



THE SACRAMENTO STORY

1959

Labor and the Legislature

LABOR LEGISLATION

**REPORT ON
1959 REGULAR SESSION OF THE
CALIFORNIA LEGISLATURE**

January 5 to June 19

1959

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CALIFORNIA LABOR FEDERATION, AFL-CIO
C. J. HAGGERTY

Secretary-Treasurer and Legislative Representative

995 Market Street, Room 810, San Francisco 3, California

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REPORT ON LABOR LEGISLATION

1959 Regular Session of the California Legislature

January 5 to June 19

FOREWORD BY THE SECRETARY

The 1959 session of the California legislature, meeting continuously since the first Monday in January under a constitutional amendment adopted at the last election which disposed of the 30-day constitutional recess, came to a grinding halt at midnight on June 19, 1959. In retrospect, it was a session that was distinguished not only by the number of major issues which it had to face, but also by its many history-making decisions, most of which were liberal and courageous, but many of which, unfortunately, were in the tradition of expediency, procrastination, and fear of powerful reactionary lobby groups which have more or less dominated in the past. On balance, it can be said that the 1959 session produced the most impressive array of legislation in my experience as legislative representative which was as satisfying as its disappointments were disturbing and basic.

Measured against previous general sessions of the legislature, in terms of bread and butter issues and advancements in workers' social insurance legislation, the session was an unprecedented success. Official estimates indicate that improvements won in the three basic social insurance programs—workmen's compensation, unemployment insurance, and unemployment disability insurance—will bring workers in the state between \$75 and \$100 million a year in additional benefits. This is close to double the amount secured in any previous legislature in the experience of your secretary-treasurer.

Also, in terms of civil rights legislation, the 1959 session enacted a series of measures on a broad front, which exceeded the expectations of even the groups which have been spearheading the drive for such legislation in these postwar years. Undoubtedly, 1959 will go down in state history as the year in which California undertook the protection and extension of equal rights of its citizens.

In many other areas of legislation, detailed in this report, the 1959 legislature gave a good accounting of itself. Yet, in the face of these advancements and accomplishments, there were many frustrations and disappointments in the session.

These disappointments take their form, of

course, not from comparisons with previous sessions, but from labor's hopes which had been built up by the "liberal victory" that was supposed to have been won at the 1958 general election. Perhaps labor had raised its sights too high, and was wrong to expect more