, regulations or
43 orders, the Governor may by his order temporarily suspend him
44 from the performance of any and all the rights, obligations and
45 duties of his office for the remainder of the period of the state
46 of extreme emergency, and the Governor may thereupon desig-
47 nate the person who shall carry on the rights, obligations and
48 duties of the office for the duration of such suspension.

49 Sec. 22. Section 1586 of said code is amended to read:

50 1586. Before payment may be made by the State to any per-
51 son in reimbursement for taking or damaging private property

1 necessarily utilized by the Governor in carrying out his responsi-
2 bilities under this chapter during the period of a state of extreme
3 emergency, or for services rendered at the instance of the Gover-
4 nor under said conditions, such person must present a claim to
5 the State Board of Control in accordance with the provisions of
6 the Political Code of the State of California governing the
7 presentation of claims against the State for the taking or damag-
8 ing of private property for public use which provisions shall
9 govern the presentation, allowance or rejection of such claims
10 and the conditions upon which suit may be brought against the
11 State. Payment for such property or services shall be made
12 from any funds appropriated by the State for such purpose.

13 Sec. 33. Section 1587 of said code is amended to read:

14 1587. In the event that the Governor, during the state of
15 extreme emergency and in the exercise of the emergency war
16 powers vested in him; shall order the officers, employees, or
17 agencies of any county, city and county, city or district to per-
18 form duties outside of the territorial limits of their respective
19 agencies, any services performed or expenditures made in con-
20 nection therewith by any such agency, shall be deemed con-
21 clusively to be for the direct protection and benefit of the inhabi-
22 tants and property of such agency. During a state of extreme
23 emergency in the event that any equipment belonging to any
24 county, city and county, city or district, is damaged or destroyed
25 while being used outside of the territorial limits of the public
26 agency owning such equipment, the public agency suffering
27 loss shall be entitled to file a claim for the amount thereof
28 against the State of California in the manner provided in Sec-
29 tion 1586 of this chapter. Such agency shall have no claim
30 against the State for services of such personnel or for the
31 rental, use or ordinary wear and tear of such equipment, except
32 such extraordinary services incurred by local governmental
33 agencies in executing mutual aid agreements as provided in
34 Section 1541. All of the privileges and immunities from lia-
35 bility, exemptions from laws, ordinances and rules, all pension,
36 relief, disability, workmen's compensation, and other benefits
37 which apply to the activity of such officers, agents or employees
38 of any such agency when performing their respective functions
39 within the territorial limits of their respective public agencies,
40 shall apply to them to the same degree and extent while engaged
41 in the performance of any of their functions and duties extra-
42 territorially under the provisions of this chapter.

43 Sec. 34. Section 1589 is added to said code, to read:

44 1589. (a) Whenever it appears that a state of extreme
45 emergency proclaimed by the Governor in accordance with this
46 chapter will continue for more than seven days, the Governor
47 shall call a meeting of the Disaster Council to commence not
48 later than the expiration of such seven days.

49 (b) All of the powers of the Governor during a state of
50 extreme emergency proclaimed by him pursuant to this chapter
51 shall terminate with respect to such state of extreme emergency

1 and any other emergency related to or growing out of such
2 emergency when:

3 (1) The Governor has failed to call a meeting of the Disaster
4 Council within the period prescribed in subdivision (a) of this
5 section, or

6 (2) The Governor has not within 30 days after proclaiming
7 such state of extreme emergency convened the Legislature for
8 the purpose of legislating on subjects relating to such state of
9 extreme emergency, except when the Legislature is already con-
10 vened with power to legislate on such subjects.

11 Sec. 35. Section 1591 of said code is amended to read:

12 1591. (a) Volunteers duly enrolled or registered with any
13 war, defense, or disaster council of any public agency, in carry-
14 ing out, complying with, or attempting to comply with, any
15 order, rule or regulation issued or promulgated pursuant to the
16 provisions of this chapter or any local ordinance, or performing
17 any of their authorized functions or duties or training for the
18 performance of their authorized functions or duties, shall have
19 the same degree of responsibility for their actions and enjoy the
20 same immunities as officers and employees of counties or cities
21 performing similar work for their respective entities.

22 (b) No political subdivision, municipal corporation or other
23 public agency under any circumstances, nor the officers,
24 employees, agents, or duly enrolled or registered volunteers
25 thereof acting within the scope of their official duties under this
26 chapter or any local ordinance shall be liable for personal injury
27 or property damage sustained by any duly enrolled or registered
28 volunteer engaged in or training for disaster preparedness or
29 relief activity. The foregoing shall not affect the right of any
30 such person to receive benefits or compensation which may be
31 specifically provided by the provisions of any Federal or State
32 statute nor shall it affect the right of any person to recover
33 under the terms of any policy of insurance.

34 Sec. 36. Any unexpended balance of funds appropriated
35 by Chapter 662 of the Statutes of 1929 and any other money
36 appropriated to the State Emergency Council shall revert to the
37 General Fund in the State treasury.

38 Sec. 37. All mutual aid agreements which are in effect
39 at the time this act becomes effective are continued in effect until
40 modified by the parties thereto.

41 Sec. 38. Any of the funds made available by Section 1509.9
42 of said code may be allocated by the Director of Finance to a
43 State agency having had assigned to it any protection or war
44 services activity under the provisions of Section 1540 of said
45 code before said Section 1540 was amended by this act.

46 SEC. 39. *The sum of one hundred seven thousand five hun-*
47 *dred twenty-eight dollars (\$107,528) out of any money in the*
48 *State treasury not otherwise appropriated is hereby appropri-*
49 *ated during the Ninety-seventh and Ninety-eighth Fiscal Years*
50 *to carry out the provisions of the California Disaster Act.*



AMENDED IN ASSEMBLY JUNE 14, 1945
AMENDED IN ASSEMBLY JUNE 18, 1945
AMENDED IN ASSEMBLY JUNE 12, 1945
AMENDED IN SENATE JUNE 7, 1945
AMENDED IN SENATE JUNE 4, 1945

SENATE BILL

No. 1302

INTRODUCED BY SENATOR QUINN

May 28, 1945

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS

An act to repeal Chapter 662 of the Statutes of 1929 Part 9 OF DIVISION 3 OF TITLE 2 OF THE GOVERNMENT CODE and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

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

- 1 SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508,
- 2 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and
- 3 1589 of the Military and Veterans Code, and Chapter 662 of the
- 4 Statutes of 1929 Part 9 of Division 3 of Title 2 of the Govern-
- 5 ment Code are repealed.

aid region or regions" to combat "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

Sec. 8. Section 1507 is added to said code, to read:

1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by the State War Council, shall continue to be in effect, and either of them may hereafter be modified by the Disaster Council. The person holding the office of assistant to the director of the California State War Council for law enforcement on June 30, 1945, is hereby transferred to the Department of Justice on the effective date of this act as an appointee of the Attorney General, and the provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include such person. The State of California Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

Sec. 9. Section 1509.8 of said code is amended to read:

1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

Sec. 10. Section 1509.9 of said code is amended to read:

1509.9. The Governor is empowered to expend any appropriation for support of the California Disaster Act to carry out the provisions of this chapter.

Sec. 2. The heading of Chapter 1 of Division 7 of the Military and Veterans Code is amended to read:

CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

Sec. 3. Section 1500 of said code is amended to read:

1500. The State has long recognized its responsibility to provide for preparedness against disasters that may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary, to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of wartime experience, and that advantage be taken of those improvements and methods, organizations and arrangements that have already been developed to deal with possible future disasters.

Sec. 4. Section 1501 of said code is amended to read:

1501. This chapter may be cited as the "California Disaster Act."

This chapter shall remain in effect until the ninety-first day after final adjournment of the fifty-seventh Regular Session of the Legislature or until the cessation of hostilities in all wars in which the United States is now engaged, whichever first occurs.

Sec. 5. Section 1502 of said code is amended to read:

1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

Sec. 6. Section 1504 of said code is amended to read:

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or city and county, or county, and not necessarily coterminous with the boundary lines of any city, county, or county.

Sec. 7. Section 1505 of said code is amended to read:

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual

1 Sec. 11. The heading of Article 2 of Chapter 1 of Division
2 of said code is amended to read:

3 Article 2. Organization and Duties of the California
4 State Disaster Council

5 Sec. 12. Section 1510 of said code is amended to read:
6 1510. There is hereby created a California State Disaster
7 Council to consist of the following:

- 8 (a) The Governor;
9 (b) The Lieutenant Governor;
10 (c) The Attorney General;
11 (d) One representative of the city governments of the State,
12 and one representative of the county governments of the State,
13 to be appointed by the Governor and to serve at his pleasure;
14 provided these members shall be from different counties;
15 — (e) A representative of the American Red Cross, to be
16 appointed by the Governor;

- 17 (f) A representative of the city or county fire services of the
18 State, appointed by the Governor and to serve at his pleasure;
19 (g) A representative of the city or county law enforcement
20 services of the State, appointed by the Governor and to serve at
21 his pleasure.

22 The President pro tempore of the Senate and the Speaker of
23 the Assembly shall meet with and participate in the work of the
24 Disaster Council to the same extent as members of the council
25 appointed by the Governor, excepting when such participation
26 is constitutionally incompatible with their respective positions
27 as Members of the Legislature.

28 Sec. 13. Section 1511 of said code is amended to read:

29 1511. Neither the members of the Disaster Council nor the
30 members of the Legislature shall receive compensation for their
31 services under this chapter, but they shall be reimbursed for
32 their actual and necessary expenses incurred in connection with
33 their duties hereunder, or in lieu thereof shall receive mileage
34 and ten dollars (\$10) per day of actual service.

35 Sec. 14. Section 1512 of said code is amended to read:
36 1512. The Governor shall be ex officio Chairman of the
37 Disaster Council.

38 Sec. 15. Section 1513 of said code is amended to read:
39 1513. It shall be the duty of the Disaster Council, and it is
40 hereby empowered

41 To act as an advisory body to the Governor in times of war or
42 disaster and with reference thereto in order to minimize the
43 effects of such occurrences by recommending ameliorative action.
44 The Disaster Council shall meet upon call of the Governor.
45 It shall also be the duty of the Disaster Council, and it is
46 hereby empowered:

- 47 (a) To prepare and recommend for consideration by the Gov-
48 ernor, rules or regulations or orders which are within the prov-
49 ince of the Governor to promulgate;

- 1 (b) To consider and recommend to the Governor for approval
2 the boundaries of such "mutual aid regions" of the State as
3 may be designated;

- 4 (c) To consider and approve inter-regional and regional
5 mutual aid plans;

- 6 (d) To recommend to the Governor the assignment of any
7 service or activity relative to disaster or disaster planning to a
8 State department having duties related to such service or
9 activity;

- 10 (e) To consider and recommend the creation by the Governor
11 of advisory committees in order to make available to the State
12 civilian participation and cooperation in disaster planning and
13 activities;

- 14 (f) To consider and recommend the expenditures of moneys
15 appropriated for any of the objects or purposes of this chapter;

- 16 (g) To develop a State Disaster Preparedness Plan built
17 around mutual aid and integrate into such plan the several State
18 departments and agencies whose resources are necessary in cop-
19 ing with disasters;

- 20 (h) To encourage the development and maintenance of
21 mutual aid plans and agreements whereunder local agencies
22 may most effectively protect life and property during periods
23 of emergency;

- 24 (i) To evaluate State communications systems with particu-
25 lar regard to their adequacy in case of disaster.

26 Sec. 16. Section 1514 is added to said code, to read:

27 1514. Nothing herein shall operate to prevent the Governor
28 from establishing a committee or board composed of heads of
29 State departments or agencies of the State Government, should
30 he deem it necessary to aid him or the Disaster Council or both
31 in obtaining information or advice, assisting in developing or
32 carrying out plans, or otherwise acting in accomplishment of
33 the purposes of this chapter.

34 Sec. 17. The heading of Article 3 of Chapter 1 of Division
35 7 of said code is amended to read:

36 Article 3. Citizens' Advisory Committees

37 Sec. 18. Section 1520 of said code is amended to read:

38 1520. The Governor may create advisory committees to assist
39 in specific fields of civilian protection, war services and disaster
40 preparedness. He shall appoint the members thereof and they
41 shall serve at his pleasure. He shall also designate the chairman
42 and vice chairman thereof. The committees shall be under the
43 direction of the Governor or such State department head as he
44 shall designate, and shall be wholly advisory in character and
45 shall not be delegated any administrative authority or responsi-
46 bility. Members of such committees shall not receive compensa-
47 tion from the State for their services under this chapter, but
48 when called into conference or session by the Governor or a
49 department head designated by him shall be reimbursed for
50 their actual and necessary expenses incurred in connection with
51

1 such conferences or sessions, or in lieu thereof shall receive
 2 mileage and ten dollars (\$10) per day of actual service.
 3 Sec. 19. The heading of Article 4 of Chapter 1 of Division
 4 7 of said code is amended to read:
 5
 6
 7
 8

Article 4. Succession of the Governor to Certain
 Powers and Duties

9 Sec. 20. Section 1530 of said code is amended to read:
 10 1530. The Governor is the successor of the State Director of
 11 Civilian Defense, the State Director of Civilian Protection, the
 12 State Director of Civilian War Services and the Director of
 13 the California State War Council. Whenever any law of this
 14 State imposes duties upon or vests powers in the State Director
 15 of Civilian Defense, the State Director of Civilian Protection,
 16 the State Director of Civilian War Services or the Director of
 17 the State War Council, that duty shall be performed or that
 18 power exercised by the Governor with the same force and effect
 19 as though the Governor had been specifically named in such law.
 20 Sec. 21. Section 1540 of said code is amended to read:
 21 1540. The Governor may assign to a State agency any
 22 activity concerned with disaster preparedness of a nature
 23 related to the existing powers and duties of such agency, and
 24 it shall thereupon become the duty of such agency to undertake
 25 and carry out such activity on behalf of the State.

26 Sec. 22. Section 1541 of said code is amended to read:

27 1541. Any funds appropriated for the support of the
 28 Disaster Council or for the purposes of this chapter shall be
 29 allotted by the Director of Finance to a State agency having
 30 duties pursuant to Section 1540, or allotted to the Governor, to
 31 be expended under his direction in carrying out the objects and
 32 purposes of this chapter. Extraordinary services incurred by
 33 local governmental agencies in executing mutual aid agreements
 34 shall constitute a legal charge against the State when approved
 35 by the Governor; provided that such agreement has received
 36 the approval of said Disaster Council, or the previous approval
 37 of the California State War Council.

38 In addition to any appropriation made to support activities
 39 contemplated by this act, the Governor is empowered to make
 40 expenditures from any fund legally available in order to deal
 41 with disaster or threatened disaster conditions should they
 42 occur.

43 Sec. 23. The heading of Article 7 of Chapter 1 of Division
 44 7 of said code is amended to read:
 45
 46
 47
 48

Article 7. Mutual Aid Regions

49 Sec. 24. Section 1560 of said code is amended to read:

50 1560. The Governor with the advice of the Disaster Council
 51 is hereby authorized and empowered to divide the State into
 mutual aid regions.

1 Sec. 25. Section 1562 of said code is amended to read:
 2 1562. During any state of extreme emergency when the
 3 need arises for outside aid in any county, city and county, or
 4 city within the region, such aid shall be rendered in accordance
 5 with the mutual aid plans developed on a regional or other basis.
 6 It shall be the duty of local public officials to comply with
 7 such plans.

8 In periods of local peril or emergency local governmental
 9 agencies have full power to exercise mutual aid powers in
 10 accordance with agreements or plans therefor.

11 Sec. 26. Section 1563 of said code is amended to read:
 12 1563. In the development of the regional mutual aid plans
 13 provisions shall be made for the most effective use of State
 14 personnel and equipment as a part of such plans and during
 15 a state of extreme emergency the Governor may exercise such
 16 authority over the use of such equipment and personnel as he
 17 may see fit or place it under the direction of such State or local
 18 officer as he may determine most appropriate.

19 Sec. 27. Section 1571 of said code is amended to read:

20 1571. Counties, cities and counties, and cities may create
 21 disaster council by ordinance. A disaster council shall develop
 22 a plan for meeting any condition of extreme peril or any condi-
 23 tion which is specified in Section 1505 as constituting the basis
 24 for a declaration of extreme emergency; such plan shall provide
 25 for the effective mobilization of all the resources of the com-
 26 munity, both public and private. Such ordinance shall provide
 27 for the organization, powers and duties of such officers and
 28 committees as in the opinion of the local legislative body are
 29 required.

30 Counties, cities and counties, and cities may enact ordinances
 31 and either establish rules and regulations or authorize disaster
 32 councils to establish rules and regulations for dealing with local
 33 emergencies that can be adequately dealt with locally; and fur-
 34 ther may act to carry out mutual aid on a voluntary basis, and
 35 to this end may enter into agreements. In the absence of a
 36 declaration of a state of extreme emergency, State personnel
 37 and equipment may be employed in accordance with any mutual
 38 aid plan or agreement, or at the direction of the Governor.

39 Any war, defense or disaster council established by any
 40 county, city and county, or city, existing as of the effective date
 41 of this chapter, and previously certified as an accredited war,
 42 defense or disaster council by the California State War Council
 43 shall, for the purposes of this chapter or any other law of this
 44 State, constitute a disaster council.

45 Neither this chapter nor anything expressed in it is intended
 46 to be or is to be construed as a denial of the power of such local
 47 agencies to establish such departments pursuant to Article XI,
 48 Section 11, of the Constitution.

49 Sec. 28. Section 1572 of said code is amended to read:

50 1572. The emergency power which may be vested in a local
 51 public official during a period of extreme emergency, duly pro-

1 claimed as provided in this chapter, shall be subject or sub-
 2 ordinate to the powers herein vested in the Governor when
 3 exercised by the Governor.

4 Sec. 29. Section 1580 of said code is amended to read:
 5 1580. The Governor is hereby empowered to proclaim a state
 6 of extreme emergency in an area or region affected or likely to
 7 be affected thereby when:

- 8 1. He finds that some or any of the circumstances described in
 9 Section 1505 exist; and either
- 10 2. He is requested to do so (a) in the case of a city by the
 11 mayor or chief executive, (b) in the case of a county by the chair-
 12 man of the board of supervisors; or
- 13 3. He finds that local authority is inadequate to cope with
 14 the peril.

15 Such proclamation shall be in writing and shall take effect
 16 immediately upon its issuance. As soon thereafter as possible
 17 it shall be filed in the office of the Secretary of State. The Gov-
 18 ernor shall cause widespread publicity and notice to be given of
 19 such proclamation.

20 Sec. 30. Section 1581 of said code is amended to read:

21 1581. During a period of a state of extreme emergency the
 22 Governor shall have complete authority over all agencies of the
 23 State Government and the right to exercise within the
 24 area or regions designated all police power vested in the State
 25 by the Constitution and the laws of the State of California, in
 26 order to effectuate the purposes of this chapter. In exercise
 27 thereof he is authorized to promulgate, issue and enforce rules,
 28 regulations and orders which he considers necessary for the pro-
 29 tection of life and property. Such rules, regulations and orders
 30 shall be in writing and shall take effect upon their issuance.
 31 They shall be filed in the office of the Secretary of State as soon
 32 as possible after their issuance. A copy of such rules, regula-
 33 tions and orders shall likewise be filed in the office of the county
 34 clerk of each county any portion of which is included within
 35 any one of the protective regions wherein a state of extreme
 36 emergency has been proclaimed. Whenever the period of a state
 37 of extreme emergency has been ended by either the expiration
 38 of the period for which it was proclaimed or by proclamation
 39 of the Governor declaring the period of a state of extreme
 40 emergency to be at an end or as provided in this chapter, the
 41 rules, regulations or orders promulgated or issued by the Gov-
 42 ernor during such period shall be of no further force and effect.

43 Sec. 31. Section 1584 of said code is amended to read:

44 1584. During the period of a state of extreme emergency,
 45 every department, commission, agency, board, officer and
 46 employee of the State Government and of every political sub-
 47 division, county, city and county, city, public district and public
 48 corporation of or in this State is required to comply with the
 49 lawful rules, regulations, and orders of the Governor made or
 50 given within the limits of his authority as provided for herein.
 51 Every such officer or employee who refuses or wilfully neglects

1 to obey such rules, regulations or orders of the Governor, or who
 2 wilfully resists, delays or obstructs the Governor in the dis-
 3 charge of any of his functions hereunder, is guilty of a mis-
 4 demeanor. In the event that any such officer or employee shall
 5 refuse or wilfully neglect to obey any such rules, regulations or
 6 orders, the Governor may by his order temporarily suspend him
 7 from the performance of any and all the rights, obligations and
 8 duties of his office for the remainder of the period of the state
 9 of extreme emergency, and the Governor may thereupon desig-
 10 nate the person who shall carry on the rights, obligations and
 11 duties of the office for the duration of such suspension.

12 Sec. 32. Section 1586 of said code is amended to read:

13 1586. Before payment may be made by the State to any per-
 14 son in reimbursement for taking or damaging private property
 15 necessarily utilized by the Governor in carrying out his responsi-
 16 bilities under this chapter during the period of a state of extreme
 17 emergency, or for services rendered at the instance of the Gover-
 18 nor under said conditions, such person must present a claim to
 19 the State Board of Control in accordance with the provisions of
 20 the Political Code of the State of California governing the
 21 presentation of claims against the State for the taking or damag-
 22 ing of private property for public use which provisions shall
 23 govern the presentment, allowance or rejection of such claims
 24 and the conditions upon which suit may be brought against the
 25 State. Payment for such property or services shall be made
 26 from any funds appropriated by the State for such purpose.

27 Sec. 33. Section 1587 of said code is amended to read:

28 1587. In the event that the Governor, during the state of
 29 extreme emergency and in the exercise of the emergency war
 30 powers vested in him, shall order the officers, employees, or
 31 agencies of any county, city and county, city or district to per-
 32 form duties outside of the territorial limits of their respective
 33 agencies, any services performed or expenditures made in con-
 34 nection therewith by any such agency, shall be deemed con-
 35 clusively to be for the direct protection and benefit of the inhabi-
 36 tants and property of such agency. During a state of extreme
 37 emergency in the event that any equipment belonging to any
 38 county, city and county, city or district, is damaged or destroyed
 39 while being used outside of the territorial limits of the public
 40 agency owning such equipment, the public agency suffering
 41 loss shall be entitled to file a claim for the amount thereof
 42 against the State of California in the manner provided in Sec-
 43 tion 1586 of this chapter. Such agency shall have no claim
 44 against the State for services of such personnel or for the
 45 rental, use or ordinary wear and tear of such equipment, except
 46 such extraordinary services incurred by local governmental
 47 agencies in executing mutual aid agreements as provided in
 48 Section 1541. All of the privileges and immunities from lia-
 49 bility, exemptions from laws, ordinances and rules, all pension,
 50 relief, disability, workmen's compensation, and other benefits
 51 which apply to the activity of such officers, agents or employees

1 of any such agency when performing their respective functions
 2 within the territorial limits of their respective public agencies
 3 shall apply to them to the same degree and extent while engaged
 4 in the performance of any of their functions and duties extra-
 5 territorially under the provisions of this chapter.

6 Sec. 34. Section 1589 is added to said code, to read:

7 1589. (a) Whenever it appears that a state of extreme
 8 emergency proclaimed by the Governor in accordance with this
 9 chapter will continue for more than seven days, the Governor
 10 shall call a meeting of the Disaster Council to commence no
 11 later than the expiration of such seven days.

12 (b) All of the powers of the Governor during a state of
 13 extreme emergency proclaimed by him pursuant to this chapter
 14 shall terminate with respect to such state of extreme emergency
 15 and any other emergency related to or growing out of such
 16 emergency when:

17 (1) The Governor has failed to call a meeting of the Disaster
 18 Council within the period prescribed in subdivision (a) of this
 19 section, or

20 (2) The Governor has not within 30 days after proclaiming
 21 such state of extreme emergency convened the Legislature for
 22 the purpose of legislating on subjects relating to such state of
 23 extreme emergency, except when the Legislature is already con-
 24 vened with power to legislate on such subjects.

25 Sec. 35. Section 1591 of said code is amended to read:

26 1591. (a) Volunteers duly enrolled or registered with any
 27 war, defense, or disaster council of any public agency, in carry-
 28 ing out, complying with, or attempting to comply with, any
 29 order, rule or regulation issued or promulgated pursuant to the
 30 provisions of this chapter or any local ordinance, or performing
 31 any of their authorized functions or duties or training for the
 32 performance of their authorized functions or duties, shall have
 33 the same degree of responsibility for their actions and enjoy the
 34 same immunities as officers and employees of counties or cities
 35 performing similar work for their respective entities.

36 (b) No political subdivision, municipal corporation or other
 37 public agency under any circumstances, nor the officers,
 38 employees, agents, or duly enrolled or registered volunteers
 39 thereof acting within the scope of their official duties under this
 40 chapter or any local ordinance shall be liable for personal injury
 41 or property damage sustained by any duly enrolled or registered
 42 volunteer engaged in or training for disaster preparedness or
 43 relief activity. The foregoing shall not affect the right of any
 44 such person to receive benefits or compensation which may be
 45 specifically provided by the provisions of any Federal or State
 46 statute nor shall it affect the right of any person to recover
 47 under the terms of any policy of insurance.

48 Sec. 36. Any unexpended balance of funds appropriated
 49 by Chapter 662 of the Statutes of 1929 and any other money
 50 appropriated to the State Emergency Council shall revert to the
 51 General Fund in the State treasury.

1 Sec. 37. All mutual aid agreements which are in effect
 2 at the time this act becomes effective are continued in effect until
 3 modified by the parties thereto.

4 Sec. 38. Any of the funds made available by Section 1509.9
 5 of said code may be allocated by the Director of Finance to a
 6 State agency having had assigned to it any protection or war
 7 services activity under the provisions of Section 1540 of said
 8 code before said Section 1540 was amended by this act.

9 Sec. 39. The sum of one hundred seven thousand five hun-
 10 dred twenty-eight dollars (\$107,528) out of any money in the
 11 State treasury not otherwise appropriated is hereby appropri-
 12 ated during the Ninety-seventh and Ninety-eighth Fiscal Years
 13 to carry out the provisions of the California Disaster Act.

Buck sheep

(a) Any person desiring to ship buck sheep into this State shall notify the department by registered mail before said importation shall be made. Said notice shall give the names and addresses of consignor and consignee, the number of animals shipped, and the origin and destination of the shipment. If said buck sheep are not shipped in crates or in railroad cars which have been cleaned and disinfected prior to loading, or if they have been unloaded in corrals while en route to destination, they may be dipped one or more times by the department.

Dairy goats

(b) Dairy goats shall be accompanied by a certificate of health and agglutination test record, signed by a qualified veterinarian showing that each of said animals is free from Brucelliasis and other communicable diseases, or by a certificate of a qualified veterinarian or a signed statement issued by the official in charge of live stock sanitary work in the State from which said animals are transported, stating that Brucelliasis is not prevalent in the area from which the animals are transported and that each animal is free from communicable diseases and has not recently been exposed to any communicable diseases. A copy of the certificate or statement shall be mailed to the department on the day of shipment.

Sheep

(c) Any person desiring to import sheep, other than buck sheep, or goats, other than dairy goats, into this State except sheep or goats for immediate slaughter, shall notify the department by registered mail before said importation shall be made, which notice shall include the name and address of the consignor and consignee, the owner of said sheep or goats, the place of entrance into the State, and such description of the destination as will enable the department to readily locate said sheep or goats upon their arrival.

LIS-109

CHAPTER 1023

An act to amend Section 1343 of the Fish and Game Code, relating to seals and sea lions.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

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

SECTION 1. Section 1343 of the Fish and Game Code is amended to read:

1343. It is unlawful to take any seal or sea lion except under such regulations as may be prescribed by the commission, except that any fisherman while engaged in fishing from a boat at sea may take any seal or sea lion which is damaging his nets, or tackle, or fish. The commission is empowered to reduce the seal or sea lion herds by humane methods whenever such a course is deemed advisable.

Seals and sea lions

CHAPTER 1024

An act to repeal Part 9 of Division 3 of Title 2 of the Government Code and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.8, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, making an appropriation, and providing for the reversion of certain funds to the General Fund.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

In effect September 15, 1945

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

SECTION 1. Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of the Military and Veterans Code, and Part 9 of Division 3 of Title 2 of the Government Code are repealed.

SEC. 2. The heading of Chapter 1 of Division 7 of the Military and Veterans Code is amended to read:

CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

Chapter heading

SEC. 3. Section 1500 of said code is amended to read:

1500. The State has long recognized its responsibility to provide for preparedness against disasters that may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary, to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of wartime experience, and that advantage be taken of those implementations and methods, organizations and arrangements that have already been developed to deal with possible future disasters.

Disaster: State responsibility

In effect September 15, 1945

conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

Sec. 10. Section 1509.9 of said code is amended to read: 1509.9. The Governor is empowered to expend any appropriation for support of the California Disaster Act to carry out the provisions of this chapter.

Sec. 11. The heading of Article 2 of Chapter 1 of Division 7 of said code is amended to read:

Article 2. Organization and Duties of the California State Disaster Council

Sec. 12. Section 1510 of said code is amended to read: 1510. There is hereby created a California State Disaster Council to consist of the following:

- (a) The Governor;
- (b) The Lieutenant Governor;
- (c) The Attorney General;
- (d) One representative of the city governments of the State, and one representative of the county governments of the State, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties;
- (e) A representative of the American Red Cross, to be appointed by the Governor;
- (f) A representative of the city or county fire services of the State, appointed by the Governor and to serve at his pleasure;
- (g) A representative of the city or county law enforcement services of the State, appointed by the Governor and to serve at his pleasure.

The President pro tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Disaster Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as members of the Legislature.

Sec. 13. Section 1511 of said code is amended to read: 1511. Neither the members of the Disaster Council nor the members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

Sec. 4. Section 1501 of said code is amended to read: 1501. This chapter may be cited as the "California Disaster Act."

Sec. 5. Section 1502 of said code is amended to read: 1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

Sec. 6. Section 1504 of said code is amended to read:

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or city and county, or county, and not necessarily coterminous with the boundary lines of any city, county, or county.

Sec. 7. Section 1505 of said code is amended to read:

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

Sec. 8. Section 1507 is added to said code, to read: 1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by the State War Council, shall continue to be in effect, and either of them may hereafter be modified by the Disaster Council. The person holding the office of assistant to the director of the California State War Council for law enforcement on June 30, 1945, is hereby transferred to the Department of Justice on the effective date of this act as an appointee of the Attorney General, and the provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include such person. The State of California Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

Sec. 9. Section 1509.8 of said code is amended to read: 1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority

"California Disaster Act"

"Disaster Council"

"Mutual aid region"

"State of extreme emergency"

Existing plans, etc.

Transfer of duties, etc.

Chairman

Sec. 14. Section 1512 of said code is amended to read:
1512. The Governor shall be ex officio Chairman of the Disaster Council.

Sec. 15. Section 1513 of said code is amended to read:

1513. It shall be the duty of the Disaster Council, and it is hereby empowered

Powers and duties

- To act as an advisory body to the Governor in times of war or disaster and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action. The Disaster Council shall meet upon call of the Governor.

It shall also be the duty of the Disaster Council, and it is hereby empowered:

(a) To prepare and recommend for consideration by the Governor, rules or regulations or orders which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such "mutual aid regions" of the State as may be designated;

(c) To consider and approve inter-regional and regional mutual aid plans;

(d) To recommend to the Governor the assignment of any service or activity relative to disaster or disaster planning to a State department having duties related to such service or activity;

(e) To consider and recommend the creation by the Governor of advisory committees in order to make available to the State civilian participation and cooperation in disaster planning and activities;

(f) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter;

(g) To develop a State Disaster Preparedness Plan built around mutual aid and integrate into such plan the several State departments and agencies whose resources are necessary in coping with disasters;

(h) To encourage the development and maintenance of mutual aid plans and agreements whereunder local agencies may most effectively protect life and property during periods of emergency;

(i) To evaluate State communications systems with particular regard to their adequacy in case of disaster.

Sec. 16. Section 1514 is added to said code, to read:

1514. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of State departments or agencies of the State Government, should he deem it necessary to aid him or the Disaster Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

Sec. 17. The heading of Article 3 of Chapter 1 of Division 7 of said code is amended to read:

Committees

Article 3. Citizens' Advisory Committees

Article heading

Sec. 18. Section 1520 of said code is amended to read:

Advisory committees

1520. The Governor may create advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness. He shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the Governor or such State department head as he shall designate, and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall not receive compensation from the State for their services under this chapter, but when called into conference or session by the Governor or a department head designated by him shall be reimbursed for their actual and necessary expenses incurred in connection with such conferences or sessions, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

Sec. 19. The heading of Article 4 of Chapter 1 of Division 7 of said code is amended to read:

Article 4. Succession of the Governor to Certain Powers and Duties

Article heading

Sec. 20. Section 1530 of said code is amended to read:

Transfer of duties, etc.

1530. The Governor is the successor of the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services and the Director of the California State War Council. Whenever any law of this State imposes duties upon or vests powers in the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services or the Director of the State War Council, that duty shall be performed or that power exercised by the Governor with the same force and effect as though the Governor had been specifically named in such law.

Sec. 21. Section 1540 of said code is amended to read:

Assignment of activities

1540. The Governor may assign to a State agency any activity concerned with disaster preparedness of a nature related to the existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State.

Sec. 22. Section 1541 of said code is amended to read:

Appropriations, etc.

1541. Any funds appropriated for the support of the Disaster Council or for the purposes of this chapter shall be allotted by the Director of Finance to a State agency having duties pursuant to Section 1540, or allotted to the Governor, to be expended under his direction in carrying out the objects and purposes of this chapter. Extraordinary services incurred by local governmental agencies in executing mutual aid agreements shall constitute a legal charge against the State when approved by the Governor; provided that such agreement has received the approval of said Disaster Council, or the previous approval of the California State War Council.

In addition to any appropriation made to support activities contemplated by this act, the Governor is empowered to make expenditures from any fund legally available in order to deal with disaster or threatened disaster conditions should they occur.

Sec. 23. The heading of Article 7 of Chapter 1 of Division 7 of said code is amended to read:

Article
heading

Article 7. Mutual Aid Regions

Sec. 24. Section 1560 of said code is amended to read:
1560. The Governor with the advice of the Disaster Council is hereby authorized and empowered to divide the State into mutual aid regions.

Mutual
aid regions

Sec. 25. Section 1562 of said code is amended to read:
1562. During any state of extreme emergency when the need arises for outside aid in any county, city and county, or city within the region, such aid shall be rendered in accordance with the mutual aid plans developed on a regional or other basis. It shall be the duty of local public officials to comply with such plans.

Mutual
aid plans

In periods of local peril or emergency local governmental agencies have full power to exercise mutual aid powers in accordance with agreements or plans therefor.

Use of State
personnel
and
equipment

Sec. 26. Section 1563 of said code is amended to read:
1563. In the development of the regional mutual aid plans provisions shall be made for the most effective use of State personnel and equipment as a part of such plans and during a state of extreme emergency the Governor may exercise such authority over the use of such equipment and personnel as he may see fit or place it under the direction of such State or local officer as he may determine most appropriate.

Sec. 27. Section 1571 of said code is amended to read:

1571. Counties, cities and counties, and cities may create disaster council by ordinance. A disaster council shall develop a plan for meeting any condition of extreme peril or any condition which is specified in Section 1505 as constituting the basis for a declaration of extreme emergency; such plan shall provide for the effective mobilization of all the resources of the community, both public and private. Such ordinance shall provide for the organization, powers and duties of such officers and committees as in the opinion of the local legislative body are required.

Counties, cities and counties, and cities may enact ordinances and either establish rules and regulations or authorize disaster councils to establish rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis, and to this end may enter into agreements. In the absence of a declaration of a state of extreme emergency, State personnel and equipment may be employed in accordance with any mutual aid plan or agreement, or at the direction of the Governor.

Powers of
counties
and cities

Any war, defense or disaster council established by any county, city and county, or city, existing as of the effective date of this chapter, and previously certified as an accredited war, defense or disaster council by the California State War Council shall, for the purposes of this chapter or any other law of this State, constitute a disaster council.

Neither this chapter nor anything expressed in it is intended to be or is to be construed as a denial of the power of such local agencies to establish such departments pursuant to Article XI, Section 11, of the Constitution.

Sec. 28. Section 1572 of said code is amended to read:

1572. The emergency power which may be vested in a local public official during a period of extreme emergency, duly proclaimed as provided in this chapter, shall be subject or subordinate to the powers herein vested in the Governor when exercised by the Governor.

Sec. 29. Section 1580 of said code is amended to read:

1580. The Governor is hereby empowered to proclaim a state of extreme emergency in an area or region affected or likely to be affected thereby when:

Declaration
of extreme
emergency

1. He finds that some or any of the circumstances described in Section 1505 exist; and either

2. He is requested to do so (a) in the case of a city by the mayor or chief executive, (b) in the case of a county by the chairman of the board of supervisors; or

3. He finds that local authority is inadequate to cope with the peril.

Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible it shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given of such proclamation.

Sec. 30. Section 1581 of said code is amended to read:

Emergency
powers of
Governor

1581. During a period of a state of extreme emergency the Governor shall have complete authority over all agencies of the State Government and the right to exercise within the area or regions designated all police power vested in the State by the Constitution and the laws of the State of California, in order to effectuate the purposes of this chapter. In exercise thereof he is authorized to promulgate, issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Such rules, regulations and orders shall be in writing and shall take effect upon their issuance. They shall be filed in the office of the Secretary of State as soon as possible after their issuance. A copy of such rules, regulations and orders shall likewise be filed in the office of the county clerk of each county any portion of which is included within any one of the protective regions wherein a state of extreme emergency has been proclaimed. Whenever the period of a state of extreme emergency has been ended by either the expiration of the period for which it was proclaimed or by proclamation of the Governor declaring the period of a state of extreme

emergency to be at an end or as provided in this chapter, the rules, regulations or orders promulgated or issued by the Governor during such period shall be of no further force and effect.

Sec. 31. Section 1584 of said code is amended to read:

1584. During the period of a state of extreme emergency, every department, commission, agency, board, officer and employee of the State Government and of every political subdivision, county, city and county, city, public district and public corporation of or in this State is required to comply with the lawful rules, regulations, and orders of the Governor made or given within the limits of his authority as provided for herein. Every such officer or employee who refuses or wilfully neglects to obey such rules, regulations or orders of the Governor, or who wilfully resists, delays or obstructs the Governor in the discharge of any of his functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or wilfully neglect to obey any such rules, regulations or orders, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations and duties of his office for the remainder of the period of the state of extreme emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations and duties of the office for the duration of such suspension.

Sec. 32. Section 1586 of said code is amended to read:

1586. Before payment may be made by the State to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during the period of a state of extreme emergency, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Political Code of the State of California governing the presentation of claims against the State for the taking or damaging of private property for public use which provisions shall govern the presentment, allowance or rejection of such claims and the conditions upon which suit may be brought against the State. Payment for such property or services shall be made from any funds appropriated by the State for such purpose.

Sec. 33. Section 1587 of said code is amended to read:

1587. In the event that the Governor, during the state of extreme emergency and in the exercise of the emergency war powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of extreme emergency in the event that any equipment belonging to any county, city and county, city or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering

Compliance
by officers,
etc.

Penalty

Claim for
payment

Extra-
territorial
duties

Equipment

loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 1586 of this chapter. Such agency shall have no claim against the State for services of such personnel or for the rental, use or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements as provided in Section 1541. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this chapter.

Sec. 34. Section 1589 is added to said code, to read:

1589. (a) Whenever it appears that a state of extreme emergency proclaimed by the Governor in accordance with this chapter will continue for more than seven days, the Governor shall call a meeting of the Disaster Council to commence not later than the expiration of such seven days.

(b) All of the powers of the Governor during a state of extreme emergency proclaimed by him pursuant to this chapter shall terminate with respect to such state of extreme emergency and any other emergency related to or growing out of such emergency when:

(1) The Governor has failed to call a meeting of the Disaster Council within the period prescribed in subdivision (a) of this section, or

(2) The Governor has not within 30 days after proclaiming such state of extreme emergency convened the Legislature for the purpose of legislating on subjects relating to such state of extreme emergency, except when the Legislature is already convened with power to legislate on such subjects.

Sec. 35. Section 1591 of said code is amended to read:

1591. (a) Volunteers duly enrolled or registered with any war, defense, or disaster council of any public agency, in carrying out, complying with, or attempting to comply with, any order, rule or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of counties or cities performing similar work for their respective entities.

(b) No political subdivision, municipal corporation or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered

Claim for
damages

Preservation
of rights,
etc.

Meeting of
Disaster
Council

Termination
of emergency

Responsi-
bilities and
immunities
of volunteers

Acts of
employees,
etc.

volunteer engaged in or training for disaster preparedness or relief activity. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any Federal or State statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

Unexpended funds
Sec. 36. Any unexpended balance of funds appropriated by Chapter 662 of the Statutes of 1929 and any other money appropriated to the State Emergency Council shall revert to the General Fund in the State treasury.

Agreements in effect
Sec. 37. All mutual aid agreements which are in effect at the time this act becomes effective are continued in effect until modified by the parties thereto.

Allocation of funds
Sec. 38. Any of the funds made available by Section 1509.9 of said code may be allocated by the Director of Finance to a State agency having had assigned to it any protection or war services activity under the provisions of Section 1540 of said code before said Section 1540 was amended by this act.

Appropriation
Sec. 39. The sum of one hundred seven thousand five hundred twenty-eight dollars (\$107,528) out of any money in the State treasury not otherwise appropriated is hereby appropriated during the Ninety-seventh and Ninety-eighth Fiscal Years to carry out the provisions of the California Disaster Act.

CHAPTER 1025

An act to amend Section 7308 of the Revenue and Taxation Code, relating to brokers of petroleum products.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

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

SECTION 1. Section 7308 of the Revenue and Taxation Code is amended to read:

7308. "Broker" includes every person, other than a distributor, dealing, either as the owner or as the agent of another, in motor vehicle fuel, kerosene distillate, kerosene, Diesel fuel, gas oil, stove oil, distillate or any other petroleum product used in, or which may be used, in the blending, compounding, or manufacturing of motor vehicle fuel. "Broker" does not include anyone dealing in such fuel or product only in quantities of less than 200 gallons nor a person whose business with respect to petroleum products is confined to the dealing in crude oil which it is necessary to refine before it may be used in such blending, compounding, or manufacturing, nor a nonprofit agricultural cooperative association, organized and acting within the scope of its powers under Chapter 4 of Division 6 of the Agricultural Code, dealing only with its members and storing, selling, furnishing or delivering petroleum products, other than the fuels with respect to which a tax is imposed

under this part or Part 3 of this division, used exclusively for purposes of orchard heating to protect the crops of its members, and annually filing with the board an affidavit showing these facts.

CHAPTER 1026

An act to amend Section 19622 and to repeal Section 19626.5 of the Business and Professions Code, relating to the disposition of State revenues derived from the regulation and licensing of horse racing, horse racing meetings, and wagering on the results thereof, declaring the urgency thereof, and providing that it shall take effect immediately.

[Approved by Governor June 25, 1945. Filed with Secretary of State June 25, 1945.]

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

SECTION 1. Section 19622 of the Business and Professions Code is amended to read:

19622. There is hereby annually appropriated out of the fund the following: (i) one hundred twenty-five thousand dollars (\$125,000) for the support of the California State Fair; (ii) one hundred twenty-five thousand dollars (\$125,000) for the support of the Los Angeles County Fair; (iii) one hundred thousand dollars (\$100,000) for the support of LA District Agricultural Association; and (iv) fifteen thousand dollars (\$15,000) to the Sixth District Agricultural Association of the State of California, for the purpose of holding a permanent exposition and exhibition of all citrus products and of all of the industries and industrial enterprises, resources, and products of every kind and nature of the State of California, with a view of improving, exploiting, encouraging and stimulating such industries, resources and products, and for the support of the buildings and grounds and other property of the Sixth District Agricultural Association. No admission fee shall be charged by such exposition.

The money heretofore or hereafter apportioned to the Los Angeles County Fair under this section may be expended for the payment of premiums and, with the approval of the Department of Finance, for capital outlay, including purchase of land, construction, improvements, equipment, support, and maintenance for such fair.

All money heretofore or hereafter appropriated to the California State Fair, the Los Angeles County Fair, the Sixth District Agricultural Association, citrus fruit fairs as defined in Section 94 of the Agricultural Code, and the LA District Agricultural Association under the provisions of this article except money allocated by the Director of Finance for fair purposes

CALIFORNIA LEGISLATURE

AT SACRAMENTO

FIFTY-SIXTH SESSION

1945

SENATE FINAL HISTORY

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

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

FIRST HALF—BEGAN JANUARY 8, AND ADJOURNED JANUARY 27, 1945
SECOND HALF—BEGAN MARCH 5, AND ADJOURNED SINE DIE JUNE 16, 1945

LEGISLATIVE DAYS	97
CALENDAR DAYS	160
CONSTITUTIONAL RECESS	36

DR. FREDERICK F. HOUSER
President of the Senate

JERROLD L. SEAWELL
President Pro Tempore

COMPILED UNDER THE DIRECTION OF

JOSEPH A. BEEK
Secretary of the Senate

WITH THE ASSISTANCE OF

CLEVE TAYLOR
Chief Assistant Secretary

G. A. SPAULDING
History Clerk

1301—Hatfield, May 25. To Com. on F. I.

An act to add a new section to the Bank Act to be numbered 67.3, relating to the making of loans by savings banks secured by agricultural lands.

May 25—Read first time. To printer. From printer. To committee.

May 30—From committee: Do pass.

May 31—Read second time, to engrossment, and third reading.

June 1—Reported correctly engrossed. Read third time, passed, title approved. To Assembly.

June 1—In Assembly. Read first time. To Com. on Fin. & Ins.

June 5—From committee: Do pass.

June 6—Read second time.

June 14—Read third time, passed, title approved. Record of passage expunged.

Read third time, amended. To printer.

June 15—Read third time, amended. To printer. From printer. Read third time, amended. To printer.

June 16—Read third time, passed, title approved. To Senate.

June 16—In Senate. To unfinished business file. Senate concurs in Assembly amendment. To enrollment.

June 16—Reported correctly enrolled. To Governor.

July 10—Approved by Governor. Chapter 1226.

1302—Quinn, May 28. To Com. on Mil. & Vet. Aff.

An act to repeal Part 9 of Division 3 of Title 2 of the Government Code, and to repeal Sections 1500.1, 1502.1, 1503, 1503.5, 1507, 1508, 1509, 1509.4, 1509.5, 1514, 1531, 1532, 1542, 1570, 1585, and 1589 of, to amend Sections 1500, 1501, 1502, 1504, 1505, 1509.3, 1509.9, 1510, 1511, 1512, 1513, 1520, 1530, 1540, 1541, 1560, 1562, 1563, 1571, 1572, 1580, 1581, 1584, 1586, 1587, and 1591 and the headings of Chapter 1 of Division 7 and of Articles 2, 3, 4, and 7 of Chapter 1 of Division 7 of, and to add Sections 1507, 1514 and 1589 to, the Military and Veterans Code, relating to preparedness against and the handling of disasters, and the powers and duties of public officers, bodies, and entities, State and local, in relation thereto, creating the California State Disaster Council, providing for advice and assistance from private persons and organizations, and providing for the reversion of certain funds to the General Fund.

May 28—Read first time. To printer. From printer. To committee.

June 2—From committee: Be amended and re-referred to Com. on Fin.

June 4—Read second time. Amended. To print, and re-referred to Com. on Fin.

June 6—From committee: Do pass as amended.

June 7—Read second time. Amended, to print, engrossment, and third reading.

June 8—Read third time, passed, title approved. To Assembly.

June 9—In Assembly. Read first time. To Com. on G. E. & E.

June 12—From committee: Be amended and re-referred. Read second time, amended. To printer.

June 13—From printer. Re-referred to Com. on G. E. & E. From committee: Do pass as amended, and re-refer to Com. on W. & M. Read second time, amended. To printer.

June 14—From committee: Be amended and re-referred to Com. on W. & M.

June 15—Re-referred to Com. on W. & M. From committee: Do pass. Read second time.

June 16—Read third time, passed, title approved. To Senate.

June 16—In Senate. To unfinished business file. Senate concurs in Assembly amendment. To enrollment.

June 16—Reported correctly enrolled. To Governor.

June 25—Approved by Governor. Chapter 1024.

1303—Powers, May 28. To Com. on Gov. Eff.

An act to add Section 4290.5 to the Political Code, providing for assistance by the State in the payment of salaries of county sheriffs, and making an appropriation therefor.

May 28—Read first time. To printer. From printer. To committee.

June 16—From committee without further action.

General Legislative

January 22, 1943

Done

Dr. Samuel C. May
113 Library Building
University of California
Berkeley, California

Dear Doctor May:

Governor Warren has requested that you be forwarded the enclosed pre-print of the State War Council Bill.

Senator Quinn informs that the Senate and Assembly committees concerned with the bill will hold their first hearing in the Senate chambers at 9:00 o'clock Tuesday morning, January 26.

Sincerely yours,

Verne Scoggins,
Press Secretary to
Governor Earl Warren

1 enclosure

VS:hmm



EW-1

TP
4/17/43
M.C. [unclear]
EARL WARREN
GOVERNOR OF CALIFORNIA
CHAIRMAN

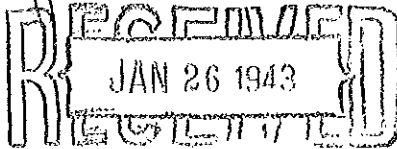
KENNETH R. HAMMAKER
EXECUTIVE DIRECTOR



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995 MARKET STREET
SAN FRANCISCO, CALIFORNIA

California State Council
of Defense

ADMINISTRATION BUILDING, STATE FAIR GROUNDS
SACRAMENTO, CALIFORNIA



4106

JANUARY 25, 1943

TO: COUNTY AND CITY COUNCILS OF DEFENSE
FROM: CALIFORNIA STATE COUNCIL OF DEFENSE
SUBJECT: STATE COUNCIL OF DEFENSE REORGANIZATION

IN VIEW OF THE FACT THAT REPORTS EMANATING FROM SACRAMENTO HAVE CAUSED WIDESPREAD MISUNDERSTANDING OF THE PRESENT STATUS OF THE STATE COUNCIL OF DEFENSE AND ITS STAFF, THIS BULLETIN IS BEING DISTRIBUTED FOR THE PURPOSE OF CLARIFYING THE SITUATION.

THE CALIFORNIA STATE COUNCIL OF DEFENSE WAS CREATED BY AN ACT OF THE LEGISLATURE AND THE COUNCIL CONTINUES AS A REGULAR AGENCY OF STATE GOVERNMENT UNTIL SUCH TIME AS THE LEGISLATURE, BY SUBSEQUENT ACT, REORGANIZES THE STATE CIVILIAN DEFENSE STRUCTURE. THE RESOLUTION ADOPTED BY THE STATE LEGISLATURE URGING THE GOVERNOR AND THE STATE COUNCIL OF DEFENSE TO REVIEW PRESENT PROGRAMS AND EVALUATE THE WORK NOW BEING PERFORMED BY THE STAFF OF THE STATE COUNCIL OF DEFENSE WAS ADOPTED FOR THE PURPOSE OF MAKING AVAILABLE TO THE LEGISLATURE AND THE GOVERNOR INFORMATION UPON WHICH TO BASE CONSIDERATION OF THE FORM WHICH REORGANIZATION OF CIVILIAN DEFENSE WITHIN THE STATE SHOULD TAKE. IT WAS LIKEWISE THE INTENT OF THE LEGISLATURE TO REDUCE TO MINIMUM ESSENTIALS THE ACTIVITIES OF THE STATE COUNCIL OF DEFENSE DURING THIS PERIOD OF REORGANIZATION.

SUBSEQUENTLY, AT A MEETING OF THE STATE COUNCIL OF DEFENSE, GOVERNOR EARL WARREN AS CHAIRMAN WAS AUTHORIZED TO REVIEW ALL PROGRAMS NOW BEING CARRIED ON, IN ORDER TO DETERMINE WHICH OF THESE ACTIVITIES WERE ESSENTIAL AND THE EXTENT TO WHICH THE STAFF OF THE STATE COUNCIL WAS REQUIRED TO CONTINUE THESE ESSENTIAL PROGRAMS. THIS WORK IS NOW BEING DONE IN CONFORMITY WITH THE ACTIONS INDICATED ABOVE.

IT IS THIS ACTION BY THE LEGISLATURE AND THE SUBSEQUENT ACTION BY THE STATE COUNCIL OF DEFENSE WHICH HAS BEEN SO WIDELY MISUNDERSTOOD. THE ESSENTIAL PROGRAMS OF THE STATE COUNCIL OF DEFENSE WILL CONTINUE UNTIL SUCH TIME AS THE NEW WAR COUNCIL BEGINS TO FUNCTION, AND IT IS THEREFORE OF THE GREATEST IMPORTANCE THAT WE CONTINUE TO HAVE YOUR ACTIVE COOPERATION AND SUPPORT DURING THIS PERIOD. THE ESSENTIAL MEMBERS OF THE STAFF OF THE STATE COUNCIL OF

Ew-2

"FROM NOW 'TIL VICTORY"

LEGISLATIVE INTENT SERVICE (800) 666-1917

1/25/43

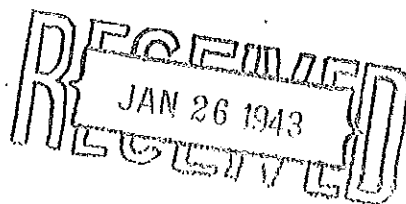
DEFENSE WILL CONTINUE ALL PROGRAMS WHEREIN WE CANNOT AFFORD TO HAVE ANY LET-DOWN.

YOU WILL THEREFORE CONTINUE TO RECEIVE PROGRAM INSTRUCTIONS AND DIRECTION FROM THE STAFF OF THE STATE COUNCIL OF DEFENSE AS IN THE PAST, ON ALL MATTERS PERTAINING TO THE PROGRAMS WHICH ARE DEEMED TO BE ESSENTIAL. LIKEWISE, THE STATE COUNCIL OF DEFENSE EXPECTS EACH LOCAL COUNCIL OF DEFENSE TO CONTINUE TO DISCHARGE ITS FULL RESPONSIBILITY AND OBLIGATION TO ITS LOCALITY. YOU WILL RECOGNIZE, AS WE DO, THAT WHILE IT IS DESIRABLE TO SUSPEND NON-ESSENTIAL ACTIVITIES, IT IS EQUALLY ESSENTIAL THAT WE CARRY THROUGH WITHOUT LET-UP ON THE JOBS WHICH MUST BE DONE.

VERY SINCERELY YOURS,

JAMES S. DEAN

ACTING EXECUTIVE DIRECTOR
STATE COUNCIL OF DEFENSE



Ew-3





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Torrence Herald

Verne Scoggins,
Press Secretary to
Governor Earl Warren
State of California
Governor's Office
Sacramento, California

My dear Verne:

Thank you very much indeed for sending me a copy of the pre-print of the State War Council Bill.

I am sorry that it is impossible for me to be present for the first hearing in the Senate chambers this morning but I am sure you will realize the double details involved in the two annual sessions of our Association as well as the travel problem created by the recent storm. However, I hope to see you in Sacramento the last of the week before the session adjourns.

Sincerely yours,

John
General Manager
C. N. P. A., Inc.

JBL:E

Los Angeles, California
January 26, 1943

Earl Warren
~~GOVERNOR~~
Governor



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STATE OF CALIFORNIA

Department of Social Welfare

MISS MARTHA A. CHICKERING

DIRECTOR

Los Angeles

January 26, 1943

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LOS ANGELES

Mr. Verne Scoggins, Press Secretary
to the Governor
Governor's Office
Sacramento, California

Dear Mr. Scoggins:

Please express to Governor Warren my appreciation for the copy of the pre-print of the State War Council Bill.

I note from your letter that the first hearing will be on January 26 before the committees of the Senate and Assembly.

In answer to Senator Quinn's letter, prior to the last meeting of the State Council I forwarded to him with a copy to the Governor certain suggestions with reference to a War Council. If I can be of any further service either to the Governor or the committees, do not hesitate to call upon me.

Thanking you for forwarding the copy of the pre-print to me, I remain

Yours very truly,

Archibald B. Young

ARCHIBALD B. YOUNG, Chairman
State Social Welfare Board

430:78

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Sacramento, California
January 26, 1943

Senator Ed. Fletcher
c/o Congress of State Governments
Baltimore, Maryland

Governor Warren has called special session of Legislature for Thursday, January twenty-eighth, ten am, to consider so-called State War Council Act, and to consider appropriation for civilian defense activities until so-called State War Council Act becomes legally effective.

W. T. Swigert
Executive Secretary

(Send above telegram to following also:)

Senator Jess Mayo
c/o Congress of State Governments
Baltimore, Maryland

Assemblyman Ralph Mills
Emerson Hotel, Baltimore, Maryland

Assemblyman Harrison Call
Emerson Hotel, Baltimore, Maryland

T.R.
4/23
Obsolete

LEGISLATIVE INTENT SERVICE (800) 666-1917

EW-6

January 28, 1943

County Supervisors Association
of California
Hotel Sacramento
Sacramento, California

Gentlemen:

Attn: Mr. J. H. Hunter

The Governor has asked me to thank
you for your letter of January 15 advising him
that the Board of Directors of your Association
at its meeting January 8 went on record as fav-
oring in principle the proposed State War Powers
Act.

Sincerely yours,

(Miss) Helen MacGregor
Private Secretary

EMM:MM



President
M. C. MERRELL
Graysland, Tuolumne County

Vice President
ROSCOE L. PATTERSON
Visalia, Tulare County

Treasurer
C. E. STEINEGUL
Escalon, San Joaquin County

County Supervisors Association of California

ORGANIZED MAY 15, 1911

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Sacramento, California

J. H. HUNTER
Secretary

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RECEIVED
FEB-2 1943
REGISTERED

January 15, 1943.

Hon. Earl Warren, Governor,
State of California,
State Capitol,
California.

Dear Governor:

This is to advise you that at the meeting of the Board of Directors of the County Supervisors Association of California held in Sacramento January 8, 1943, the following action was taken.

It was moved by Director Hodge, seconded by Director Lefever and unanimously carried - That the Board of Directors of the County Supervisors Association of California go on record as approving in principle the proposed State War Powers Act.

Very truly yours,

COUNTY SUPERVISORS ASSOCIATION
OF CALIFORNIA
M. C. MERRELL, PRESIDENT

By J. H. Hunter, Secretary

JHH JF

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F. B. Deer
San Mateo County

EW-8

February 2, 1943

Mr. E. F. Scattergood
Advisory Engineer
Department of Water and Power
207 South Broadway
Los Angeles, California

Dear Mr. Scattergood:

The Governor received your letter of January 26 containing your suggestions concerning the State War Council bill, and requested me to see to it that these suggestions receive careful consideration by the sponsors of the legislation.

I immediately carried out the Governor's instructions, and sought, as far as possible during the last hours of the handling of this bill in the Legislature, to convey your thoughts, together with the Governor's instructions, to the sponsors of the legislation, so that your suggestions would have careful consideration.

Very truly yours,

W. T. SWEIGERT
Executive Secretary

WTS el

War Council

TP
4/23
Keith's file
on Scattergood



ask any committee
all of sponsors of the
bill



E.F. SCATTERGOOD
ADVISORY ENGINEER

207 SO. BROADWAY
LOS ANGELES
MICHIGAN 4211

BUREAU OF POWER AND LIGHT

January 26, 1943

Honorable Earl Warren,
Governor of the State of California,
Sacramento, California

My dear Governor Warren:

I have received from your Press Secretary, Mr. Verne Scoggins, copy of Pre-Print No. 2 of the State War Council Bill. It will not be possible for me to be present at any hearing on this bill but in accordance with my understanding of the procedure determined upon at the last meeting of the State Council I am addressing my comment to you. The bill, very properly gives the Governor complete control of our State Civilian Defense activities including the personnel and, it seems, the Legislature need have no fear that the following suggested modifications would affect the jurisdiction or directness of action on the part of the Governor or the State War Council.

(1) Make the sentence starting in the fifth line of Section 1520, Article 3, read as follows with underscored words added and words stricken as follows:

"The committees shall be under the direction of the Governor ~~State-Director-of-Civilian~~ Defense and shall be ~~solely~~ advisory in character ~~and-shall-not-be-delegated-any-ad-~~ ministrative-authority-or-responsibility."

The existing subcommittees of the State Council are advisory but in some degree are administrative in the sense of carrying on surveys, studies, investigations and research without which they could not be of any material assistance either to the Governor, the War Council or those with whom they may come in contact. This is true of both the subcommittee on Electric Power and the subcommittee on Illumination neither of which however have any jurisdictional authority nor could they in any way interfere with established jurisdictional authority. The Governor could give direction through the State Director of Civilian Defense, as he may see fit, the same as with respect to other Civilian Defense activities.

LEGISLATIVE INTENT SERVICE (800) 666-1917

EW-10

January 26, 1943

(2) After the period in Line 8, Section 1520, Article 3, add the sentence as follows:

✓ "The Chairman of the Advisory Committees shall sit with the members of the War Council, the Vice Chairman sitting as an alternate in the absence of any Chairman, thus constituting, together with the members of the War Council, an Advisory Board to the Governor respecting Civilian Defense matters, the meetings of such Board being subject to the call of the Governor, but the meetings of such Board shall in no way relieve or interfere with the duties of the War Council."

The membership, on the part of Chairmen of Advisory Committees, in such a Board, it seems, would add formality and prestige to such committees such that membership on those committees would seem more worth while and result in much greater interest and effectiveness; the discussions in meetings of the Board would result in coordination with the work of the War Council on the part of the committees; would bring to the Governor and the members of the War Council suggestions and reactions from the various communities of the State; would give to the whole set up a more democratic aspect in the minds of our people.

(3) Add at the end of the last paragraph of Section 1530, Article 4, the words as follows:

" , and of the Advisory Committees " .

My conviction is very definite, and as you know seems true of many of the members of the present State Council of Defense, that amendments to the bill which would perpetuate the ideas herein suggested would result in materially greater aid to you and effectiveness of the proposed Advisory Committees.

Sincerely yours,

E. F. Scattergood

EFS:MD

EW-11

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"WESTERN CITY" OFFICIAL PUBLICATION

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Executive Secretary

LOUIS H. BURKE
Legal Counsel

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Treasurer:

CHARLES SCHWANENBERG
City Manager, Alameda

W. E. ALWORTH

City Planning Engineer, Pasadena

ARCHER BOWDEN

City Attorney, San Jose (on leave)

DR. H. L. BYRD

Councilman, St. Helena

V. ELMENDORF

Assistant City Engineer, Pasadena

RICHARD EMERSON

City Clerk, Calexico

RALPH W. FAY

Councilman, Stockton

JOHN HAWKES

City Auditor, Santa Rosa

HAROLD P. HULS

City Attorney, Pasadena

D. W. KELSEY

Councilman, Santa Ana

PATRICK J. MAHER

Mayor, Santa Barbara

HUGH MORRIS

Fire Chief, San Mateo

JOHN J. O'TOOLE

City Attorney, San Francisco

J. J. PHILIPPE

City Manager, Visalia

BENJAMIN POLAK

Mayor, La Mesa

THOMAS SCHWARTZ

Mayor, Sierra Madre

DR. F. W. SEYDEL

Councilman, Chico

E. H. SPOOR

Planning Commissioner, Redlands

A. I. STEWART

City Director, Pasadena

J. L. STRICKLAND

Mayor, Fillmore

H. F. TRUE, M.D.

Health Officer, Sacramento

RALPH H. WIGHT

City Attorney, Martinez

Honorable Earl Warren
Governor
State of California
Sacramento, California

Dear Governor Warren:

In accordance with your request, I am submitting herewith a memorandum summarizing the general points of agreement reached at the conference yesterday afternoon, at which James Dean and Percy Heckendorf were present.

1. We are agreed that certain definite steps should be taken to implement on an informal basis the State War Powers Act which will become effective in May but in connection with which a great deal of the preliminary work can be done at this time.

2. One of the first steps which might well be taken would be a determination of the members of the War Council and its announcement at this time even though the appointments cannot formally and legally be made until the State War Powers Act becomes effective. The group so designated at this time could begin now to meet informally and to do much of the preliminary planning, which could later become the basis of formal action and established policy when the War Council is legally constituted.

In this connection your attention is directed to Section 1510 of the act. The Governor, Lieutenant Governor, Attorney General, and the two members to be appointed by the Rules Committee of the Senate, of which President Pro Tempore Seawell is Chairman, and the two members to be appointed from the Assembly by Speaker Lyons, plus the two representatives of the counties and the two representatives of the cities could all be named without further delay, and this informal group could consider your appointments to the office of State Director of Civilian Defense, State Director of Civilian Protection and State Director of Civilian War Services, which positions in accordance with the provisions of the act are subject to your appointment

Room 301 Hotel Senator
Sacramento, California
February 9, 1943

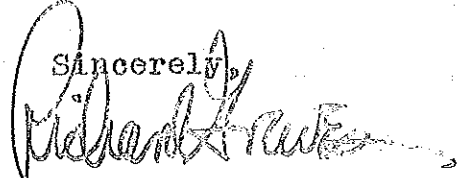
EW-12

with the advice and consent of the War Council. In this same connection, your attention is directed to Section 1509.5, the intention of which is to create a situation whereby the first group above named would be in a position to approve your appointments even though the appointees subsequently became members of the War Council.

3. During the period when these three state directors could not act under the authority of the War Powers Act it should be possible to work out an arrangement whereby they would take over active direction of the present activities of the present State Council of Defense under the general grant of authority given to you by action of the State Council of Defense. This would have the advantage of providing a continuity as well as a legal basis for these officers to function.

4. Your attention is directed to Section 1513 of the act setting forth the duties of the War Council. You will note that it would be possible for the War Council, even while acting on an informal basis, to perform in a preliminary way many of the functions imposed upon it by the act. This is equally true with respect to the recitation of the duties of the three paid state directors. One of the primary reasons why I believe it is so essential that we get this thing under way relates to the very difficult problem of determining the boundaries for the civilian protection regions and the selection of regional personnel within each such region. A very considerable portion of this work could be done in a preliminary way at this time.

Sincerely,



Richard Graves
Executive Secretary



H. C. WYCKOFF (1901-1936)

J. E. GARDNER
HARRY M. PARKER
J. A. WYCKOFF
PHILIP T. BOYLE

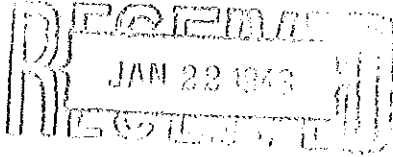
WYCKOFF, GARDNER & PARKER

ATTORNEYS-AT-LAW

WATSONVILLE :: CALIFORNIA

January 20, 1943

IN REPLY REFER TO



3565

Governor Earl Warren
Sacramento, California

My dear Governor:-

I understand that it is your intention to re-vamp the State Council of Defense.

From our experience in this area in connection with the civilian defense set-up, especially the dim-out situation, it is my belief that the Monterey Bay section and the electric utilities should have some kind of representation in the State Council.

I have no one in mind, of course, but simply mention the fact as I think it is essential to proper planning and administration of this important matter.

With my kindest regards, I am

Respectfully,

JAW:TK

LEGISLATIVE INTENT SERVICE (800) 666-1917



EW-14

JAMES T. BRADSHAW, Mayor
PAUL A. TENNYSON, Councilman
I. J. WILLIAMS, Councilman
JACK E. ANDERSON, Councilman
ORVAL E. JAMES, Councilman

ARTHUR W. LANGLEY, City Clerk
FRED C. MERRIAM, Treasurer
THOMAS A. BERKEBILE, Attorney
RICHARD J. KELLER, Judge
E. B. BOOTS, Chief of Police

CITY OF MONTEREY PARK

Monterey Park, California

January 20, 1943.

Hon. Earl Warren,
Governor of California,
Sacramento, California.

Dear Governor Warren:

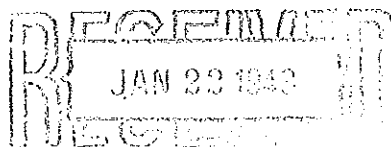
The public press reports that the California State Council of Defense will be reorganized. Is such reorganization in contemplation and, if affected, will it probably alter the plan under which the cities now operate, or may it require the passing of new or modified civil defense ordinances by the cities?

The Executive Secretary of the League of California Cities has suggested an amendment of Section 4 of the Standard Civil Defense Ordinance adopted by most California cities, including the City of Monterey Park. If a material change in the civil defense plan is contemplated, it would be premature to make any changes or amendments at this time, otherwise we would feel justified in acting upon the said suggestion.

Very sincerely,

Thomas A. Berkebile
City Attorney

TAB-H



EW-15

LEGISLATIVE INTENT SERVICE (800) 666-1917



California State Council of Defense

ADMINISTRATION BUILDING, STATE FAIR GROUNDS
SACRAMENTO, CALIFORNIA

Los Angeles
March 8, 1943

Mr. William T. Sweigert
Executive Secretary to the Governor
State Building
San Francisco, California

Dear Mr. Sweigert:

On February 22, Raymond Haight received a letter from Governor Warren suggesting that I get in touch with you with respect to the civilian defense picture in California. This I have been reluctant to do because the survey of the situation by James S. Dean, the Acting Director, has certainly been most competent. He has had the benefit of conferences with staff members and the assistance of Theodore Rosequist, who has a fine comprehension of the problems which will confront the permanent director under the forthcoming War Powers Act.

Here indeed a man of real stature is called for - Herbert Hoover, perhaps! Brilliant leadership can take the ball away from a Federal agency which has gradually invaded the State's sovereignty. Our relations with local governments have been muddled by confusion, overlapping, by-passing and frequently actual incompetence of OCD - due to the growing pains of a centralized authority. Emasculated but undaunted, the State Defense Council has maintained ground-work for the upbuilding of a potent State War Council. It will restore California to its place in the sun. The warnings of General De Witt and others on the imminence of enemy attack are thought-provoking as to the need of the early appointment of a good man at the helm - before the new law becomes effective, if possible.

Enclosed is a copy of our letter of today to ODHWS regarding an inquiry of the Department of Justice about evacuation legislation in this State. The connotations are obvious; they are but typical of conditions in other important functions of civil protection in California.

Sincerely yours,

John M. Abrams
JOHN M. ABRAMS
Chief of Evacuation

JMA:GSH

"FROM NOW 'TIL VICTORY"

RECEIVED
MAR 12 1943
LEGISLATIVE
and I think
matter will be
called to attention of the
new war council on
March 10 1943
Bill - War
Council

March 11, 1943.

His Excellency the Governor
Sacramento, California.

Your Excellency:

A crisis for consumers exists that calls for a greater consumer representation in the work of the State government. In a time of acute civilian needs and further threatened inflation, there has been a regrettable weakening of government agencies devoted to the protection of the consumer. We view with alarm the weakening of such government agencies during the war.

The weakening of the Consumer Division of the Office of Price Administration, which has now become a minor segment of the information service of the agency, calls for an expanded program under the direction of the Office of Civilian Defense.

Consumer interests should be encouraged and promoted by local groups on the State and city levels. We are pleased that you have made provisions for Civilian War Services and a State Director of Civilian War Services under the Emergency War Powers Act. We are especially pleased that you have made provisions in Article 3, Section 1520, for advisory committees, under which provision a consumer advisory committee may be appointed. We should like for this advisory committee to be truly representative of consumer interests and the personnel to be drawn from organizations that have a definite consumer interest program. It is the ultimate consumer that is most vitally affected by the war economy, and where consumers have intelligently participated, their efforts should be recognized and utilized. Furthermore we feel that such a committee should be appointed at once.

EW-17

-2-

If this is impossible under the Emergency War Powers Act, we believe an interim committee should function during the next ninety days.

We also believe that consumers should be represented on the Food Commission, to be appointed by you, under an emergency act of the Legislature.

We address this to you in the conviction that you will appreciate the recommendations of active organizations interested in consumer welfare.

Sincerely Yours,

Regina C. Todd

Regina C. Todd
Secretary
of the

Public Affairs Committee
of the
Southside Center of the YWCA

5311 South Western Avenue
Los Angeles, California.



(For informal, unofficial meeting
April 12, 1943)

MEMO TO GOVERNOR WARREN

Concerning the recommended action to be taken immediately in connection with the State War Council:

1. The membership of the War Council should be determined, necessary clearances from the members secured, their designations on an informal basis should be announced immediately and a meeting should be called for the very first part of next week.

2. Since the War Powers Act provides that the members of the War Council must approve of the State Director of Civilian Defense, State Director of Civilian Protection and Director of Civilian War Services who, after their approval, become members of the Council, the fact that there has been any determination on your part to nominate for appointment a State Director of Defense must necessarily be withheld until the meeting of the War Council.

Notwithstanding, in view of the fact that the individual in question has indicated his willingness to report for duty immediately and to give the State his services on a full time basis without compensation until the War Powers Act becomes effective and because it would be so exceedingly helpful to have the proposed State Director available for four or five days before the meeting of the War Council, it is suggested that he be requested to report to Sacramento immediately. Inasmuch as there is a valid and understandable reason why he might be here in any event, I am sure that his presence would not cause any unnecessary or any undue comment or speculation in advance of the meeting of the War Council.

3. Until steps number one and two have been taken, there does not seem to be much that can be done.

Respectfully,

Richard Graves

Write Spokes & Pres. Pro. Sec. (W. C. C. Sec.)
Keith - here by Friday
Harold Brown

EW-19

GOVERNOR'S OFFICE
INTER-OFFICE MEMORANDUM
SACRAMENTO

TO Governor Warren

DATE April 30, 1943

FROM R.H.C.

SUBJECT War Council Meeting

It occurs to me that it will be helpful at the War Council meeting to have the attached copies of bills which the Governor has already signed and which take effect immediately, in order to facilitate the action of the War Council.

Senate Bill 733 (Chapter 293) Appropriates \$1,500,000. for carrying out the objectives and purposes of the War Powers Act.

A.B. 1992 (Chapter 201) Protects officials and employees of counties and cities in their Civil Service rights etc., when they return to their county or city position if they are called upon to serve with the War Council by appointment by the Governor during the emergency.

S.B. 907 (Chapter 294) Empowers the Governor to acquire the necessary property, offices, etc., for the War Council to operate; vests in the War Council the duties, powers, responsibilities, and jurisdiction of the old State Council of Defense; transfers to the War Council the unexpended portions of previous appropriations made to the State Defense Council; and provides that State Civil Service Employees who may be appointed to any position under the War Council during the emergency, shall have the right to reinstatement in the State Civil Service when they return to their positions after the emergency.

LEGISLATIVE INTENT SERVICE (800) 666-1917

EW-20

EARL WARREN
GOVERNOR OF CALIFORNIA
CHAIRMAN



California State War Council

SACRAMENTO, CALIFORNIA

May 7, 1943

TO COUNTY AND CITY COUNCILS OF DEFENSE:

As of May 1st, 1943, the California War Powers Act became legally effective and has substituted the new California State War Council for the old California State Council of Defense.

The California State War Council is rapidly shaping into its completed form and will soon announce its program and the names of those who will administer it.

The Governor and the Legislature have carefully planned the new law and it provides all of the necessary powers and specifications with which we expect to proceed at once to develop a statewide organization that will effectively assume the new extended responsibilities.

The War Council is to act as an advisory body to the Governor who is its Chairman. Attached is a roster of its membership with but two places yet to be filled. All levels of intra-state government are represented and the broad base that is created promises fair, impartial and practical action on all matters that come to the attention of the War Council.

The men and women who are to be the operating staff will be capable and experienced with a firm determination to provide the leadership that will be so essential as each passing month brings home to us more forcefully the deep-seated problems of total war. All of us well know the serious days that loom ahead. We face the uncertainties with a grim realization of our responsibilities and the knowledge that to be effective in time of crisis we must have unity, common understanding and capable direction.

All of the City and County Civilian Defense Councils now operating should continue without change pending further communications from this headquarters. To each such council we pledge a full measure of aid and cooperation and from each we respectfully request an understanding of our common problems and a desire to work together toward the goal of unified action and final victory.

Yours sincerely,

H. A. Smith EW-21
DIRECTOR

FOR VICTORY



MEMORANDUM

OFFICE OF ATTORNEY GENERAL

To: MISS HELEN MAC GREGOR
Private Secretary to the Governor
From: James H. Oakley

PLACE Sacramento

DATE June 10, 1943

SUBJECT: Expenses of Appointees under War Powers Act.

I am informed that the Governor acting under authority of the California War Powers Act (Chapter 1 of 1943 Statutes, First Extraordinary Session) has appointed certain persons to make specialized investigations in connection with the proposed program to provide housing facilities for service men when off duty. It is my understanding that the appointments were made informally by means of letters to the appointees and that the letters specified that the services to be performed were to be without compensation.

The question now arises whether such appointees may be reimbursed for necessary travelling expenses incurred in connection with the performance of their duties.

It is clear that such expenditures would be for a public purpose and that it is within the power of the Legislature to provide for their payment. Therefore, the only question is whether the Legislature has done so.

In the case of Sarter vs. Siskiyou County, 42 Cal. App. 530, 534, the court pointed out that no public officer is entitled to any sort of compensation in the absence of statutory provision, the reason being that the right to compensation is purely statutory. Numerous cases sustaining this rule are therein cited. In 46 Corpus Juris 1014, it is stated that in the absence of statutory authority the presumption is that services are rendered gratuitously. These rules while expressly relating to compensation as such, were in our opinions NS4482 and NS4482-A applied to reimbursement for travelling expenses that might be incurred by members of committees and subcommittees of the State Council of Defense. In those opinions, it was held that such persons were entitled to their necessary expenses incurred in connection with their duties if they were members of the State Council of Defense. Members of the Council were specifically authorized by Military and Veterans Code 1532 to travelling

June 10, 1943

expenses. At the same time, it was held that members of such committees and subcommittees who were not also members of the State Council of Defense were not entitled to reimbursement for expenses because no provision was made by law either for compensation or expenses of such persons.

The following passage expresses the general rule:

"It may be safely stated as a rule that one who demands payment of a claim against a county must show some statute authorizing it, or that it arises from some contract express or implied which itself finds authority of law."

Irwin vs. County of Yuba, 119 Cal. 686, 690;
Gibson vs. County of Sacramento, 37 Cal. App.
523, 525.

Although in terms this rule applies only to counties, the principle is undoubtedly applicable to a claim against the State. The above language was recently quoted with approval in a case involving validity of a claim of a State officer for travelling expenses. Madden vs. Riley, 53 Cal. App. (2d) 814, 822.

The question then resolves itself into this. Were the agreements or contracts out of which the appointees' claims for reimbursement arise, authorized by some statute? The following provisions are to be found in the California War Powers Act (Chapter 1, 1943 Statutes, First Extraordinary Session as amended by Chapter 294, 1943 Statutes):

"Section 1530...The Governor shall also employ and fix the salaries of such assistants and employees as he may deem necessary, and shall prescribe their duties. . . ."

"Section 1509.6. In carrying out the provisions of this chapter, the Governor may: . . .

(c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services and the affording of such facilities as may be necessary and proper;

(d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter."

EW-23

June 10, 1943

The foregoing obviously confer very broad powers upon the Governor to enable him to accomplish the purposes of the Act. Whether the agreements in the present instance are to be regarded as constituting the appointees in question employees or independent contractors, appears to me to be immaterial. In either event we have an agreement whereby the appointees are to perform certain duties without compensation therefor. It was entirely permissible for the Governor to regulate the compensation or other terms upon which the services were to be performed. He chose to specify that the persons appointed should serve without compensation.

It can not be supposed that the Legislature intended to give the Governor power to employ persons or contract with private agencies without intending that he could in that respect bind the State. It would be unreasonable to suppose that the Legislature intended to authorize the Governor to retain the services of an individual at a given compensation and to allow him travelling expenses and at the same time to forbid the Governor to utilize the services of a public-spirited citizen who is willing to act without compensation other than necessary expenses.

It is my conclusion that the Governor has full authority to enter into agreements with individuals for performance of duties under the War Powers Act and to specify that such persons shall serve without compensation, but shall be entitled to reimbursement for necessary expenses in the same manner as other State officers.

It is my suggestion that when the Governor makes appointments of the nature here involved, he should particularly indicate the right of the appointee to such reimbursement. In the case of those who have already been appointed, it is suggested that the Governor address new letters to those persons indicating his original intention to confer upon them the right to travelling expenses.

JHO

JHO S

EW-24

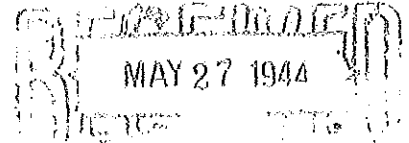
War Council

STATE OF CALIFORNIA

SACRAMENTO 7

Inter-Departmental Communication

32781 3-44 3M SETS IN TRIP
EST. 2412, 25 SETS TO PAD



File No.

Date: May 25, 1944

To: Mr. Richard Graves
State Director of
Civilian Defense
State Office Building No. 1
Sacramento, 14, California

Subject: Approved Emergency Alert Plan
to be used during natural disasters
or threatened emergency.

From: Director of Public Works

Reference is made to Governor Warren's letter of May 22, 1944, receipt of which hereby is acknowledged, relative to the approved emergency alert plan to be used during natural disasters or a threatened emergency.

The plan has been examined, and the telephone numbers listed in the State Capitol for notifying members of this Department in case of disasters or threatened emergencies have been checked, and we find the numbers to be correct.

File

C. H. PURCELL
Director of Public Works

By *[Signature]*

A. H. Henderson
Assistant Director

HK:GR:ARN:EMJ
cc Governor Earl Warren ✓

LEGISLATIVE INTENT SERVICE (800) 666-1917

EW-25

WARREN T. HANNUM
Director of
Natural Resources

EARL WARREN
Governor



MAY 31 1944

M. B. PRATT
State Forester

STATE OF CALIFORNIA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

ADMINISTRATION
OSD

May 29, 1944

Refer to Number A-5-29

Honorable Earl Warren, Governor
State Capitol
Sacramento, California

Dear Sir:

In reply to your letter of May 22. I have examined the Emergency Alert Plan and will follow its instructions in case of emergency, either from enemy attack or natural disaster.

Very truly yours,

M. B. Pratt, State Forester

37

LEGISLATIVE INTENT SERVICE (800) 666-1917



EW-26

7

GOVERNOR'S OFFICE
INTER-OFFICE MEMORANDUM
SACRAMENTO

TO E. Robbins
LC.O. File Unit

FROM A.S. Anderson

Minister
Approved

DATE July 5, 1945

SUBJECT State Disaster Council

Chap 1024, Stat. 1945 (S.B. 1302) creates the California State Disaster Council.

Powers and duties of War Council are transferred to the Governor.

Person holding office of Asst. to the Director of the State War Council for law enforcement on 6-30-45 is transferred to the Dept. of Justice as appointee of Atty. General and shall be under civil service.

State Disaster Council shall consist of:

- Governor
- Lieutenant Governor
- Attorney General
- 1 representative of city govts of State, 1 rep. of county govts of State, to be appointed by the Governor, to be from separate counties
- 1 rep. of American Red Cross, appt. by the Governor
- 1 rep. of city or county fire services of the State, appt. by the Governor

Governor may create advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness.

Governor shall succeed to office of State Director of Civilian Defense
State Director of Civilian Protection
State Director of Civilian War Services
Director of State War Council

Above effective 91st day after adjournment of Legislature.

EW-27

*Copy in App'l 11/1/45
9/1/45*

*Calif. State
Disaster Council*

32504 3-44 20M SPO

STATE OF CALIFORNIA
SACRAMENTO 14

Inter-Departmental Communication

To: Honorable Vendyce Hamren
Director, State War Council
P. O. Box 1407
Sacramento 7, California

File No.

Date: August 21, 1945

Subject: California State Disaster Council

From: Governor's Office

Under Military and Veterans Code, Section 1520, Statutes of 1945, Chapter 1024, a California State Disaster Council is created effective September 15, 1945, to include Committee on War Services, Civilian Protection and Disaster Preparedness.

Will you be kind enough to examine the new statute and advise the Governor by memorandum (to the Sacramento office) what is required to be done by him, giving the results of your checkup with representative groups for suggestions as to appointees, and also giving your comments concerning proper composition of the Council and committees. Your memorandum should include the results of conference with the Adjutant General and the State and County officials involved.

This should be done at the earliest possible date, as the Governor wishes to make these appointments on or before September 15, 1945.

W. T. SWEIGERT
Executive Secretary

WTS:bf

EW-28

LEGISLATIVE INTENT SERVICE (800) 666-1917

Disaster Council



M. Q. SHARPE
GOVERNOR

PIERRE

27 August 1945

The Honorable Earl Warren
The Governor of California
Sacramento 14, California

Dear Governor Warren:

Your letter of August 18 duly received, and I appreciate copy of the California Disaster Act attached. I was quite interested to note its general idea. To a slight extent it is similar to one law which we have had here for many years known as the emergency fund under which there is provided a continuing appropriation of \$150,000 per year administered by the governor and attorney general as a joint board and with which we are authorized to restore or repair state buildings or personal property destroyed or damaged by various kinds of disaster including fire and storm. The fund has proved very useful in the past, and, in fact, I would say that such a fund is almost a necessity for practicable and successful administration of state affairs.

Yours sincerely,

M. Q. Sharpe
Governor

LEGISLATIVE INTENT SERVICE (800) 666-1917

EW-29



VAIL PITTMAN
ACTING
GOVERNOR

THE STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY

August 25th, 1945

Disaster Council

The Honorable Earl Warren
Governor of California
Sacramento 14, California

Dear Governor Warren:

It was with a great deal of interest that I read the California Disaster Act, and I want you to know that I appreciate your consideration in sending a copy of it to me.

In my opinion, the State of California has enacted an extremely comprehensive law and an important law for your State, in view of its geographic location.

I am pleased to have a copy of this law to be referred to in regard to future and similar legislation for the State of Nevada.

Sincerely yours,

VAIL PITTMAN
Governor.

(800) 666-1917

LEGISLATIVE INTENT SERVICE



EW-30

State War Council

CALIFORNIA STATE WAR COUNCIL

TO: Miss Helen McGregor
Secretary to the Governor
Los Angeles
FROM: Vandyce Hamren

DATE: September 6, 1945

SUBJECT:

Attached hereto is a copy of a memorandum letter to Governor Warren, the original of which was mailed to the Sacramento office pursuant to instructions from Mr. Sweigert. Since the termination date of the War Council is the 14th of September and there are some details which it will be necessary for the Governor to attend to in order that there be no lapse of responsibility in administration under the new Disaster Act, I am forwarding this copy of the letter to the Los Angeles office in order that Governor Warren may, if he chooses, peruse it.

It is my understanding that Mr. Sweigert will be in Los Angeles the first part of next week, at which time he intends to discuss the detail of my letter with the Governor.

Vandyce Hamren

File
Approved by [Signature]
W. B. [Signature]
[Signature]

VC TA
Encl.

EW-31

September 6, 1945

Honorable Earl Warren
Governor of California
State Capitol
Sacramento, California

Dear Governor Warren:

Pursuant to your request, the following recommendations and suggestions are made relative to organization under and administration of the California Disaster Act. These suggestions and recommendations evolve from discussions with state department personnel, War Council committees and staff, and county and city authorities.

I MEMBERSHIP OF THE DISASTER COUNCIL.

There are five memberships on the Disaster Council to be appointed by the Governor and serve at his pleasure.

OK (1) Law Enforcement Representative. The Law Enforcement Advisory Committee recommends the appointment of Sheriff E. W. Biscailuz of Los Angeles. (See Exhibit A, resolution.)

OK (2) Fire Services Representative. The Fire Advisory Committee recommends the appointment of Mr. Harold P. Bowhay of Bakersfield. (By motion in meeting of September 5, 1945.)

OK (3) Red Cross Representative. We suggest the appointment of Mr. Verne Symmons, General Manager, Pacific Area Office, American Red Cross, San Francisco.

OK (4) City Government Representative. Your Director suggests the names of Mayor Fletcher Bowron of Los Angeles or Mayor Roger Lapham of San Francisco.

Honorable Earl Warren
September 6, 1945
Page two

W/L (5) County Government Representative. Mr. Les Cleary would be a logical appointee in recognition of his efficient and faithful service on the War Council and your Director recommends his appointment.

II. ADVISORY COMMITTEES.

The appointment of the following advisory committees and their directional assignment is recommended.

OK (1) Law Enforcement. Continuance of the committee with its present personnel is suggested and it is recommended that the direction of the committee should remain with the Governor. (See Exhibit B, resolution.)

W/L (2) Fire Services. The Fire Advisory Committee of the War Council recommends the continuance of the present committee until such time as the Northern and Southern Fire Chiefs Associations may meet and nominate a permanent membership. Your Director suggests that direction of this committee remain under the Governor.

OK (3) Communications. The scope of activity of this committee should be broadened to include all types of communications; to be named the Communications Advisory Committee; its personnel to remain the same as it is now constituted under the War Council; and its direction to remain under the Governor.

W/L (4) Youth. Mr. Karl Holton is desirous that an advisory committee on youth be appointed and that its direction be assigned to the Youth Authority. Mr. Holton will recommend the membership of this committee. (See Appendix C, letter from Mr. Karl Holton.)

III. ASSIGNMENT OF DUTIES AND RESPONSIBILITIES TO STATE DEPARTMENTS.

(1) Servicing of the Law Enforcement Mutual Aid Plan and Agreements to be assigned to the Department of Justice. (See Appendix D, resolution.)

(2) Fire Mutual Aid Plan and Agreements. Responsibility for this activity to rest with the Field Repre-

Honorable Earl Warren
September 6, 1945
Page three

sentative working under the direction of the Governor. The Department of Natural Resources-Division of Forestry, and the State Fire Marshall to cooperate with the Field Representative in this activity.

(3) Medical Mutual Aid. This activity to be assigned to the Department of Public Health.

(4) Water, Power and Utilities Mutual Aid. Planning and activity in this field to be the responsibility of the Department of Public Works.

IV STAFF.

(1) Your Director suggests that direction of committees and general supervision of the activities under the Disaster Act may well be assigned to the Executive Secretary to the Governor. This would require only an occasional expenditure of time on his part since it is recommended that there be employed a,

(2) Field Representative (or Administrative Assistant). This person to carry on the actual details of administration of the Act; to survey the available resources of the State to meet disaster; to develop agreements between state departments where necessary; to act as a liaison officer in coordinating the activities of state agencies; to work with cities and counties in developing their disaster plans; and to integrate into local plans the facilities of the several state departments within the legal limits of the right of those departments to enter into local disaster activity. The Field Representative would be responsible for servicing the Mutual Aid Fire Plan, this to be done in close cooperation with and under the guidance of the Fire Advisory Committee and Fire Services representative on the Disaster Council. The duties and responsibilities of this position would be similar, though somewhat wider in scope, to those now assumed by Mr. Burton Washburn, Administrative Assistant to the Director of the War Council.

(3) Stenographer-secretary. There is visualized a need for one stenographer-secretary to serve the office of the Field Representative.

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Honorable Earl Warren
September 6, 1945
Page four

V OFFICE AND FACILITIES.

(1) Office space for the Field Representative and the secretary-stenographer should be on or near the State Capital grounds.

(2) Sufficient office equipment, furniture and automobiles are being reserved from declaration of surplus by the War Council to meet needs under the above recommendations.

VI ALERT LIST AND OPERATIONS PLAN.

The War Council Alert List and Operations Plan has been amended pursuant to Chapter 1024, Stats. 1945 (The Disaster Act). The plan sets forth operating procedures and channels of communication for state departments, counties, and cities in relation to mutual aid plans and agreements. It provides for alerting responsible personnel during threatened or actual disaster and contains forms for declarations of emergency.

The plan was revised in conference with the following departments: Adjutant General, Natural Resources, Motor Vehicle, Public Health, Public Works and the Department of Justice.

Your Director recommends that this plan be considered tentative until such time as the Disaster Council meets to review the plan and give it approval.

VII STATE ALERTING AND OPERATIONS CENTER.

(1) Unanimous opinion of the state departments mentioned under VI, as well as resolution of the Law Enforcement Advisory Committee (see Appendix E, resolution), support continuance of the 24 hour service on the state telephone switchboard. This alerting mechanism and information medium is considered imperative, especially during the readjustment period following the end of the war. We suggest that there be no change in the operations of the state telephone switchboard until such time as the Communications Advisory Committee may meet to evaluate the

Honorable Earl Warren
September 6, 1945
Page five

state communication setup and make its recommendations.

(2) In order that usage may be made of the radio communication facilities of the California Highway Patrol, your Director recommends that an operations center for personnel of the Governor's staff be established in the California Highway Patrol offices. One or two telephones should be available for staff operation.

VIII MEETING OF THE DISASTER COUNCIL AND ADVISORY COMMITTEES.

In orderly progression the Advisory Committee should be called into meeting to evaluate their respective mutual aid plans, the Operations Plan and the alerting and information centers and procedures. As soon as possible thereafter the Disaster Council may meet to consider and make recommendations concerning:

1. The Operations Plan;
2. Communications;
3. Advisory Committees;
4. Rules and Regulations covering volunteers;
5. Local Disaster Organization;
6. Mutual Aid Districts.

The above suggestions and recommendations cover the main points of detail in effecting transition in operations under the War Powers Act to the Disaster Act. Some require immediate attention by the Governor to preclude any hiatus in coverage of responsibility. Others are offered merely as guides for whomsoever will be charged with administration of the Act.

In closing the affairs of the War Council, letters of notice of termination of employment and/or of appreciation have been addressed to

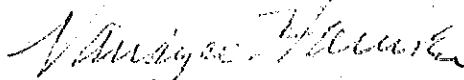
1. Paid personnel on the staff of the director;
2. Members of all War Council Advisory Committees and persons serving without compensation.

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Honorable Earl Warren
September 6, 1945
Page six

Those letters await your signature, if they have not
already been signed.

Sincerely yours,



VANDYCE HAMMEN, Director

Encl.
VII TA

EW-37



Disaster Council

DISASTER
CALIFORNIA STATE-WAR COUNCIL

TO: Miss Helen R. MacGregor
Governor's Office

DATE: September 28, 1945

FROM: Burton Washburn
(California Disaster Council)

SUBJECT: Suggestions - State Disaster
Preparedness Planning Program.

Attached hereto is a step by step proposal for the launching of the State Disaster Preparedness Planning Program under Chapter 1024, Statutes of 1945.

It is vitally essential that the Governor call a meeting of the California Disaster Council at his earliest convenience for the purpose of establishing the program.

I would appreciate an opportunity to obtain your reaction to the suggestions submitted herewith as soon as possible.


BURTON WASHBURN

BW:ak
Attachment

DISASTER
CALIFORNIA STATE-WAR COUNCIL

TO: Miss Helen R. MacGregor
Governor's Office

DATE: September 28, 1945

FROM: Burton Washburn
(California Disaster Council)

SUBJECT: Step by step proposal for the
launching of the State Disaster
Preparedness Planning Program.

In establishing the State Disaster Preparedness Planning Program to carry out the provisions of Chapter 1024, Statutes of 1945, (California Disaster Act) it becomes apparent that action by the recently appointed California Disaster Council requires two steps of procedure:

- 1st - Organization and consideration of certain phases of the program which may readily be disposed of and which do not require legal work or extensive preparation;
- 2nd - The consideration of certain phases which require the recommendation of Advisory Committees, the Attorney General's office, the State Compensation Insurance Fund, community contacts and inter-departmental planning and coordination.

The above view is concurred in by both Adjutant General, Victor R. Hansen and Robert B. Powers of the Attorney General's office.

The following are the proposed steps necessary to launch the program on a statewide basis:

1. Appointment of the Disaster Council - (completed);
2. Appointment of Law Enforcement Advisory Committee -(in process);
3. Appointment of Fire Services Advisory Committee -(in process);
4. Appointment of Communications Advisory Committee -(in process);
5. Appointment of Youth Advisory Committee -(Recommendations to come direct to the Governor from Karl Holton, Director of California Youth Authority);
6. Appointment secretary to Disaster Council -(completed);
7. Appointment secretary-stenographer -(completed);
8. Appointment of accountant to be assigned to Dept. of Finance -(completed);
9. Establish offices in building near Capitol, office equipment, telephone, stationery supplies, etc. -(in process);
10. Approve budget for Governor's administration of California Disaster Act -(copy attached).

EW-39

In preparation for the first official meeting of the California Disaster Council, State departments are being contacted in order that they may be acquainted with departmental responsibility and to define any particular problems relating to disaster preparedness which may require legal action or recommendation of the California Disaster Council.

The first Disaster Council meeting should be held, if possible, prior to October 15 in order that local public officials throughout California may be advised of an orderly transition from war activities under State War Council operations to a permanent State program of disaster preparedness. Inquiries are being received from local communities and delay in general publicity, as well as information to individual local community officials, may be detrimental to the program.

* * * * *

DISASTER COUNCIL ORGANIZATION MEETING
(about October 15)

Proposed Agenda:

1. Call to order and general remarks by Governor Warren:-
Suggestions:(a) California Disaster Act is the result of wartime experience.
(b) Enabling legislation to assist communities in preparing for unforeseen incidents.
(c) Ameliorative action in disaster must be focused and controlled at the scene of the disaster.
(d) We must bear in mind that local constituted officials are in authority and local autonomy should be preserved.
(e) The State position is one of leadership, advice and assistance.
2. Analysis of Chapter 1024, Statutes of 1945:-
(James H. Oakley)
3. Discussion to establish policy of relationship between:-
(a) Disaster Council and Governor
(b) Disaster Council and State Departments
(c) Disaster Council and Communities
(d) Disaster Council and the American Red Cross--
(Full use of Red Cross facilities is desired)
4. Assignment of Committees:-
(a) Law Enforcement to the Governor and Disaster Council
(b) Fire Services to the Governor and Disaster Council
(c) Youth Committee - Karl Holton, Director Calif. Youth Authority
(d) Communications Committee to the Governor and all State Departments and Agencies.
5. Assignment of disaster preparedness activities:-
(a) Law Enforcement Mutual Aid to Dept. of Justice
(b) Emergency Medical Program to Dept. of Public Health--
It may be necessary to assign health inspection of Child Care Centers and Community Canneries to Dept. of Public Health in order to legally allocate funds appropriated in the Disaster Act.

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Sept. 28, 1945

- (c) Fire Safety Inspection Child Care Centers to State Fire Marshal:--(similar situation as above)
 - (d) Assignment to Communications Committee of the function "to evaluate State communication systems with particular regard to their adequacy in case of disaster " --(Mr. Hogan, Committee Chairman, has concurred in this view)
6. Designate primary and secondary alerting agencies:--
Suggestion - Capitol Exchange primary
California Highway Patrol Operations secondary.
 7. Establish State Information Center:--
Suggestion - California Highway Patrol Operations Department --(will require installation of 1 or 2 extension phones).
 8. Approve California State Disaster Operations Procedure and Alert List:--
 9. Recommend to the Governor that State Departments be instructed to establish individual department and co-ordinated inter-departmental disaster preparedness plans:-- "built around mutual aid and integrate into such plan the several State departments and agencies whose resources are necessary in coping with disaster".

The above suggestions cover items which do not require legal study, field work, or approval by Advisory Committees.

Adjourn to meet within 60 to 90 days.

* * * * *

Steps to be taken immediately following first Disaster Council meeting:

1. Widespread newspaper publicity to acquaint the general public and community officials with the fact that the Governor has launched the State Disaster Preparedness Plan.
2. Letters from the Governor's office or State Disaster Council --(policy to be established by Governor's office) to:

County Boards of Supervisors
District Attorneys
Sheriffs
Mayors

Police Chiefs
Fire Chiefs
City Attorneys
Accredited Disaster Council Chairmen

BW-41

These letters should announce the policy of the Disaster Council and the Governor's office as to State leadership and assistance to local communities in Disaster Preparedness Planning Programs and recommend Disaster Preparedness Planning on the part of local officials.

The program will then be carried to the community level by field personnel of various State Departments working with similar local community department personnel.

During the period between the first and second meetings of the Disaster Council the following steps will be taken:

1. Law Enforcement Advisory Committee meeting for the purpose of establishing a long term policy for recommendation to the Disaster Council and Governor. (Attorney General's office to prepare agenda for this meeting). Problems should be presented to Committee members immediately after first Disaster Council meeting for study and the meeting called shortly before the second Disaster Council meeting.
2. Fire Services Advisory Committee meeting for purposes similar to the Law Enforcement meeting. (Chairman of the Fire Advisory Committee to prepare agenda).
3. Establish a working agreement between the Department of Public Health and the Pacific Coast Area Office of the American Red Cross. (Secretary of the Disaster Council).
4. Clarify the law under Chapter 920, Statutes of 1943 - Compensation benefits to civilian auxiliary volunteers as it relates to Chapter 1024, Statutes of 1943 (California Disaster Act). This matter now in the hands of James H. Oakley, Attorney General's office, for recommendation or Attorney General's opinion.
5. Clarify and prepare rules and regulations for accredited local Disaster Councils.
6. Clarify rules and regulations for establishing classes of local Disaster Council civilian auxiliary volunteers and method of registration.
7. Prepare a model ordinance for use by city and county in organizing Disaster Councils to effect transition from local war councils to permanent disaster preparedness organizations. (League of California Cities preparing ordinance)

During the period between the first and second meetings of the Disaster Council (60 to 90 days), considerable work by the State Departments in preparing individual plans will be accomplished, in addition to field work with key cities which are considered to be located in areas susceptible to natural disaster (earthquake areas, flood areas, and areas of dense population).

The contacts to be made will undoubtedly develop additional items to be presented on the agenda for the second meeting of the Disaster Council.



Sept. 28, 1945

It is felt that all matters which require the attention of the Disaster Council can be resolved prior to and at the second meeting, and that it will not be necessary to call additional meetings of the Disaster Council itself except in emergency.

Meetings of the Law Enforcement Advisory Committee, Fire Services Committee and Communications Committee should be held regularly in order to maintain State Department and community interest. It is suggested that Law Enforcement and Fire Services should meet at least three or four times per year.


BURTON WASHBURN

BW:ak
Attachment

(800) 666-1917

LEGISLATIVE INTENT SERVICE



EW-43

EARL WARREN
GOVERNOR OF CALIFORNIA
CHAIRMAN



HEADQUARTERS OFFICE
ADMINISTRATION BUILDING
STATE FAIR GROUNDS
P. O. BOX 1407
SACRAMENTO 7, CALIF.

LOS ANGELES OFFICE
ROOMS 627-629, STATE BUILDING
217 W. FIRST STREET
LOS ANGELES 12, CALIF.

DON A. ALLEN
ASSEMBLYMAN
E. W. BISCAILUZ
SHERIFF, LOS ANGELES COUNTY
LESLIE A. CLEARY
DISTRICT ATTORNEY, STANISLAUS COUNTY
WALTER W. COOPER
CITY MANAGER, SAN DIEGO
VANDYCE HAMREN
DIRECTOR
FREDERICK F. HOUSER
LIEUTENANT GOVERNOR OF CALIFORNIA
ROBERT W. KENNY
ATTORNEY GENERAL
ROGER LAPHAM
MAYOR OF SAN FRANCISCO
IRWIN T. QUINN
STATE SENATOR
RALPH E. SWING
STATE SENATOR
FRED WEYBRET
ASSEMBLYMAN

California State War Council

SACRAMENTO, CALIFORNIA

June 8, 1945

Honorable Earl Warren
Governor
State Capitol
Sacramento, California

Dear Governor Warren:

With the Legislature still in session and, as yet, no definite action having been taken as to the War Powers Act or substitute legislation, only tentative recommendations can be made as to the operations of the War Council staff.

There is under consideration by the present Legislature a Disaster Preparedness Relief Act (S. B. No. 1302 - Quinn), which affords legal means by which cities and counties may continue their organizations and planning along such lines as they deem necessary. This bill provides for State participation, with cities and counties, in combating the effects of enemy action or disaster.

Assuming that the Legislature acts favorably on this bill, we are faced with the problem of making an orderly transition of activities during the period between adjournment of the Legislature and the effective date of the new act.

It is presumed that the duties and the responsibilities of the Governor and statutory officers are still imposed under the provisions of the War Powers Act until the War Powers Act is repealed or substitute legislation becomes effective.

It is my opinion that our immediate action should be such as to support the cities and counties in their continuing war effort. However, I believe we can materially reduce our operations and yet give the necessary services which are required to effect the transition from present to future legislation.

FOR VICTORY



EW-44

LEGISLATIVE INTENT SERVICE (800) 666-1917

I would suggest that we close the Los Angeles office as of June 30, which would effect a reduction of the three members of our staff now servicing that area.

Our present Sacramento staff is now on a skeletonized basis. However, we can reduce it by one without too much difficulty. This would leave us with the three statutory officers, an assistant to the Director, and four persons in the stenographic and accounting departments.

This personnel, with the assistance of the Law Enforcement and Fire Services Advisory Committees and State departments, should be able to cope to a reasonable degree with potential hazards to life and property within the State, and discharge responsibilities imposed upon us by the military.

As of June 30th all unnecessary automobiles, office equipment and supplies will be declared surplus and available for use in other State departments.

The Commanding General of the Western Defense Command has not yet lifted the blackout requirements, and cities and counties are still required to effect a reasonable blackout on receipt of an alert. We are now supporting some key telephones in the vital areas which constitute the Civil Air Raid Warning net and some definite decision should be made as to State participation in this type of communications beyond June 30th.

Applications for support out of the \$2,500,000 subvention fund are still coming in from cities and counties, and at last report there was approximately \$400,000 available for allocation. There is an amendment pending before the Legislature to extend the period for receiving applications to September 1, 1945; and while the Director of Finance is charged with administration of the fund and establishment of rules and regulations as to the use of the allocations, your Director is required by law to approve each allocation and would appreciate some statement of policy from the War Council as to the type of activity which should be approved for subvention out of the remaining funds.

After conference with Mr. James Dean and Mr. Fred Links, agreement was reached that the Legislature would be requested to appropriate a budget of approximately \$19,000 to continue the War Council staff, as above outlined, during the period of July 1, 1945, to the effective date of the Disaster Act, presumably September 15, 1945.

Attached hereto is a copy of the Agenda for the meeting of the War Council on Monday, June 11, 1945.

Sincerely yours,



VANDYCE HAMMEN
Director

VH:chl



THIRTY-FIFTH ANNUAL CONVENTION
OF THE
DISTRICT ATTORNEYS ASSOCIATION OF CALIFORNIA

RESOLUTION NO. 8

WHEREAS a bill authored by Senator Irwin T. Quinn and numbered SB 1302 is now underconsideration by the 1945 Session of the Legislature, and

WHEREAS such bill purports to salvage out of the War Council machinery an organization for a Disaster Council, which would make possible the continuance and implementation of the work of the Law Enforcement Officers Advisory Committee,

IT IS HEREBY RESOLVED that the District Attorneys Association urges the passage of the aforesaid bill and that the Association advise the War Council of its attitude in this regard.

ADOPTED by unanimous vote of the District Attorneys Association of the State of California, in regular Convention assembled at Hoberg's Resort, Lake County, this 2nd day of June, 1945.

President of the District Attorneys
Association of the State of California

ATTEST:

Secretary of the District Attorneys
Association of the State of California.

EW-46

CALIFORNIA STATE WAR COUNCIL

TO: Miss Helen MacGregor
Governor's Office

DATE: June 27, 1945

FROM: Burton Washburn

SUBJECT: California Disaster Act

The Director of the California State War Council is preparing to forward to all Law Enforcement and Fire Agencies throughout California a copy of the California Disaster Act which was recently passed by the State Legislature and signed by the Governor, effective September 15, 1945.

It occurs to us that since administration of this Act will be the responsibility of the Governor, the cover sheet should state "Issued by Office of the Governor" and not by the Director of the California State War Council.

We are attaching a rough "proof" of the wording suggested by the Legislative Council and would ask that you advise this office if the proposed cover is satisfactory to the Governor.

B. Washburn
BURTON WASHBURN

Assistant to the Director

BW:ak
enclosure

*6/27/45
Helen MacGregor
Washburn 27 June 1945*

War Council
9/1/45

CALIFORNIA STATE WAR COUNCIL

TO: Miss Helen MacGregor
Governor's Office

DATE: July 11, 1945

FROM: Burton Washburn

SUBJECT: California Disaster Act

We are attaching hereto a letter addressed to Governor Warren, together with a copy of the California Disaster Act and Digest.

A similar letter with enclosures has been forwarded to all members of the California State War Council, as well as all members of Citizens Advisory Committees which were appointed by the Governor under the War Powers Act.

We are also enclosing a copy of our Notice No. 61 which has been mailed to the various defense councils throughout the State and to chief public officials of cities and counties, as well as sheriffs, chiefs of police and fire chiefs.



BURTON WASHBURN
Assistant to the Director

BW:ak
attachments



EW-48

EARL WARREN
GOVERNOR OF CALIFORNIA
CHAIRMAN



HEADQUARTERS OFFICE
ADMINISTRATION BUILDING
STATE FAIR GROUNDS
P. O. BOX 1407
SACRAMENTO 7, CALIF.

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ROGER LAPHAM
MAYOR OF SAN FRANCISCO
IRWIN T. QUINN
STATE SENATOR
RALPH E. SWING
STATE SENATOR
FRED WEYBRET
ASSEMBLYMAN

California State War Council

SACRAMENTO, CALIFORNIA

July 10, 1945

Honorable Earl Warren, Governor
State of California
State Capitol
Sacramento, California

Dear Governor Warren:

We are enclosing a copy of the California Disaster Act as passed by the 1945 session of the California State Legislature and approved by you as Governor. The Act becomes effective September 15, 1945.

For your convenience we are also enclosing a Digest of the Act.

The members of the California State War Council, its advisory committees, and the Director and his staff, will continue to serve until the effective date of the California Disaster Act - September 15, 1945 - at which time responsibility for the administration of the new legislation and determination of essentiality of various services will devolve upon the Governor of the State of California.

Sincerely yours,

Vandyc Hamren
VANDYCE HAMREN
Director

VH:ak
enclosures 2.

FOR VICTORY



EW-49

LEGISLATIVE INTENT SERVICE (800) 666-1917

NOTICE NO. 61

CALIFORNIA STATE WAR COUNCIL

Administration Building
State Fair Grounds
P. O. Box 1407
Sacramento 7, California
July 9, 1945

TO: WAR, DEFENSE AND DISASTER COUNCILS and
CITY AND COUNTY OFFICIALS

FROM: CALIFORNIA STATE WAR COUNCIL

SUBJECT: CALIFORNIA DISASTER ACT -- Chapter 1024 - 1945

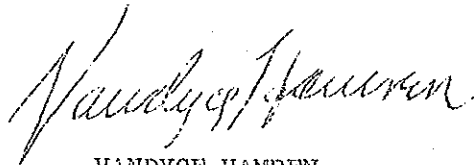
We are enclosing herewith a copy of the "California Disaster Act" passed by the 1945 session of the California State Legislature and approved by the Governor. The Act becomes effective September 15, 1945.

For your convenience there is also attached a Digest of the Act.

Your attention is particularly invited to the third paragraph of Section 1571 of the Act, which recognizes all war, defense or disaster councils heretofore accredited by the California State War Council as legally constituted Disaster Councils under the new legislation.

Provision is made for the enrollment of registered civilian volunteers to augment departments of local government. Such volunteers are covered, for both protective and war services, under the present compensation provisions of Chapter 920, Statutes of 1943.

The present War Powers Act remains in operation until the effective date of the California Disaster Act, September 15, 1945, and this office will continue to serve the cities and counties of the State until the new legislation becomes law.



VANDYCE HAMREN
Director

BW-50

C A L I F O R N I A D I S A S T E R A C T

Effective Date --- September 15, 1945

The War Powers Act, Chapter 1, Statutes of 1943, 1st Extra. Ses., is completely revised and is renamed the "California Disaster Act" as of September 15, 1945.

The Governor succeeds to all duties, powers, purposes and responsibilities of the California State War Council. (See Sec. 1509.8.)

The Governor succeeds to all statutory offices established under Chapter 1, Statutes of 1943, 1st Extra. Ses. (War Powers Act) as of September 15, 1945. (See Sec. 1530.)

The Act creates the "California State Disaster Council", consisting of ten members -- the Governor, the Lieutenant Governor, the Attorney General, the President pro tempore of the Senate, the Speaker of the Assembly, and representatives of city and county governments, local law enforcement and fire services, and the American Red Cross -- serving without compensation, acting as an advisory body to the Governor. (See Sec. 1510.)

The principal duties of the California State Disaster Council are:

- a. To advise the Governor in times of war or disaster;
- b. Prepare and recommend rules and regulations or orders which are within the province of the Governor to promulgate;
- c. To consider and recommend boundaries of mutual aid regions;
- d. To consider and approve inter-regional and regional mutual aid plans;
- e. To consider and recommend the creation by the Governor of citizens' advisory committees;
- f. To develop a State Disaster Preparedness Plan built around mutual aid, and integrate into such plan State departments and agencies;
- g. To encourage and maintain mutual aid plans between cities and counties, and evaluate State communications systems with particular regard to their adequacy in case of disaster.

(See Sec. 1513.)

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The Act provides for appointment of boards or committees among State departments and agencies, to assist the Governor or Disaster Council in the accomplishment of the purposes of the California Disaster Act. (See Sec. 1514.)

The Act permits the Governor to appoint citizens' advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness (Law Enforcement - Fire Services - Youth Problems - Food Programs - Salvage - and other essential activities). (See Sec. 1520.)

Present mutual aid agreements are to remain in effect until they may be modified by contracting parties. Mutual aid plans, based upon those agreements, are provided for, and the Act legalizes State financial assistance to counties and cities for unusual services rendered in operations under mutual aid agreements. (See Secs. 1560 to 1563, inc. and 37.)

The Act establishes a legal basis, where it does not already exist, for creation of local Disaster Councils by ordinance in cities and counties throughout California, thereby effecting mobilization of local public and private resources to meet disaster (emergency) conditions. (See Sec. 1571.)

ANY WAR, DEFENSE OR DISASTER COUNCIL HERETOFORE ESTABLISHED AND PREVIOUSLY CERTIFIED AS AN ACCREDITED COUNCIL BY THE CALIFORNIA STATE WAR COUNCIL IS LEGALLY RECOGNIZED AS A DISASTER COUNCIL UNDER THE NEW LEGISLATION.

The Act grants to the Governor the power to declare a state of extreme emergency, defines certain circumstances and conditions under which it may be declared, imposes certain limitations, and provides a legal basis for operations under such a declaration. (See Secs. 1580 to 1589, inc.)

Responsibilities and immunities of political subdivisions, officers, employees, agents, and registered volunteers in training or acting within the scope of the California Disaster Act are defined in substantially the same manner as they were under the War Powers Act. (See Sec. 1591.)

* * * * *

NOTE: Compensation insurance benefits will continue to be available to registered volunteers under Chapter 920, Statutes of 1943.



EW-52

EXECUTIVE DEPARTMENT

STATE OF CALIFORNIA

WAR POWERS PROCLAMATION NO. 7

WHEREAS, the Legislature of the State of California, pursuant to request of the Commanding General of the Western Defense Command, did enact Chapter 229, Statutes of 1943, effective April 27, 1943, entitled "an act to provide for precautions against enemy attack, including blackout and dimout regulations", etc; and

WHEREAS, pursuant to the provisions of said act, War Powers Proclamations No. 4, 5 and 6 were promulgated by the Governor of the State of California, establishing zones of lighting and restrictions and regulations governing illumination therein; and

WHEREAS, Section 19 of Chapter 229, Statutes of 1943, provides as follows:

"Sec. 19. This act shall remain in effect only until the cessation of hostilities in the present war in which the United States is engaged, as declared by the President or the Congress of the United States, or until such time as the Governor after recommendation made by the Western Defense Command or such other military agency as may be designated by the Secretary of War proclaims the provisions of this act are no longer necessary as a matter of military necessity, or to preserve life and property"; and

WHEREAS, by letter dated 14 July 1945, the Commanding General of the Western Defense Command did recommend to the Governor of the State of California that the military situation which required restrictions on lighting had improved to the extent that it is now considered appropriate from the military standpoint to remove all military requirements for lighting restrictions, and on July 15, 1945 did issue Public Proclamation No. 23, effective 1 August 1945, rescinding all military restrictions on lighting within the State of California, Washington and Oregon; and

WHEREAS, by letter dated 24 July 1945, the Commanding General of the Western Defense Command did further advise the Governor of the State of California that it has been considered appropriate from the military standpoint to eliminate on 1 August 1945 all special military communication facilities which have been installed for the operation of the civil air raid warning system; and that on and after 1 August 1945 information of enemy action will be transmitted through normal communication facilities;



STATE OF CALIFORNIA

NOW, THEREFORE, I, Earl Warren, Governor of the State of California, do hereby proclaim in accordance with and upon the recommendation of the Commanding General of the Western Defense Command that the provisions of said Chapter 229, Statutes of 1943, are no longer necessary as a matter of military necessity, or to preserve life and property, and said act is therefore terminated as of August 1, 1945.

This proclamation is hereby designated "War Powers Proclamation No. 7" and shall take effect August 1, 1945.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of August, A. D., one thousand nine hundred and forty-five.

/s/ EARL WARREN

Governor of California

ATTEST:

FRANK M. JORDAN

Secretary of State

*Not yet signed
by Sec. of State*

(SEAL)

3000 *After Council*
CALIFORNIA STATE WAR COUNCIL

TO: Helon R. MacGregor

DATE: August 10, 1945

FROM: Vandyce Hamren

SUBJECT:

We are attaching a copy of a suggested letter to be sent to Governors of other states, transmitting a copy of the California Disaster Act, Chapter 1024, Statutes of 1945.

If this suggestion meets with the approval of your office, we would be pleased to complete the stenographic work in preparing the letters for the signature of the Governor.

Vandyce Hamren
VANDYCE HAMREN

VH:eb1

3000 After Council
LEGISLATIVE INTENT SERVICE (800) 666-1917

LEGISLATIVE INTENT SERVICE



EW-55

EARL WARREN
GOVERNOR OF CALIFORNIA
CHAIRMAN



California State War Council

SACRAMENTO, CALIFORNIA

August __, 1945

HEADQUARTERS OFFICE
ADMINISTRATION BUILDING
STATE FAIR GROUNDS
P. O. Box 1407
SACRAMENTO 7, CALIF.

LOS ANGELES OFFICE
ROOMS 627-629, STATE BUILDING
217 W. FIRST STREET
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DON A. ALLEN
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CITY MANAGER, SAN DIEGO
VANDYCE HAMREN
DIRECTOR
FREDERICK F. HOUSER
LIEUTENANT GOVERNOR OF CALIFORNIA
ROBERT W. KENNY
ATTORNEY GENERAL
ROGER LAPHAM
MAYOR OF SAN FRANCISCO
IRWIN T. QUINN
STATE SENATOR
RALPH E. SWING
STATE SENATOR
FRED WEYBRET
ASSEMBLYMAN

The Honorable _____
Governor of _____
State Capitol
_____, _____

Dear Governor _____:

You may be interested in knowing what action California has taken to retain the benefits derived from wartime disaster preparedness planning.

There is enclosed, for your information, a copy of Chapter 1024, California Statutes of 1945, known as the "California Disaster Act" which becomes effective September 15, 1945.

Sincerely,

EARL WARREN
Governor

LEGISLATIVE INTENT SERVICE (800) 666-1917



FOR VICTORY



E Weybret

SENATE BILL NO. 1302

Chapter 1024

7343

AUTHOR

Quinn

RECEIVED

6/16

1945

ACTION OF

GOVERNOR

6/25

1945

CHAPTER NO.

1024

LIS-4

PE-1

REQUESTS FOR DIGESTS—Legislative Council

Attorney General

RECOMMENDATIONS—Audit Authority

Agriculture

Banking

Beaches and Parks

Board of Equalization

Building and Loan Comm.

Controller

Corporation Commissioner

Corrections

Education

Employment Substitution

Finance

Fish and Game

Freight Tax Comm.

Industrial Relations

Institutions

Insurance

Military and Vets. Affairs

Motor Vehicles

Natural Resources

Personnel Board

Prof. and Voc. Standards

Public Health

Public Works

Reconstr. & Employment

Secretary of State

Social Welfare

State Lands Commissioner

War Council

Youth Authority

Associated Sportmen

California Land Use

County Council

County Safety Association

League California Cities

State Bar

HOME ADDRESS
FIRST NATIONAL BANK BUILDING
EUREKA, HUMBOLDT COUNTY
CALIFORNIA

SACRAMENTO ADDRESS
STATE CAPITOL

IRWIN T. QUINN
THIRD SENATORIAL DISTRICT
Chairman
COMMITTEE ON MILITARY AFFAIRS

COMMITTEES
Military Affairs
Finance
Revenue and Taxation
Transportation
Judiciary

CALIFORNIA LEGISLATURE

Senate

June 17, 1945

Honorable Earl Warren
Governor of the State of California
State Capitol
Sacramento, California

Your Excellency:

RE: Senate Bill 1302

I presume there is no need for me to present any long statement concerning this bill except to state that the only amendment was to include the Lieutenant Governor, and to transfer to the Department of Justice a certain worker.

I trust the bill came to you in the form which you desire.

Sincerely yours,

Irwin T. Quinn

Irwin T. Quinn
State Senator

ITQ/bkw

LEGISLATIVE INTENT SERVICE (800) 666-1917

PE-2

June 22, 1945

REPORT TO GOVERNOR ON SENATE BILL NO. 1302

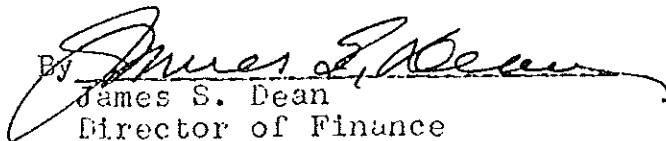
BY ASSEMBLYMAN CALL

PURPOSE: This bill creates the California State Disaster Council consisting of a membership as set forth in Section 12 of the Act. It abolishes the California State War Council on the effective date of this Act.

The bill appropriates the sum of \$107,528, \$50,000 of which is for support of the California Disaster Act during the next biennium and \$57,528 for support of those activities transferred from the State War Council to the Department of Public Health, Youth Authority and State Fire Marshal.

COMMENT: This bill is a question of administrative policy for the Governor to decide. In so far as the appropriation is concerned the Department of Finance approves the amount included in the bill for the purposes above mentioned.

DEPARTMENT OF FINANCE

By 
James S. Dean
Director of Finance



STATE OF CALIFORNIA

SACRAMENTO 14

Inter-Departmental Communication

To: Honorable Earl Warren,
Governor,
State Capitol,
Sacramento, California

File No.

Date: June 22, 1945

Subject:
Senate Bill 1302

From: Department of Justice

EFFECT: This bill supplants the existing California War Powers Act and the War Council, which were duration measures. In lieu thereof it establishes a California Disaster Act and a Disaster Council. All changes are made in the Military and Veterans Code.

Organization.

The bill centralizes all powers in the Governor, establishes a Disaster Council as advisory to him, and permits him to appoint citizens' committees advisory to him. Of the existing offices created by the War Powers Act, all are abolished, except the one office of Assistant to the director for law enforcement, which is transferred to the Department of Justice, and the person now holding the position blanketed into civil service.

The Governor succeeds to all of the powers of the War Council and Council of Defense, and is given possession of all of their records. He is given authority to procure offices and supplies, to acquire property, and to cooperate and contract with public and private agencies for services and facilities. Each agency of the State and each local agency is required to assist him. He succeeds to the powers of the Directors of Civilian Defense, of Civilian Protection, of Civilian War Services, and of the War Council. He is authorized to transfer and assign functions relating to disaster preparedness to the state agencies engaged in the performance of similar functions. He is not expressly granted the power to employ persons to perform such work, but such power may be either implied, or derived from section 385 of the Political Code.

The Disaster Council is composed of the Governor, Lieutenant Governor, Attorney General, one representative of cities, one representative of counties, one representative of the American Red Cross, one representative of city or county fire services, one representative of city or county law enforcement services, and the president pro tem of the Senate and Speaker of the Assembly, to the extent to which they may constitutionally participate. The members of the council serve without compensation but receive their necessary travel expenses. The Council is advisory to the Governor on all matters pertaining to the Disaster Act, and has no administrative functions.

PE-4

Citizens' Advisory Committees may be appointed, and the number of members determined, by the Governor. The members receive expenses but no compensation. They may be advisory on any matter in specific fields of civilian protection, war services and disaster preparedness.

Cities and counties are authorized to establish local disaster councils, carry out mutual aid agreements, and to enter into agreements for the purposes of the Act. Existing war, defence, or disaster councils are continued as disaster councils under this act.

No provision of the Disaster Act applies to any condition resulting from a labor controversy.

Civilian Defense.

The Standing Operational Plan and Alert List as developed by the War Council is expressly continued in effect as a function of the Governor and may be modified by him upon recommendation of the War Council.

The existing rights and immunities afforded civilian defense volunteers are continued, as is the present provision for accrediting civilian defense organizations.

Mutual Aid.

The Fire Disaster Plan and Law Enforcement Mutual Aid Plan, approved by the War Council, are continued in effect subject to revision by the Disaster Council--no power of revision is granted the Governor. All mutual aid agreements in effect on the effective date of the act are continued in effect subject to modification by the parties.

Mutual aid regions may be established by the Governor with the advice of the Disaster Council.

During a state of extreme emergency, local authorities are required to comply with mutual aid plans and state agencies are required to comply with the directions of the Governor.

During local peril or emergencies, local agencies are granted full authority to exercise mutual aid powers. They may enact ordinances and establish rules and regulations to carry out mutual aid.

State of Extreme Emergency.

During such a period, the Governor has full authority over all State agencies and all of the state's police power in the region affected, and all local officers are required to comply with his

June 22, 1945

orders. The power to commandeer private property is eliminated. Suitable protection for local officers acting outside the boundaries of the city or political subdivision are provided.

A state of extreme emergency may be proclaimed by the Governor in any area when:

1. He finds that a condition of disaster exists which is beyond the control of the protective services of a single county or city, and
2. He is requested to do so by the executive of a city or the chairman of a board of supervisors, or
3. He finds the local authorities inadequate to cope with the peril.

The proclamation must be in writing and filed with the Secretary of State.

A state of extreme emergency terminates by:

1. The failure to call the Disaster Council into session within 7 days, or
2. The failure to call the Legislature into session within 30 days, or
3. When terminated by proclamation of the Governor, or
4. When terminated by concurrent resolution of the Legislature.

General Features.

The Emergency Act of 1929 is repealed, and any balance in any fund appropriated for that purpose is reverted to the general fund.

The sum of \$107,528 is appropriated to carry out the provisions of the act. Of this sum, \$57,528 is to carry on the work of Public Health, Youth Authority, and Fire Marshall. The balance is to meet general expenses of the administration of the act. Money appropriated may be transferred by the Department of Finance to any state agency to which functions have been transferred by the Governor.

LEGALITY: There are no legal objections to the act.

1. There is a question as to the extent to which the President pro tem and Speaker may participate in the

June 22, 1945

activities of the Disaster Council, but the act provides that they shall participate to the extent that they may constitutionally do so.

2. Section 36 reverts moneys appropriated by "Chapter 662 of the Statutes of 1929" to the general fund. This chapter is repealed and codified as Part 9 of Division 3 of Title 2 of the Government Code. No difficulty is encountered, because the codification and the present bill will be effective at the same time, and because Part 9 being a codification will be construed as a continuation of Chapter 662.
3. The reversion of funds provided in section 36 and the appropriation in section 39 do not constitute two items of appropriation, as a further act of appropriation would be required before any of the moneys reverted could be expended.
4. Section 38 provides for the allotment by the Department of Finance to state agencies of funds made available by section 1509.9 as amended by the act. As amended in the course of passage section 1509.9 now contains no appropriation. However, the identical power may be exercised under section 1541 as amended by the bill and funds are appropriated by section 39 of the act. No difficulty will be encountered.

COMMENT: The bill was endorsed by you, and by the Attorney General, War Council, Commonwealth Club, League of Cities, and District Attorney's Association.

Your favorable action is requested.

Chas. W. Johnson

Chas. W. Johnson
Supervising Deputy Attorney General



MEMORANDUM
GOVERNOR'S OFFICE

TO: Governor Warren
FROM: Beach Vasey

Sacramento, California

Date: June 23, 1945

BILL NO. S.B. 1302

1. SUBJECT MATTER: Repeals the War Council provisions of the Government Code and adds to the Government Code new set-up for a Disaster Council. Supplants the existing California War Powers Act and the War Council. Centralizes all powers in the Governor establishing a Disaster Council as advisory to him permitting him to appoint Citizens Committees to advise him. Abolishes all offices created by the War Powers Act except the one office
2. AUTHOR: Senator Quinn (see supplemental sheet)
3. VOTE Senate, unanimous; Assembly, 55 ayes, 16 noes.
4. LEGALITY
 - (a) Legislative Counsel
 - (b) Attorney General: No legal objection
5. SPONSORSHIP: Governor
6. OPPOSITION: None presented
7. DEPARTMENTAL REPORTS: This bill has been endorsed by the Attorney General, the War Council, the Commonwealth Club, the League of Cities, and the District Attorneys Association, according to the report of the Attorney General.
8. COMMENTS: Approval recommended.

LEGISLATIVE INTENT SERVICE (800) 666-1917

PE-8

June 23, 1945

SUBJECT MATTER: (Continued)

of Assistant to the Director for Law Enforcement which is transferred to the Department of Justice, and the person now holding the position is blanketed into civil service. The Governor succeeds to all the powers of the War Council and the Council of Defense, and is given possession of all of their records. Each State agency and each local agency is required to assist the Governor. He is authorized to transfer and assign functions relating to disaster preparedness to the State agencies engaged in the performance of similar functions. The Disaster Council is described as composed of the Governor, Lieutenant Governor, Attorney General, one representative of cities, one representative of counties, one representative of the American Red Cross, one representative of city or county fire services, one representative of city or county law enforcement services, and the president pro tem of the Senate and Speaker of the Assembly, to the extent to which they may constitutionally participate. Existing civilian defense and mutual aid plans are continued in operation until changed. The Governor is authorized to declare a state of extreme emergency in any area when he finds that a condition of disaster exists which is beyond the control of the protective services of a single county or city, and he is requested to do so by the executive of a city or the chairman of a Board of Supervisors, or he finds the local authorities inadequate to cope with the peril. A state of extreme emergency terminates by the failure to call the Disaster Council into session within seven days, or the failure to call the Legislature into session within thirty days, or when terminated by proclamation of the Governor, or when terminated by concurrent resolution of the Legislature. The sum of \$107,528 is appropriated to carry out the provisions of the Act. Of this sum, \$50,000 is to carry out the provisions of the Disaster Council, and the balance to carry on the work of Public Health, Youth Authority, and Fire Marshal, now being carried on under the War Council.

BU

PG-9



STATE OF CALIFORNIA
Office of Legislative Counsel

220 STATE CAPITOL, SACRAMENTO 2
995 MARKET STREET, SAN FRANCISCO 3
108 STATE BUILDING, LOS ANGELES 12

June 23, 1945

REPORT ON SENATE BILL NO. 1302. QUINN.

SUBJECT: Amends and repeals various sections of
and adds sections to the California War Powers
Act (Secs. 1500-1601, Military and Veterans
Code), converting it into the California Disas-
ter Act;

Repeals Part 9 of Division 3, Title 2 of
Government Code (Secs. 15600-15633) which is a
1945 codification of the Emergency Council Act
of 1929, Chapter 622, page 1111 (See S. B. 1146,
Chapter 119, Statutes of 1945); and

Appropriates \$107,528 for the purposes
of the revised Act, by Sec. 39 of the bill.

FORM: Approved. TITLE: Approved.

CONSTITUTIONALITY: Approved.

ANALYSIS: Purpose, disaster preparedness, is ex-
pressed in amended sections 1500 and 1505, with
emphasis of position upon "flood, fire, earth-
quake, pestilence, war, sabotage and riot" (instead
of the present greater emphasis upon war and enemy
attack), and an express declaration against applica-
tion to a condition "resulting from a labor contro-
versy."

Continues in effect the State Fire Disaster
Plan, State Law Enforcement Mutual Aid Plan, and
State of California Standing Operational Plan and
Alert List, until modified, as provided in new
Section 1507.

The Governor succeeds to all functions that
are left in the present War Council (1509.8).

PC-10

REPORT ON SENATE BILL NO. 1302 - p. 2

For the latter, is substituted the California State Disaster Council, made up as provided in amended Section 1510, with powers (mainly advisory) specified in amended Section 1513.

Abolishes the Director of the War Council, transferring his functions to the Governor (1530). Deletes from Section 1530 the express authority of the Governor to appoint assistants and employees; but he retains the power to do so because of Section 12001, Government Code, Chapter 111 of Statutes of 1945.

Funds appropriated for this act are to be allotted by the Director of Finance to the Governor or to State agencies to which are assigned duties under the act (supplemented by Section 38 of the bill), and the Governor is authorized to expend for this act moneys from any fund legally available to deal with disaster conditions (1541).

Deletes the salary limits now prescribed by Section 1509.4.

Transfers to the Attorney General and blankets into civil service the present Assistant to the Director of the War Council (1507).

Mutual aid (instead of protective) regions will be as provided in sections 1560-1562.

When hereafter the Governor declares a state of extreme emergency, it will be under the conditions defined in paragraphs 1 to 3 of Section 1580, and it may be in an "area" as well as in a region (1580 and 1581).

His power to "commandeer" is repealed (1586) and he retains very extensive powers, in extreme emergencies, under 1584.

The Governor's state-of-extreme-emergency powers terminate if the Disaster Council be not convened or if the Legislature be not in session and be not convened within the seven and the thirty day periods expressed in new Section 1589.

Any moneys still available to the 1929 Emergency Council revert to the General Fund (Sec. 36 of the bill).

PE-11

Mutual aid agreements now in effect continue until modified by the parties (Sec. 37 of the bill).

The sections added or amended by the bill should be read with the following Military and Veterans Code sections, which the bill neither amends nor repeals:

1506	-	-	Original text, Ex. Sess., 1943.
1509.3	-	-	Original text, " " "
1509.6	-	-	Stats. 1943, Ch. 294
1509.7	-	-	Stats. 1943, Ch. 294
1564	-	-	Original text, Ex. Sess., 1943
1588	-	-	" " " " " "
1595	-	-	Stats. 1943, Ch. 920
1596	-	-	" " " "
1597	-	-	" " " "
1598	-	-	" " " "
1600	-	-	Original text, Ex. Sess., 1943
1601	-	-	" " " " " "

Fred B. Wood

Fred B. Wood
Legislative Counsel

FBW/jg



County Supervisors Association of California

ORGANIZED MAY 15, 1911
400 FORUM BUILDING, SACRAMENTO, 14, CALIFORNIA
TELEPHONE 3-1786

WILLIAM A. SMITH, PRESIDENT
LOS ANGELES, LOS ANGELES COUNTY

LEO C. HAMMETT, VICE PRESIDENT
MODESTO, STANISLAUS COUNTY

C. E. STEINEGUL, TREASURER
ESCALON, SAN JOAQUIN COUNTY

June 29, 1945.

FREDERIC L. ALEXANDER
EXECUTIVE SECRETARY

J. H. HUNTER
SECRETARY AND FIELD REPRESENTATIVE

Beach Vasey, Legislative Secretary
Governor's Office
State Capitol
Sacramento 14, California

Dear Mr. Vasey: S.B. 1302

Senate Bill 1302 in its various amended forms was not presented to the Board of Directors of the County Supervisors Association for action.

We note that it creates the California State Disaster Council.

We are of the opinion that had the opportunity presented itself for our Board of Directors to review this bill there would have been no serious objections to it. It certainly goes a long way in accomplishing a worthwhile and desirable purpose, and establishing the ways and means for cooperation between the various levels of government in California to prepare against certain disasters as outlined in the bill. We know of no objection on the part of local government in California to this measure.

Sincerely yours,

Frederic L. Alexander
Frederic L. Alexander
Executive Secretary

FLA:AW

DIRECTORS

E. F. AUBLE, Modoc County
HARRY BARTELL, ALAMEDA COUNTY
DAVID W. BIRD, SAN DIEGO COUNTY
W. J. BUCHANAN, CONTRA COSTA COUNTY
W. R. CHANNON, SUTTER COUNTY
GEORGE J. COLE, HUMBOLDT COUNTY
W. T. DAVIDSON, SISKIYOU COUNTY

JAMES R. GARLICK, SACRAMENTO COUNTY
B. M. GRAHAM, IMPERIAL COUNTY
E. O. HAEHL, MENDOCINO COUNTY
ERNEST H. HODGE, TUOLUMNE COUNTY
EARL S. HURLBUT, INYO COUNTY
ROGER W. JESSUP, LOS ANGELES COUNTY

ROBERT W. LEFEVER, VENTURA COUNTY
E. T. MANCUSO, SAN FRANCISCO COUNTY
RALPH E. MINAHEN, NAPA COUNTY
A. W. NOON, KERN COUNTY
ROSCOE L. PATTERSON, TULARE COUNTY
FRANK J. ROWE, NEVADA COUNTY
C. E. STEINEGUL, SAN JOAQUIN COUNTY



PE-13

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

Sacramento 14
July 2, 1945

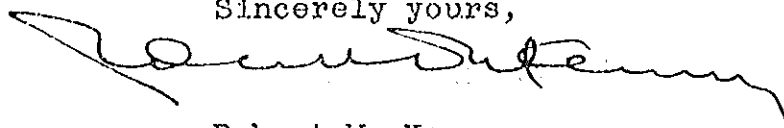
Honorable Earl Warren
Governor of California
State Capitol
Sacramento, California

Dear Governor Warren:

Under the provisions of Senate Bill 1302 establishing the State Disaster Council, the Assistant to the Director of the War Council for law enforcement was transferred to the Department of Justice and blanketed into civil service. The present plan adopted by the War Council for mutual aid in the field of law enforcement was continued in effect and is to be administered under the terms of the new bill by the Governor. The bill further provides that the Governor may assign to any State agency any activity concerned with disaster preparedness and provides that the Citizens' Advisory Committees shall be under the direction of the Governor or such State department heads as he shall designate.

In accordance with the former War Powers Act, you had assigned to the Department of Justice the supervision and development of the Law Enforcement Mutual Aid Plan and the Law Enforcement Advisory Committee. As this work has been carried on by the Department since its inception and as the Assistant to the Director for Law Enforcement has been transferred to the Department, it is respectfully requested that you assign to the Department of Justice the further supervision and development of the Law Enforcement Mutual Aid Plan and that you designate the Attorney General as the officer to whom the Law Enforcement Advisory Committee shall be responsible. I realize that the bill is not yet effective, but wish to bring this matter to your attention at this time so that the transfer, if made, will be made at such a time as to permit the work now in progress to continue without interruption.

Sincerely yours,



Robert W. Kenny
Attorney General

RWK S

PE-1A



CALIFORNIA LEGISLATURE AT SACRAMENTO

LIST OF MEMBERS
OFFICERS, COMMITTEES AND
RULES OF THE TWO HOUSES
TOGETHER WITH A LIST OF THE MEMBERS
OF CONGRESS, SUPREME COURT, STATE
OFFICERS, BOARDS, COMMISSIONS,
CLASSIFICATION OF COUNTIES, ETC.

FIFTY-SIXTH SESSION, 1945
FIRST PART • JANUARY 8 TO 27
WHICH PRECEDED CONSTITUTIONAL RECESS
SECOND PART BEGINS MARCH 5, 1945



JOSEPH A. BEEK
SECRETARY OF THE SENATE
ARTHUR A. OHNIMUS
CHIEF CLERK OF THE ASSEMBLY



THE SENATE

LIST OF MEMBERS OFFICERS, COMMITTEES AND THE RULES

FIFTY-SIXTH SESSION
1945



Compiled under the direction of
JOSEPH A. BEEK
SECRETARY OF THE SENATE
BY
JOHN F. LEA
Minute Clerk
GRACE BROWN
Assistant Minute Clerk

Sen.



MEMBERS OF THE SENATE—Continued

64

District	Name and counties	Occupation	Party	Home P.O. address	Sacramento address	Legislative service
21	^P Parkman, Harry L., San Mateo	Wholesaler and Jobber	R.	8 Corte Dorado, Millbrae	Senator Hotel	47-48-49- 50-51-52- 53-54-55- 56
1	^P Powers, Harold J., Lassen, Modoc, Plumas	Rancher	R.-D.	Eagleville	State Capitol	50-51-52- 53-54-55- 56
3	^O Quinn, Irwin T., Humboldt	Attorney	D.	First National Bank Bldg., Eureka	State Capitol	52-53-54- 55-56

Members of Senate

10	^R Rich, W. P., Sutter, Yuba	Attorney	R.-D.	Marysville	State Capitol	49-50-51- 52-53-54- 55-56
18	^S Salsman, Byrl R., Santa Clara	Attorney	R.	2030 Webster St., Palo Alto	State Capitol	53-54-55- 56
7	Seawell, Jerrold L., Nevada, Sierra, Placer	Insurance	R.-D.	303 Mariposa Ave., Roeville	State Capitol	48-49-50- 51-52-53- 54-55-56
14	Shelley, John F., San Francisco	Labor Executive	D.-R.	616 State Bldg., San Francisco	State Capitol	53-54-55- 56
12	Slater, Herbert W., Sonoma	Publisher	D.-R.	Box 96, Santa Rosa	State Capitol	39-40-41- 42-43-44- 45-46-47- 48-49-50- 51-52-53- 54-55-56
8	Sutton, Louis G., Tehama, Glenn and Colusa	Farmer	R.	P. O. Box 547, Maxwell	State Capitol	55 (4th Ex.)-56

Members of Senate

65



McBRIDE—Financial Institutions (*Chairman*), Business and Professions, Institutions, Natural Resources, Public Utilities.

McCORMACK—Transportation (*Chairman*), Agriculture, Governmental Efficiency, Public Health and Safety, Revenue and Taxation.

MIXTER—Revenue and Taxation (*Chairman*), Agriculture, Military and Veterans' Affairs, Social Welfare, Water Resources.

PARKMAN—Public Utilities (*Chairman*), Financial Institutions, Governmental Efficiency, Natural Resources, Revenue and Taxation.

POWERS—Governmental Efficiency (*Vice Chairman*), Agriculture, Fish and Game, Rules, Transportation.

QUINN—Military and Veterans' Affairs (*Chairman*), Finance, Judiciary, Revenue and Taxation, Transportation.

RICHT—Finance (*Chairman*), Governmental Efficiency, Judiciary, Revenue and Taxation, Water Resources.

SALSMAN—Education (*Vice Chairman*), Financial Institutions, Judiciary, Local Government, Rules.

SEAWELL—Rules (*Chairman*), Financial Institutions, Governmental Efficiency, Public Health and Safety, Public Utilities.

SHELLEY—Labor (*Chairman*), Business and Professions, Financial Institutions, Social Welfare, Transportation.

SLATER—Education (*Chairman*), Elections, Fish and Game, Institutions, Transportation.

SUTTON—Financial Institutions (*Vice Chairman*), Agriculture, Labor, Local Government, Military and Veterans' Affairs.

SWINO—Governmental Efficiency (*Chairman*), Finance, Financial Institutions, Fish and Game, Judiciary.

TENNEY—Revenue and Taxation (*Vice Chairman*), Business and Professions, Education, Judiciary, Military and Veterans' Affairs.

WARD—Social Welfare (*Vice Chairman*), Education, Elections, Judiciary, Revenue and Taxation.

WEYBRET—Public Utilities (*Vice Chairman*), Agriculture, Elections, Labor, Social Welfare.



of the board, have the direct control, supervision and management of the school and of all the property thereof, and shall have such additional powers and duties as may be provided by the regulations of the board.

Expenses of
cruises, cash
advances.

Sec. 9. The board may, out of any appropriation made for the support of the school, without at the time furnishing vouchers and itemized statements, withdraw a sum or sums not to exceed fifteen thousand dollars to be paid to the commanding officer of the vessel used by the school to provide for the payment of expenses of cruises. The sum or sums so drawn shall not later than six months after said withdrawal, be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the state controller and any unexpended balance of the sum or sums so withdrawn shall be returned to the appropriation from which originally withdrawn. Such commanding officer, in such manner as the board by regulations may provide, shall account for such advances by proper vouchers, filed with the board within thirty days after the termination of the cruise, and any unexpended balance of such advances after the termination of such cruise, shall be returned by said commanding officer to the board for credit to the appropriation from which such sums were originally withdrawn. The said commanding officer shall give a bond in the sum of fifteen thousand dollars, with a surety or sureties approved by the board for the proper disbursement of and accounting for such advances. A sum not to exceed five hundred dollars may be withdrawn from any appropriation made to the support of said school without at the time furnishing vouchers or itemized statements. The sum so drawn shall be used as a revolving fund where cash advances are necessary and upon demand of the department of finance, must be accounted for and substantiated by vouchers and itemized statements submitted to and audited by the state controller. The superintendent shall give a bond in the sum of five hundred dollars with a surety or sureties approved by the board for the proper disbursement of and accounting for such current monthly petty cash account.

Sec. 10. The board may annually expend for the purposes of such school any funds which the Legislature may appropriate, and which may be received from the federal government for the purpose of aiding in the maintenance thereof. All such moneys shall be expended according to law on vouchers, certified by the superintendent and approved by the board. The board shall, before each regular session of the Legislature, prepare and submit to the governor a budget or estimate of the sum required for the maintenance and support of the school and its cruises for the ensuing biennium. The board shall cause to be kept full and detailed accounts of all such expenditures and shall make a complete report thereof, with a list of all the work of the school annually to the governor. The board shall appoint a secretary of the board, determine his duties

LI 5-6

— remainder's
bond.

Revolving
fund for
support.

Superin-
tendent's
bond.

Duties of
board.

and fix his compensation, with the approval of the department of finance, and he shall hold the office of secretary at the pleasure of the board.

Positions
except from
civil service
regulation.

Sec. 11. The positions and appointments authorized by this act shall be exempt from the provisions of the act entitled "An act to provide for a general system based upon investigation as to merit, efficiency and fitness for appointment to and holding during good behavior of office and employment under state authority and, in that behalf, to create state civil service commission to prescribe its powers and duties, to make the wilful violation of the provisions of this act a misdemeanor, to repeal all acts and parts of acts inconsistent herewith, in so far as they may be inconsistent with the provisions of this act, and to make an appropriation therefor," approved June 16, 1913, and any amendments thereof.

Sec. 12. No person shall be sentenced to or received at such school as a punishment or in commutation of a punishment for crime.

Not a
correctional
institution.

Sec. 13. The governor is hereby authorized to make application in writing to the federal government to furnish a suitable vessel with all her apparel, charts, books and instruments of navigation to be used for the benefit of the school authorized by this act.

Application
to federal
government.

Appropria-
tion: support
of school.

Sec. 14. The sum of one hundred fifteen thousand dollars is hereby appropriated from moneys in the treasury not otherwise appropriated, for the establishment, support and maintenance of the California Nautical School during the eighty-first and eighty-second fiscal years. This appropriation shall become available when the governor shall have appointed the board of governors as provided in this act, but not before July 1, 1929.

When
available.

Sec. 15. This act may be cited and known as the "California Nautical School act."

CHAPTER 662.

An act creating a state emergency council, prescribing the powers and duties thereof, and making an appropriation therefor.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

SECTION 1. A state emergency council of nine members is hereby created.

Emergency
council
created.

Sec. 2. The governor of the State of California shall within thirty days after the taking effect of this act appoint the members of the state emergency council provided for herein; provided, however, that the governor of the State of California

shall appoint as members of said state emergency council members of the following divisions in the state government and other divisions designated herein: The head of the department of finance; the head of the department of public works; the head of the department of military affairs; the head of the department of public health; a member representing the American Legion; a member representing the American Red Cross; one member representing the transportation interests of the State of California; one member from the business organizations of the State of California and one peace officer.

Meeting and organization.

Sec. 3. Within thirty (30) days after the appointment of the emergency council, as provided for herein, said council shall meet at Sacramento, California, in the office of the adjutant general of the state on a day and at the time to be set by the said head of the department of finance of the State of California.

It shall be the duty of said council at its first organized meeting to elect from among the members of said council one of its number as chairman of said emergency council who shall continue to act as such chairman at the pleasure of the members of said council and until his successor shall have been elected from among the members of said council.

General plan.

Sec. 4. It shall be the duty of the members of the state emergency council to prepare a general plan and to designate ways and means for the meeting of any great emergency after and when the governor of the state of California shall declare that said emergency exists.

Declaration of existence of emergency.

Sec. 5. In times of extraordinary stress and widespread disaster, such as floods, fires, tornadoes, earthquakes, pestilence and similar conditions, it shall be the duty of the governor of the State of California to declare the existence of an emergency and designate the nature and area and extent of said emergency and it shall be the duty of the governor of the State of California after the declaring that such an emergency exists, when there is a conflict of local police authority or the local police authority is inadequate to meet the situation, to designate an officer or officers, department or departments, to take charge of the relief work necessary to relieve said emergency.

Cooperation with officer in charge.

Sec. 6. It shall be the duty of the state emergency council to cooperate with the officer or officers, department or departments designated by the governor of the State of California to take charge in the case of said emergency.

Financial assistance.

Sec. 7. The state emergency council is hereby specifically authorized with and by the consent of the governor of the State of California to use any and all necessary moneys which may be made available for the purpose of this act; and it shall be the duty of the director of finance upon the order of the governor to make available from the available fund or appropriation such amount as may in the opinion of the governor be necessary for the policing of the stricken area and the necessary expenses of the members of the council in relieving.

ing any emergency, which may be declared to exist by the governor of the State of California, as provided for herein.

Emergency council fund created.

Sec. 8. There is hereby created a fund to be known as the emergency council fund, for the purpose of creating a general emergency plan and there is hereby appropriated from any moneys in the state treasury not otherwise appropriated the sum of fifteen thousand dollars without regard to fiscal years, to be transferred to and deposited in the emergency council fund to be expended on the order of the chairman of the said emergency council, to pay the necessary expenses of the state emergency council in said organization work and creation of said emergency plan.

Appropriation.

Terms and expenses of members.

Sec. 9. The members of the state emergency council shall be appointed for the term of two years and shall serve without pay, but shall receive their actual and necessary traveling expenses incurred in the performance of the work of the state emergency council.

Authority.

Sec. 10. The state officers or other persons, while acting under the direction of the governor and in pursuance of this act, shall have the authority of the highest police power in the area affected, subject, however, to the higher authority of the United States government when similarly asserted; *provided*, that nothing in this act shall compel a person to submit to medical or surgical treatment without his consent.

Cooperation of local officers.

Sec. 11. All agencies of local government shall cooperate with the state to the fullest extent in order to accomplish the purposes of this act.

Constitutionality.

Sec. 12. If any part or portion of this act shall be declared unconstitutional such part or portion as shall be declared unconstitutional shall in no wise affect any other part or portion of this act not declared unconstitutional.

CHAPTER 663.

An act concerning the guardianship of incompetent veterans, and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

[Approved by the Governor June 3, 1929. In effect August 14, 1929.]

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

Terms defined.

SECTION 1. As used in this act:

The term "person" includes a partnership, corporation or an association.

The term "bureau" means the United States veterans' bureau or its successor.

D490 Calif. State Disaster Council. Law
L3 Enforcement Advisory Committee.
(Law enforcement mutual aid plan.
[1944])

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STATE OF CALIFORNIA

LAW ENFORCEMENT MUTUAL AID PLAN

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Developed by

The Law Enforcement Advisory Committee
California State Disaster Council
Sacramento, California



LAW ENFORCEMENT MUTUAL AID PLAN

SECTION ONE - - - - - P U R P O S E

The purpose of this plan is to coordinate the dispatch and use of law enforcement personnel and equipment whenever, because of enemy action, disaster, civil disturbance, or other cause, any local law enforcement agency requires the dispatch to it of law enforcement assistance from any other jurisdiction.

SECTION TWO - - - - - D E F I N I T I O N S

- a. "State Law Enforcement Coordinator" as used herein means the person appointed by the Governor in accordance with the provisions of Subdivision b of Section 1532 of the California War Powers Act.
- b. "Regional Law Enforcement Coordinator" as used herein means the person selected in any region of the state by the county law enforcement coordinators of such region to act in such capacity.
- c. "County Law Enforcement Coordinator" as used herein means the person selected in any county by the chiefs of the police departments, the sheriff and the heads of the other law enforcement agencies within such county to act in such capacity.
- d. "Region" as used herein means those areas designated by the Governor as "protective regions" in accordance with the authority contained in the California War Powers Act.
- e. "Coordinating Centers" as used herein means those locations where law enforcement coordinators receive and transmit information and requests for aid.
- f. "Emergency" as used herein means the existence, or threatened existence, of conditions, resulting from enemy action, disaster, civil disturbance, or other cause, of such magnitude that a local law enforcement agency requires the dispatch to it of law enforcement assistance from any other jurisdiction in order to effectively combat the same.

SECTION THREE - - - - - A I D T O B E F U R N I S H E D

Each city, city and county, township, county and state law enforcement agency shall render to each other city, city and county, and county law enforcement mutual aid as herein provided, provided however, that no city, city and county, township, county or state law enforcement agency shall be required to unreasonably deplete its own law enforcement agencies in furnishing mutual aid hereunder.

SECTION FOUR - - - - - LOCAL COMMAND AND REQUESTS
FOR MUTUAL AID

a. Whenever an emergency as herein defined exists, the Chief of Police or Sheriff in whose jurisdiction the emergency occurs, shall be, and continues to be, in command in connection with all matters pertaining to law enforcement. He may request such law enforcement mutual aid as is required from other jurisdictions and agencies within the county (directly or through the Coordinator) provided, however, that when the cause of the emergency is of such a nature that more than one jurisdiction is endangered, then such request shall be made in the first instance to the County Law Enforcement Coordinator. If such sufficient law enforcement mutual aid is not immediately available in the county in which the emergency exists, the Chief of Police or Sheriff, as the case may be, shall request such additional aid as is required from the County Law Enforcement Coordinator who shall transmit such request to the Regional Law Enforcement Coordinator. The Regional Law Enforcement Coordinator shall thereupon through the County Law Enforcement Coordinators of his region request such law enforcement mutual aid as is required and available from the law enforcement agencies within the region. In the event sufficient law enforcement mutual aid is not available within the region, the Regional Law Enforcement Coordinator shall request the additional aid required from such other Regional Law Enforcement Coordinators as he deems advisable who shall transmit such requests through their respective County Law Enforcement Coordinators. Each law enforcement department and agency receiving any of the aforementioned requests shall comply with the same in so far as it can do so without unreasonably depleting its own law enforcement personnel and equipment.

b. Whenever any Chief of Police or Sheriff requests mutual aid directly from any other law enforcement agency within his county, he shall immediately inform the County Law Enforcement Coordinator of such request and shall thereafter keep him fully advised as to all developments in connection with the emergency.

c. Whenever any County Law Enforcement Coordinator receives any request for mutual aid or any information concerning the existence of an emergency within his county he shall immediately advise the Regional Law Enforcement Coordinator of such request and furnish such information to him.

d. Whenever any Regional Law Enforcement Coordinator receives any request for mutual aid or is informed of the existence of any emergency within his region he shall immediately advise the State Law Enforcement Coordinator of such request and furnish such information to him.

e. Whenever any law enforcement department or agency receives any direct request for mutual aid or dispatches any mutual aid, the head of such department or agency shall immediately notify his County Law Enforcement Coordinator of the same.

f. Whenever any County Law Enforcement Coordinator is unable to communicate a request for mutual aid to this Regional Law Enforcement Coordinator, he may make such request to any County Law Enforcement Coordinator within the region and shall thereafter, as soon as possible, inform the Regional Law Enforcement Coordinator of the action taken.

SECTION FIVE - - - - - ORGANIZATION

a. In each county there shall be a County Law Enforcement Coordinator, who shall be appointed by a majority vote of the heads of the law enforcement departments and agencies within the county immediately upon this plan becoming effective, who shall be an experienced law enforcement officer, and who shall serve at the pleasure of the appointing authority.

b. In each region there shall be a Regional Law Enforcement Coordinator, who shall be appointed immediately upon this plan becoming effective by a majority vote of the County Law Enforcement Coordinators within the region, who shall be an experienced law enforcement officer and who shall hold such position at the pleasure of the appointing authority.

SECTION SIX - - - - - COORDINATING CENTERS

a. In each county there shall be established a Coordinating Center which shall have on a twenty-four hour basis, two-way shortwave radio facilities, if the same are available within the county, as well as adequate telephone communications. The County Law Enforcement Coordinator shall arrange to man such Coordinating Center continuously on a twenty-four hour basis either personally or by his duly authorized representative.

b. In each region there shall be established a Coordinating Center which shall have on a twenty-four hour basis, two-way shortwave radio facilities, if the same are available within the region, as well as adequate telephone communications. The Regional Law Enforcement Coordinator shall arrange to man such Coordinating Center continuously on a twenty-four hour basis either personally or by his duly authorized representative.

SECTION SEVEN - - - - - COMMUNICATIONS

Request for mutual aid shall be transmitted by either radio, telephone, teletype or messenger, whichever means may be available and most expeditious, but shall not be broadcast indiscriminately by means of commercial or amateur radio broadcasts.

SECTION EIGHT - - - - - ADDITIONAL DUTIES OF COORDINATORS

a. Each County Law Enforcement Coordinator shall compile and keep current a list of special law enforcement equipment and specially trained personnel and the number of men in his department within his county. He shall retain this list at the Coordinating Center and shall transmit three copies thereof to his Regional Law Enforcement Coordinator.

b. Each Regional Law Enforcement Coordinator shall compile and keep current a list of all special law enforcement equipment and specially trained personnel and the number of men in his department within his region, the original of which shall be retained at the Regional Coordinating Center, two copies of which he shall transmit to the State Law Enforcement Coordinator.

c. The State Law Enforcement Coordinator shall compile a complete list of special law enforcement equipment and specially trained personnel and the number of men in his department within the state, the original of which he shall retain, and copies of which he shall furnish to each of the Regional Law Enforcement Coordinators.

d. Each coordinator shall inform himself as to the assistance which can be rendered within his area by the State Guard and shall make arrangements for the utilization of the same when required. Each coordinator shall inform himself as to the assistance which may be obtained from the United States Armed Forces within his area, as to the circumstances under which it will be available, shall make such arrangements as are necessary with the appropriate authorities for its utilization, and shall keep his immediate superior coordinator fully advised as to any and all such arrangements which have been made.

e. Each coordinator within his area shall ascertain the assistance which may be obtained from state agencies and make, in writing, the necessary arrangements for the utilization of the same when required.

f. Whenever any Constable has any information regarding any emergency, he shall report the same to the Sheriff of his County.

SECTION NINE - - - - - E F F E C T I V E D A T E

This plan shall become effective as to each city when it is approved by the legislative body of the same, as to the City and County of San Francisco when approved by its Board of Supervisors, as to the unincorporated area of each county when approved by the Board of Supervisors of such county, and as to state law enforcement agencies when approved by the California State War Council. In so far as this plan is operative by agreement between the cities, city and county and counties of this state, the benefits of this plan shall

be available only such cities, city and county and counties as approve the same. Each city, city and county and county approving the same shall continue to be a party to this plan until it withdraws from the plan by giving thirty days notice in writing of its election so to do to its county coordinator and to the Governor, and the withdrawal of any one or more parties, either by the giving of notice as herein provided or the operation of law, shall not affect the continuance of the plan as to the other parties thereto.

SECTION TEN - - - - - DULY PROCLAIMED STATES
OF EXTREME EMERGENCY

Anything herein to the contrary notwithstanding, when approved by the California State War Council this plan shall be operative throughout the State during any period of a state of extreme emergency duly proclaimed in accordance with the provisions of the California War Powers Act.

CALIFORNIA DISASTER ACT

CHAPTER 1.

E x c e r p t s

1505. *****"State of extreme emergency does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

1541. *****"Extraordinary services incurred by local governmental agencies in executing mutual aid agreements shall constitute a legal charge against the State when approved by the Governor; provided that such agreement has received the approval of said Disaster Council, or the previous approval of the California State War Council. *****

1564. "The responsible local official in whose jurisdiction an incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans."

EXCERPTS QUOTED FROM
ACT 2323 DEERING'S GENERAL LAWS 1944

"In the event of National or local emergency created by military attack or sabotage or in the providing for adequate National or local defense, or upon the occasion of a great public calamity such as extraordinary fire, flood, storm, epidemic, earthquake, or other disaster, any services performed, or expenditures made in connection therewith, by any public agency with respect thereto, whether within or without the territorial limits of such agency, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. When such services are to be performed outside the territorial limits of the public agency so performing them, such services shall be ordered by the chief administrative officer in charge of the office or the department of such agency performing such services unless otherwise provided by the governing body of such agency."

"All the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation and other benefits, which apply to the activity of officers, agents or employees of such agency when performing their respective functions within the territorial limits of their respective public agencies shall apply to them to the same degree and extent while engaged in the performance of any of their functions or duties extraterritorially during any of the emergencies prescribed in Section 1 hereof."



(Suggested Form of City Resolution or Ordinance)

RESOLUTION (or ORDINANCE)

OF THE CITY COUNCIL OF
APPROVING AND ADOPTING PROPOSED LAW ENFORCEMENT MUTUAL AID PLAN
AND AUTHORIZING PARTICIPATION IN THE PLAN BY ITS
OFFICERS AND EMPLOYEES

WHEREAS, there has been submitted to this Council a proposed plan for receiving and dispatching law enforcement mutual aid between and among the various political subdivisions and municipal corporations of this State in times of emergency, as defined in the plan; and

WHEREAS, it is deemed in the interest of and for the protection of the citizens of this community and their properties that such a plan be adopted and approved;

NOW, THEREFORE, BE IT RESOLVED (or BE IT ORDAINED): That that certain plan designated "State of California Law Enforcement Mutual Aid Plan", a copy of which is attached hereto and hereby made a part hereof, as though set forth herein in full, be and the same is hereby approved and adopted; and

BE IT FURTHER RESOLVED (or ORDAINED): That the Chief of the Police Department (or City Manager, Mayor, or other officer) be and he is hereby authorized and empowered to order the performance of such law enforcement mutual aid services, including the use of personnel and facilities, as may be requested and he may deem available without unnecessarily depleting the city's agencies, outside the territorial limits of this jurisdiction in accordance with and pursuant to said Law Enforcement Mutual Aid Plan, and subject to all provisions of law governing such extra-territorial service.

(Suggested Form of County Resolution)

RESOLUTION OF THE BOARD OF SUPERVISORS OF
APPROVING AND ADOPTING PROPOSED LAW ENFORCEMENT MUTUAL AID PLAN
AND AUTHORIZING PARTICIPATION IN THE PLAN BY ITS
OFFICERS AND EMPLOYEES

WHEREAS, there has been submitted to this Board of Supervisors a proposed plan for receiving and dispatching law enforcement mutual aid between and among the various political subdivisions and municipal corporations of this State in times of emergency, as defined in the plan; and

WHEREAS, it is deemed in the interest of and for the protection of the citizens of this county and their properties that such a plan be adopted and approved;

NOW, THEREFORE, BE IT RESOLVED: That that certain plan designated "State of California Law Enforcement Mutual Aid Plan", a copy of which is attached hereto and hereby made a part hereof, as though set forth herein in full, be and the same is hereby approved and adopted; and

BE IT FURTHER RESOLVED: That the Sheriff (or County Manager or other officer) be and he is hereby authorized and empowered to order the performance of such law enforcement mutual aid services, including the use of personnel and facilities, as may be requested and he may deem available without unnecessarily depleting the county's agencies, outside the territorial limits of this jurisdiction in accordance with and pursuant to said Law Enforcement Mutual Aid Plan, and subject to all provisions of law governing such extra-territorial service.



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CALIFORNIA DISASTER ACT

AS AMENDED, EFFECTIVE SEPTEMBER 15, 1945

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EARL WARREN
GOVERNOR



CALIFORNIA DISASTER ACT

Chapter 1, Division 7, Military and Veterans Code as added at Fifty-fifth (First Extraordinary) Session (January, 1943) and amended at Fifty-fifth (First Extraordinary) Session (January, 1943), at Fifty-fifth (Fourth Extraordinary) Session (June, 1944), and at 1945 Regular Session. Note—Amendments made at 1945 Session by Chapter 1024 take effect on September 15, 1945.

CHAPTER 1. DISASTER PREPAREDNESS AND RELIEF

Article 1. General Provisions

1500. The State has long recognized its responsibility to provide for preparedness against disasters that may result from such calamities as flood, fire, earthquake, pestilence, war, sabotage and riot. It is hereby found and declared that it is necessary, to enable the State to more effectively join with political subdivisions, municipal corporations and other public agencies of the State, in preparing to cope with and guard against conditions which may result in extreme peril to life, property and the resources of the State and generally to protect the health and safety and preserve the lives and property of the people of the State, and, in times when the United States of America is engaged in war, to assist the Federal Government in the successful prosecution thereof, that a readjustment of the provisions of law for dealing with such hazards be accomplished in the light of wartime experience, and that advantages be taken of those implements and methods, organizations and arrangements that have already been developed to deal with possible future disasters.

1501. This chapter may be cited as the "California Disaster Act."

1502. As used in this chapter, "Disaster Council" means the California State Disaster Council.

1504. As used in this chapter, "mutual aid region" means an area within the State not wholly confined to a single city, or city and county, or county, and not necessarily coterminous with the boundary lines of any city, city and county, or county.

1505. As used in this chapter, "state of extreme emergency" means the duly proclaimed existence of conditions of extreme peril to the safety of persons and property within the State caused by an enemy attack or threatened attack by land, sea, or air, or when upon the advice of the commanding general of this area, such an attack is imminent, an air raid alarm, sabotage, or other cause such as fire, flood, storm, epidemic, riot or earthquake, which conditions by reason of their magnitude are or are likely to be beyond the control of the protective services, personnel, equipment and facilities of any single county, city and county, or city and require the combined forces of a "mutual aid region or regions" to combat. "State of extreme emergency" does not include nor does any provision of this chapter apply to any condition resulting from a labor controversy.

1506. As used in this chapter, "period of a state of extreme emergency" means the interval of time between the duly authorized proclamation of the existence of a state of extreme emergency and the proclamation by the Governor or the concurrent resolution of the two houses of the State Legislature declaring it at an end.

1507. The State Fire Disaster Plan as heretofore approved by the State Council of Defense and as said plan may have been modified or amended by the State War Council, and the State Law Enforcement Mutual Aid Plan as heretofore approved by the State War Council, shall continue to be in effect.

(2)

and either of them may hereafter be modified by the Disaster Council. The person holding the office of assistant to the director of the California State War Council for law enforcement on June 30, 1945, is hereby transferred to the Department of Justice on the effective date of this act as an appointee of the Attorney General, and the provisions of Article XXIV of the Constitution and the term "State civil service" shall apply to and include such person. The State of California Standing Operational Plan and Alert List as developed by the California State War Council shall remain in full force and effect until and as it may be revised or amended by the Governor upon the recommendation of the Disaster Council.

1509.3. As used in this division "Governor" means the Governor or person upon whom the powers and duties of the office of Governor have devolved pursuant to Section 16 of Article V of the Constitution.

1509.6. In carrying out the provisions of this chapter, the Governor may:

- (a) Procure and maintain offices in such parts of the State as may be necessary or convenient;

- (b) Acquire property, real or personal, or interests therein;

- (c) Cooperate and contract with public and private agencies for the performance of such acts, the rendition of such services and the affording of such facilities as may be necessary and proper;

- (d) Do such other acts and things as may be necessary and incidental to the exercise of powers and the discharge of duties conferred or imposed by the provisions of this chapter.

1509.7. Each department, division, bureau, board, commission, and officer of this State and of each agency, political subdivision, or local governmental unit of the State shall render all possible assistance to the Governor in carrying out the provisions of this chapter.

1509.8. Except as in this chapter otherwise provided the Governor succeeds to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction of the California State War Council and of the State Council of Defense; and except as in this chapter otherwise provided whenever by the provisions of any statute or law now in force or that hereafter may be enacted a duty is imposed or a jurisdiction or authority conferred upon the State War Council or the State Council of Defense such duty, jurisdiction and authority are hereby imposed upon and transferred to the Governor and his staff with the same force and effect as though the title of the Governor had been specifically set forth and named therein in lieu of the State War Council or of the State Council of Defense.

The Governor shall be in possession and control of all records, books, papers, offices, equipment, supplies, moneys, funds, appropriations, land and other property, real or personal, now or hereafter in the custody or under the control of the State War Council or of the State Council of Defense or held for the benefit or use of the State War Council or of the State Council of Defense.

1509.9. The Governor is empowered to expend any appropriation for support of the California Disaster Act to carry out the provisions of this chapter.

Article 2. Organization and Duties of the California State Disaster Council

1510. There is hereby created a California State Disaster Council to consist of the following:

- (a) The Governor;
- (b) The Lieutenant Governor;
- (c) The Attorney General;

(3)

(d) One representative of the city governments of the State, and one representative of the county governments of the State, to be appointed by the Governor and to serve at his pleasure, provided these members shall be from different counties;

(e) A representative of the American Red Cross, to be appointed by the Governor;

(f) A representative of the city or county fire services of the State, appointed by the Governor and to serve at his pleasure;

(g) A representative of the city or county law enforcement services of the State, appointed by the Governor and to serve at his pleasure.

The President pro tempore of the Senate and the Speaker of the Assembly shall meet with and participate in the work of the Disaster Council to the same extent as members of the council appointed by the Governor, excepting when such participation is constitutionally incompatible with their respective positions as Members of the Legislature.

1511. Neither the members of the Disaster Council nor the members of the Legislature shall receive compensation for their services under this chapter, but they shall be reimbursed for their actual and necessary expenses incurred in connection with their duties hereunder, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

1512. The Governor shall be ex officio Chairman of the Disaster Council.

1513. It shall be the duty of the Disaster Council, and it is hereby empowered

To act as an advisory body to the Governor in times of war or disaster and with reference thereto in order to minimize the effects of such occurrences by recommending ameliorative action. The Disaster Council shall meet upon call of the Governor.

It shall also be the duty of the Disaster Council, and it is hereby empowered:

(a) To prepare and recommend for consideration by the Governor, rules or regulations or orders which are within the province of the Governor to promulgate;

(b) To consider and recommend to the Governor for approval the boundaries of such "mutual aid regions" of the State as may be designated;

(c) To consider and approve inter-regional and regional mutual aid plans;

(d) To recommend to the Governor the assignment of any service or activity relative to disaster or disaster planning to a State department having duties related to such service or activity;

(e) To consider and recommend the creation by the Governor of advisory committees in order to make available to the State civilian participation and cooperation in disaster planning and activities;

(f) To consider and recommend the expenditures of moneys appropriated for any of the objects or purposes of this chapter;

(g) To develop a State Disaster Preparedness Plan built around mutual aid and integrate into such plan the several State departments and agencies whose resources are necessary in coping with disasters;

(h) To encourage the development and maintenance of mutual aid plans and agreements whereunder local agencies may most effectively protect life and property during periods of emergency;

(i) To evaluate State communications systems with particular regard to their adequacy in case of disaster.

1514. Nothing herein shall operate to prevent the Governor from establishing a committee or board composed of heads of State departments or

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agencies of the State Government, should he deem it necessary to aid him or the Disaster Council or both in obtaining information or advice, assisting in developing or carrying out plans, or otherwise acting in accomplishment of the purposes of this chapter.

Article 3. Citizens' Advisory Committees

1520. The Governor may create advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness. He shall appoint the members thereof and they shall serve at his pleasure. He shall also designate the chairman and vice chairman thereof. The committees shall be under the direction of the Governor or such State department head as he shall designate, and shall be wholly advisory in character and shall not be delegated any administrative authority or responsibility. Members of such committees shall not receive compensation from the State for their services under this chapter, but when called into conference or session by the Governor or a department head designated by him shall be reimbursed for their actual and necessary expenses incurred in connection with such conferences or sessions, or in lieu thereof shall receive mileage and ten dollars (\$10) per day of actual service.

Article 4. Succession of the Governor to Certain Powers and Duties

1530. The Governor is the successor of the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services and the Director of the California State War Council. Whenever any law of this State imposes duties upon or vests powers in the State Director of Civilian Defense, the State Director of Civilian Protection, the State Director of Civilian War Services or the Director of the State War Council, that duty shall be performed or that power exercised by the Governor with the same force and effect as though the Governor had been specifically named in such law.

Article 5. Prescribing Duties of Regular State Agencies

1540. The Governor may assign to a State agency any activity concerned with disaster preparedness of a nature related to the existing powers and duties of such agency, and it shall thereupon become the duty of such agency to undertake and carry out such activity on behalf of the State.

1541. Any funds appropriated for the support of the Disaster Council or for the purposes of this chapter shall be allotted by the Director of Finance to a State agency having duties pursuant to Section 1540, or allotted to the Governor, to be expended under his direction in carrying out the objects and purposes of this chapter. Extraordinary services incurred by local governmental agencies in executing mutual aid agreements shall constitute a legal charge against the State when approved by the Governor; provided that such agreement has received the approval of said Disaster Council, or the previous approval of the California State War Council.

In addition to any appropriation made to support activities contemplated by this act, the Governor is empowered to make expenditures from any fund legally available in order to deal with disaster or threatened disaster conditions should they occur.

Article 7. Mutual Aid Regions

1560. The Governor with the advice of the Disaster Council is hereby authorized and empowered to divide the State into mutual aid regions.

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1562. During any state of extreme emergency when the need arises for outside aid in any county, city and county, or city within the region, such aid shall be rendered in accordance with the mutual aid plans developed on a regional or other basis.

It shall be the duty of local public officials to comply with such plans. In periods of local peril or emergency local governmental agencies have full power to exercise mutual aid powers in accordance with agreements or plans therefor.

1563. In the development of the regional mutual aid plans provisions shall be made for the most effective use of State personnel and equipment as a part of such plans and during a state of extreme emergency the Governor may exercise such authority over the use of such equipment and personnel as he may see fit or place it under the direction of such State or local officer as he may determine most appropriate.

1564. The responsible local official in whose jurisdiction any incident requiring mutual aid has occurred shall remain in charge at such incident including the direction of such personnel and equipment provided him through the operation of such mutual aid plans.

Article 8. Local War or Disaster Councils

1571. Counties, cities and counties, and cities may create disaster council by ordinance. A disaster council shall develop a plan for meeting any condition of extreme peril or any condition which is specified in Section 1505 as constituting the basis for a declaration of extreme emergency; such plan shall provide for the effective mobilization of all the resources of the community, both public and private. Such ordinance shall provide for the organization, powers and duties of such officers and committees as in the opinion of the local legislative body are required.

Counties, cities and counties, and cities may enact ordinances and either establish rules and regulations or authorize disaster councils to establish rules and regulations for dealing with local emergencies that can be adequately dealt with locally; and further may act to carry out mutual aid on a voluntary basis, and to this end may enter into agreements. In the absence of a declaration of a state of extreme emergency, State personnel and equipment may be employed in accordance with any mutual aid plan or agreement, or at the direction of the Governor.

Any war, defense or disaster council established by any county, city and county, or city, existing as of the effective date of this chapter, and previously certified as an accredited war, defense or disaster council by the California State War Council shall, for the purposes of this chapter or any other law of this State, constitute a disaster council.

Neither this chapter nor anything expressed in it is intended to be or is to be construed as a denial of the power of such local agencies to establish such departments pursuant to Article XI, Section 11, of the Constitution.

1572. The emergency power which may be vested in a local public official during a period of extreme emergency, duly proclaimed as provided in this chapter, shall be subject or subordinate to the powers herein vested in the Governor when exercised by the Governor.

Article 9. Powers and Duties During a Period of a State of Extreme Emergency

1580. The Governor is hereby empowered to proclaim a state of extreme emergency in an area or region affected or likely to be affected thereby when:

1. He finds that some or any of the circumstances described in Section 1505 exist; and either

2. He is requested to do so (a) in the case of a city by the mayor or chief executive, (b) in the case of a county by the chairman of the board of supervisors; or

3. He finds that local authority is inadequate to cope with the peril. Such proclamation shall be in writing and shall take effect immediately upon its issuance. As soon thereafter as possible it shall be filed in the office of the Secretary of State. The Governor shall cause widespread publicity and notice to be given of such proclamation.

1581. During a period of a state of extreme emergency the Governor shall have complete authority over all agencies of the State Government and the right to exercise within the area or regions designated all police power vested in the State by the Constitution and the laws of the State of California, in order to effectuate the purposes of this chapter. In exercise thereof he is authorized to promulgate, issue and enforce rules, regulations and orders which he considers necessary for the protection of life and property. Such rules, regulations and orders shall be in writing and shall take effect upon their issuance. They shall be filed in the office of the Secretary of State as soon as possible after their issuance. A copy of such rules, regulations and orders shall likewise be filed in the office of the county clerk of each county any portion of which is included within any one of the protective regions wherein a state of extreme emergency has been proclaimed. Whenever the period of a state of extreme emergency has been ended by either the expiration of the period for which it was proclaimed or by proclamation of the Governor declaring the period of a state of extreme emergency to be at an end or as provided in this chapter, the rules, regulations or orders promulgated or issued by the Governor during such period shall be of no further force and effect.

1584. During the period of a state of extreme emergency, every department, commission, agency, board, officer and employee of the State Government and of every political subdivision, county, city and county, city, public district and public corporation of or in this State is required to comply with the lawful rules, regulations, and orders of the Governor made or given within the limits of his authority as provided for herein. Every such officer or employee who refuses or wilfully neglects to obey such rules, regulations or orders of the Governor, or who wilfully resists, delays or obstructs the Governor in the discharge of any of his functions hereunder, is guilty of a misdemeanor. In the event that any such officer or employee shall refuse or wilfully neglect to obey any such rules, regulations or orders, the Governor may by his order temporarily suspend him from the performance of any and all the rights, obligations and duties of his office for the remainder of the period of the state of extreme emergency, and the Governor may thereupon designate the person who shall carry on the rights, obligations and duties of the office for the duration of such suspension.

1586. Before payment may be made by the State to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his responsibilities under this chapter during the period of a state of extreme emergency, or for services rendered at the instance of the Governor under said conditions, such person must present a claim to the State Board of Control in accordance with the provisions of the Political Code of the State of California governing the presentation of claims against the State for the taking or damaging of private property for public use which provisions shall govern the presentment, allowance or rejection of such claims and the conditions upon which suit may be brought against the

State. Payment for such property or services shall be made from any funds appropriated by the State for such purpose.

1587. In the event that the Governor, during the state of extreme emergency and in the exercise of the emergency war powers vested in him, shall order the officers, employees, or agencies of any county, city and county, city or district to perform duties outside of the territorial limits of their respective agencies, any services performed or expenditures made in connection therewith by any such agency, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of such agency. During a state of extreme emergency in the event that any equipment belonging to any county, city and county, city or district, is damaged or destroyed while being used outside of the territorial limits of the public agency owning such equipment, the public agency suffering loss shall be entitled to file a claim for the amount thereof against the State of California in the manner provided in Section 1586 of this chapter. Such agency shall have no claim against the State for services of such personnel or for the rental, use or ordinary wear and tear of such equipment, except such extraordinary services incurred by local governmental agencies in executing mutual aid agreements as provided in Section 1541. All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of such officers, agents or employees of any such agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extra-territorially under the provisions of this chapter.

1588. None of the provisions of this chapter shall limit, modify or abridge the powers vested in the Governor under the Constitution and other provisions of this code, by proclamation, to declare any county or city or any portion thereof to be in a state of insurrection, or to proclaim the existence of martial law and to exercise all the powers vested in him thereunder independent of, or in conjunction with, any of the provisions of this chapter.

1589. (a) Whenever it appears that a state of extreme emergency proclaimed by the Governor in accordance with this chapter will continue for more than seven days, the Governor shall call a meeting of the Disaster Council to commence not later than the expiration of such seven days.

(b) All of the powers of the Governor during a state of extreme emergency proclaimed by him pursuant to this chapter shall terminate with respect to such state of extreme emergency and any other emergency related to or growing out of such emergency when:

(1) The Governor has failed to call a meeting of the Disaster Council within the period prescribed in subdivision (a) of this section, or

(2) The Governor has not within 30 days after proclaiming such state of extreme emergency convened the Legislature for the purpose of legislating on subjects relating to such state of extreme emergency, except when the Legislature is already convened with power to legislate on such subjects.

Article 10. Responsibilities and Immunities of Volunteers

1591. (a) Volunteers duly enrolled or registered with any war, defense, or disaster council of any public agency, in carrying out, complying with, or attempting to comply with, any order, rule or regulation issued or promulgated pursuant to the provisions of this chapter or any local ordinance, or performing any of their authorized functions or duties or training for the

performance of their authorized functions or duties, shall have the same degree of responsibility for their actions and enjoy the same immunities as officers and employees of counties or cities performing similar work for their respective entities.

(b) No political subdivision, municipal corporation or other public agency under any circumstances, nor the officers, employees, agents, or duly enrolled or registered volunteers thereof acting within the scope of their official duties under this chapter or any local ordinance shall be liable for personal injury or property damage sustained by any duly enrolled or registered volunteer engaged in or training for disaster preparedness or relief activity. The foregoing shall not affect the right of any such person to receive benefits or compensation which may be specifically provided by the provisions of any Federal or State statute nor shall it affect the right of any person to recover under the terms of any policy of insurance.

Article 11. Penalties and Severability

1600. Any person who violates any of the provisions of this chapter or who refuses or wilfully neglects to obey any lawful rule, regulation or order promulgated or issued as provided in this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not to exceed five hundred dollars (\$500) or by imprisonment for not to exceed six months, or by both such fine and imprisonment.

1601. If any provision of this chapter, or the application thereof, to any person or circumstance, is held invalid, the remainder of the chapter, or the application of such provision to other persons or circumstances, shall not be affected thereby.

NOTE.—Chapter 1024 of the Statutes of 1945 also includes the following:

SEC. 37. All mutual aid agreements which are in effect at the time this act becomes effective are continued in effect until modified by the parties thereto.

CALIFORNIA DISASTER ACT

Effective Date—September 15, 1945

The War Powers Act, Chapter 1, Statutes of 1943, 1st Extra. Sess., is completely revised and is renamed the "California Disaster Act" as of September 15, 1945.

The Governor succeeds to all duties, powers, purposes and responsibilities of the California State War Council. (See Sec. 1509.8.)

The Governor succeeds to all statutory offices established under Chapter 1, Statutes of 1943, 1st Extra. Sess. (War Powers Act) as of September 15, 1945. (See Sec. 1530.)

The act creates the "California State Disaster Council," consisting of 10 members—the Governor, the Lieutenant Governor, the Attorney General, the President pro tempore of the Senate, the Speaker of the Assembly, and representatives of city and county governments, local law enforcement and fire services, and the American Red Cross—serving without compensation—acting as an advisory body to the Governor. (See Sec. 1510.)

The principal duties of the California State Disaster Council are:

- a. To advise the Governor in times of war or disaster;
- b. Prepare and recommend rules and regulations or orders which are within the province of the Governor to promulgate;
- c. To consider and recommend boundaries of mutual aid regions;
- d. To consider and approve inter-regional and regional mutual aid plans;
- e. To consider and recommend the creation by the Governor of citizens' advisory committees;
- f. To develop a State Disaster Preparedness Plan built around mutual aid, and integrate into such plan State departments and agencies;
- g. To encourage and maintain mutual aid plans between cities and counties, and evaluate State communications systems with particular regard to their adequacy in case of disaster. (See Sec. 1513.)

The act provides for appointment of boards or committees among State departments and agencies, to assist the Governor or Disaster Council in the accomplishment of the purposes of the California Disaster Act. (See Sec. 1514.)

The act permits the Governor to appoint citizens' advisory committees to assist in specific fields of civilian protection, war services and disaster preparedness (law enforcement—fire services—youth problems—communications—and other essential activities). (See Sec. 1520.)

Present mutual aid agreements remain in effect until they may be modified by contracting parties. Mutual aid plans, based upon those agreements, are provided for, and the act legalizes State financial assistance to counties and cities for unusual services rendered in operations under mutual aid agreements. (See Secs. 1560 to 1563, inc. and 37.)

The act establishes a legal basis, where it does not already exist, for creation of local disaster councils by ordinance in cities and counties throughout California, thereby effecting mobilization of local public and private resources to meet disaster (emergency) conditions. (See Sec. 1571.)

Any war, defense or disaster council heretofore established and previously certified as an accredited council by the California State War Council is legally recognized as a disaster council under the new legislation.

The act grants to the Governor the power to declare a state of extreme emergency, defines certain circumstances and conditions under which it may be declared, imposes certain limitations, and provides a legal basis for operations under such a declaration. (See Secs. 1580 to 1589, inc.)

Responsibilities and immunities of political subdivisions, officers, employees, agents, and registered volunteers in training or acting within the scope of the California Disaster Act are defined. (See Sec. 1591.)

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Chapter 1024, Statutes 1945 DOCUMENTS SECTION
California Disaster Act



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CHAPTER 104

An act to add Sections 3211.9, 3211.91, 3211.92, 3211.93, and 3352.94 to, and Chapter 10.5 comprising Sections 4351 to 4386, inclusive, to Part 1 of Division 4 of the Labor Code, and to add Article 10.7 to Chapter 1 of Division 7 of the Military and Veterans Code, relating to the furnishing of workmen's compensation benefits to disaster service workers, including the limiting of the liability of the State of California, counties, cities, and disaster councils for injuries arising out of and occurring in the course of activities as a disaster service worker, authorizing the California State Disaster Council to certify disaster councils and to make rules and regulations for the classifying and registering of disaster service workers, providing for the State Compensation Insurance Fund to act as adjusting agent, and making an appropriation for the furnishing of workmen's compensation benefits, to take effect immediately.

3211.9. "Disaster council" means a public agency which is empowered to register and direct the activities of disaster service workers within the area of the county or city, or any part thereof, and is thus, because of such registration and direction, acting as an instrumentality of the State in aid of the carrying out of the general governmental functions and policy of the State, and includes a local disaster council established by ordinance.

3211.91. "Accredited disaster council" means a disaster council which is certified by the California State Disaster Council as conforming with the rules and regulations established by the California State Disaster Council pursuant to the provisions of Article 10.7, Chapter 1, Division 7 of the Military and Veterans Code. A disaster council remains accredited only while the certificate of the California State Disaster Council is in effect and is not revoked.

3211.92. "Disaster service worker" means any natural person in the State who is registered with a disaster council for the purpose of engaging in disaster service pursuant to the California Disaster Act without pay or other consideration.

"Disaster service worker" does not include any male registered as an active fire fighting member of any regularly organized volunteer fire department, having official recognition, and full or partial support of the city, town or district in which such fire department is located.

3211.93. "Disaster service" means all activities authorized by and carried on pursuant to the California Disaster Act,

(3)

including training necessary or proper to engage in such activities.

3352.94. "Employee" excludes a disaster service worker while performing services as a disaster service worker except as provided in Chapter 10.5 of this part. "Employee" excludes any unregistered person performing like services as a disaster service worker without pay or other consideration.

CHAPTER 10.5. DISASTER SERVICE WORKERS

Article 1. General

4351. Except as provided in this chapter, a disaster service worker and his dependents shall have no right to receive compensation from the State, from the disaster council with which he is registered, or from the county or city which has empowered the disaster council to register him and direct his activities, for an injury arising out of and occurring in the course of his activities as a disaster service worker.

4352. Compensation provided by this division, as limited by the provisions of this chapter, is the exclusive remedy of a disaster service worker, or his dependents, for injury or death arising out of and in the course of his activities as a disaster service worker as against the State, the disaster council with which he is registered, and the county or city which has empowered the disaster council to register him and direct his activities. Liability for the compensation provided by this division, as limited by the provisions of this chapter, is in lieu of any other liability whatsoever to a disaster service worker or his dependents or any other person on the part of the State, the disaster council with which the disaster service worker is registered, and the county or city which has empowered the disaster council to register him and direct his activities, for injury or death arising out of and in the course of his activities as a disaster service worker.

4353. Compensation shall be furnished to a disaster service worker for any injury arising out of and occurring in the course of his activities as a disaster service worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions concur:

(a) Where, at the time of the injury the disaster service worker is performing services as a disaster service worker, and is acting within the course of his duties as a disaster service worker.

(b) Where, at the time of the injury the disaster council with which the disaster service worker is registered is an accredited disaster council.

(c) Where the injury is proximately caused by his service as a disaster service worker, either with or without negligence.

(d) Where the injury is not caused by the intoxication of the injured worker.

(e) Where the injury is not intentionally self-inflicted.

4354. No compensation shall be paid or furnished to disaster service workers or their dependents pursuant to the provisions of this division except from money appropriated for the purpose of furnishing compensation to disaster service workers and their dependents. Liability for the payment or furnishing of compensation is dependent upon and limited to the availability of money so appropriated.

After all money so appropriated is expended or set aside in bookkeeping reserves for the payment or furnishing of compensation and reimbursing the State Compensation Insurance Fund for its services, the payment or furnishing of compensation for an injury to a disaster service worker or his dependents is dependent upon there having been a reserve set up for the payment or furnishing of compensation to that disaster service worker or his dependents and for that injury, and liability is limited to the amount of the reserve. The excess in a reserve for the payment or furnishing of compensation or for reimbursing the State Compensation Insurance Fund for its services may be transferred to reserves of other disaster service workers for the payment or furnishing of compensation and reimbursing the State Compensation Insurance Fund, or may be used to set up reserves for other disaster service workers.

4355. Insofar as not inconsistent with the provisions of this chapter, all of the provisions of this division shall apply to disaster service workers and their dependents, and to furnishing of compensation to them. "Employee," as used in this division, shall include disaster service worker when liability for the furnishing of compensation exists pursuant to the provisions of this chapter and as limited by the provisions of this chapter.

Article 2. Benefits

4361. Where liability for compensation exists, such compensation shall be provided as limited by this chapter.

4362. The aggregate payment for the cost of medical, surgical, and hospital treatment provided a disaster service worker shall not exceed two thousand five hundred dollars (\$2,500) for any one injury.

4363. The weekly benefit for disaster service workers is twenty dollars (\$20) in all cases of temporary total disability except where 65 per cent of the average weekly earnings of the disaster service worker as computed upon the basis of his average income from all sources during the year immediately preceding the date of injury or death is less than twenty dollars (\$20), in which event the weekly benefit is 65 per cent of the



average weekly earnings as so computed. In no event may the weekly benefit in cases of temporary total disability be less than six dollars and fifty cents (\$6.50) nor more than twenty dollars (\$20).

4364. If the injury sustained by a disaster service worker causes temporary partial disability, no disability payment shall be made to the worker during the period of such disability for the loss of wages due to such disability.

4365. If the injury sustained by a disaster service worker causes permanent disability, the percentage of disability to total disability shall be determined as for the occupation of a laborer of like age by applying the schedule for the determination of the percentages of permanent disabilities prepared and adopted by the commission. The amount of the weekly payment for permanent disability shall be the same as the weekly benefit which would be paid for temporary total disability pursuant to the provisions of Section 4363.

4366. The aggregate disability payments for a single injury shall not exceed three thousand six hundred dollars (\$3,600), nor shall the aggregate period for temporary total disability in any event extend beyond 240 weeks from the date of injury.

In no event, and not even if the percentage of permanent disability incurred exceeds 70 per cent, shall disability payments for permanent disability exceed three thousand six hundred dollars (\$3,600).

Where an injury causes both temporary and permanent disability, the injured disaster service worker is not entitled to both a temporary and permanent disability payment, but only to the greater of the two.

4367. The death benefit shall be a sum sufficient to equal:

(a) In a case of total dependency, 240 times the weekly benefit which would be paid for temporary total disability pursuant to the provisions of Section 4363, but in no event in excess of three thousand six hundred dollars (\$3,600), nor less than one thousand five hundred sixty dollars (\$1,560).

(b) In a case of partial dependency only, 240 times the amount weekly devoted to support of the dependents by the disaster service worker, but in no event in excess of three thousand six hundred dollars (\$3,600).

Except as provided in the following paragraph, the death benefit, when added to all accrued disability payments, shall not exceed three thousand six hundred dollars (\$3,600).

Disability payments for disability occurring within 12 months after injury shall not be deducted from the death benefit and shall be paid in addition to the death benefit.

4368. In addition to the death benefit, reasonable expenses of the disaster service worker's burial, not exceeding one hundred fifty dollars (\$150), shall be paid.

Article 3. Adjustment of Claims

4381. The California State Disaster Council and the State Compensation Insurance Fund (hereinafter referred to as the State Fund) shall enter into an agreement requiring the State Fund, as adjusting agent, to adjust and dispose of claims and furnish compensation to disaster service workers and their dependents. The agreement shall authorize the State Fund to make all expenditures, including payments to claimants for compensation or for the adjustment or settlement of claims.

4382. The agreement shall provide that the State Fund shall be reimbursed for the expenditures made as adjusting agent and for the cost of services rendered, which reimbursement shall be made out of money appropriated for the purpose of furnishing compensation to disaster service workers. The reimbursement for cost of services rendered shall not exceed 12½ per cent of the total expenditures for medical treatment and disability and death payments made by the fund in the adjustment of claims arising under this chapter. The agreement shall provide for the setting up of bookkeeping reserves in order that provision may be made for the reimbursement of the State Fund and that liability for the payment or furnishing of compensation may be determined. The agreement shall also provide that the State Fund shall be notified promptly by the California State Disaster Council when a disaster council is certified as an accredited disaster council and when the certification is revoked.

4383. An accredited disaster council, and the county or city which has empowered the disaster council to register and direct activities of disaster service workers, automatically become parties to the agreement upon the disaster council becoming an accredited disaster council.

4384. The agreement may also contain any other provision not inconsistent with this division deemed necessary by the California State Disaster Council and the State Fund for the furnishing of compensation to disaster service workers and their dependents in accordance with the provisions of this division, and the serving by the State Fund as adjusting agent. The agreement may be modified by action of the California State Disaster Council and the State Fund.

4385. The State Fund may in its own name, or in the name of the California State Disaster Council do any and all things necessary to recover on behalf of the California State Disaster Council any and all amounts which an employer might recover from third persons under Chapter 5 of Part 1 of Division 4 of the Labor Code, or which an insurer might recover pursuant to Section 11662 of the Insurance Code, including the right to

commence and prosecute actions, to file, pursuant to Chapter 5, Part 1, Division 4 of the Labor Code, liens for whatever sums would be recoverable by suit against such a third person, to intervene in other court proceedings, and to compromise claims and actions before or after commencement of suit. All amounts so recovered shall be used for the furnishing of compensation benefits, and the agreement shall provide for the reimbursing of the State Fund for expense incurred in recovering such amounts and the manner in which such amounts shall be applied to the furnishing of compensation.

4386. Should the United States Government or any agent thereof, in accordance with any Federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to disaster service workers or to disaster service workers and their dependents for injuries arising out of and occurring in the course of their activities as disaster service workers, then the amount of compensation which any disaster service worker or his dependents are otherwise entitled to receive from the State of California under Division 4 of the Labor Code for any injury shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the disaster service worker or his dependents have received and will receive from the United States or any agent thereof as a result of the injury.

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States Government or any agent thereof furnishes medical, surgical or hospital treatment or any combination thereof to an injured disaster service worker, then the disaster service worker has no right to receive similar medical, surgical or hospital treatment under Division 4 of the Labor Code. However, the State Compensation Insurance Fund, as adjusting agent of the California State Disaster Council, may furnish medical, surgical or hospital treatment as part of the compensation provided in Division 4 of the Labor Code in addition to that furnished by the United States Government or its agents.

If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States Government or any agent thereof will reimburse a disaster service worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured disaster service worker, the disaster service worker has no right to receive similar medical, surgical or hospital treatment under Division 4 of the Labor Code, but the State Compensation Insurance Fund, as adjusting agent of the California State Disaster Council, may furnish medical, surgical or hospital treatment as part of the compensation provided in Division 4

of the Labor Code and apply to the United States Government or its agent for the reimbursement which will be made to the disaster service worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the State Compensation Insurance Fund shall require the disaster service worker and his dependents to assign to the State of California, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the State, any privilege or right such disaster service worker or his dependents may have to reimbursement from the United States Government or any agent thereof.

If the furnishing of compensation under the provisions of Division 4 of the Labor Code to a disaster service worker or his dependents prevents such disaster service worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a Federal statute or rule or regulation, then the disaster service worker and his dependents shall have no right to, and shall not receive, any compensation from the State of California under the provisions of Division 4 of the Labor Code for any injury for which the United States Government or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the State of California.

Article 10.7. Accredited Disaster Councils

1599. As used herein, "disaster council" and "disaster service worker" have the meaning prescribed in Division 4 of the Labor Code.

1599.1. The California State Disaster Council shall establish by rule and regulation various classes of disaster service workers and the scope of the duties of each class. The California State Disaster Council shall also adopt rules and regulations prescribing the manner in which disaster service workers of each class are to be registered. All such rules and regulations shall be designed to facilitate the paying of workmen's compensation.

1599.2. Any disaster council which both agrees to follow the rules and regulations established by the California State Disaster Council pursuant to the provisions of Section 1599.1 of this code and substantially complies with such rules and regulations shall be certified by the California State Disaster Council. Upon making the certification, and not before, the disaster council becomes an accredited disaster council.

1599.3. Should an accredited disaster council fail to comply with the rules and regulations of the California State Disaster Council in any material degree, the California State Disaster



Council may revoke the certification, and upon the act of revocation the disaster council shall lose its accredited status. It may again become an accredited disaster council in the same manner as is provided for a disaster council which has not had its certificate revoked.

Sec. 8. The unencumbered balance of the appropriation made to the California State War Council by Section 9 of Chapter 920 of the Statutes of 1943 is hereby reappropriated to the California State Disaster Council, to be expended by its adjusting agent, the State Compensation Insurance Fund, for the furnishing of workmen's compensation to disaster service workers and their dependents in accordance with the provisions of Division 4 of the Labor Code, including the reimbursing of the State Compensation Insurance Fund for the cost of services rendered as adjusting agent.

The State Compensation Insurance Fund may draw from the State treasury out of the appropriation made by this section, without at the time presenting vouchers and itemized statements, a sum not to exceed in the aggregate one hundred thousand dollars (\$100,000), to be used as a cash revolving fund. The revolving fund shall be deposited in such banks and under such conditions as the State Department of Finance determines. The Controller shall draw his warrants in favor of the State Compensation Insurance Fund for the amounts so withdrawn, and the Treasurer shall pay such warrants.

Expenditures made from the revolving fund in payments on claims for workmen's compensation and for adjusting services are exempted from the operation of Section 16003 of the Government Code. Reimbursement of the revolving fund for such expenditures shall be made upon presentation to the Controller of an abstract or statement of such expenditures. Such abstract or statement shall be in such form as the Controller requires.

Sec. 9. This act is hereby declared to be an urgency measure necessary for the immediate preservation of the public peace, health or safety within the meaning of Section 1 of Article IV of the Constitution and shall therefore go into immediate effect. A statement of the facts constituting such necessity is as follows:

Legal uncertainty has arisen as to whether volunteers performing duties pursuant to the California Disaster Act are eligible for workmen's compensation benefits for injury or death incurred in the performance of such duties. Disaster requiring the full performance of such duties may strike at any time. To remove such doubt, and to provide such benefits whenever protection of the life, property, health and safety of the people of the State may be required by the occurrence of major calamity, it is necessary that this act take effect immediately.

DIGEST—CHAPTER 104 STATUTES—1st EXTRAORDINARY SESSION 1946

CHAPTER 104, 1946

Effective March 1946

This act was passed in order that Civilian Volunteer Disaster Service Workers who are registered with accredited local Disaster Councils may be entitled to receive Workmen's Compensation benefits for injuries which occur in the course of and arise out of "Disaster Service."

The act adds sections to the Labor Code and Military and Veterans Code as follows:

1. Defines a "Disaster Council." (See Sec. 3211.9)
2. Defines an "Accredited Disaster Council" as one which is certified by the California State Disaster Council. (See Sec. 3211.91)

NOTE.—"All War, Defense or Disaster Councils which were certified by the California State War Council prior to September 15, 1945, are recognized as Disaster Councils" under Sec. 1571 of Chapter 1024, Statutes of 1946 (California Disaster Act).

3. Defines "Disaster Service Workers" as a person who is registered with a Disaster Council serving without pay or other consideration. (See Sec. 3211.92)

4. Defines "Disaster Service" as being all activities authorized by and carried on pursuant to the California Disaster Act, including *Training* for such service. (See Sec. 3211.93)

5. Benefits.

A. Death	Maximum \$3,600
B. Medical, surgical and hospital treatment	Maximum 2,700
C. Permanent total disability	Maximum 3,600
D. Temporary disability	Maximum 3,600
E. Burial expenses are provided not to exceed	150

6. Claims are filed with and adjusted by the State Compensation Insurance Fund, 450 McAllister Street, San Francisco, under agreement with the California State Disaster Council.

This act is companion legislation to Chapter 1024, Statutes of 1945 (California Disaster Act) and provides substantially the same benefits as were provided under Chapter 920, Statutes of 1943, for Civilian Defense Volunteers.

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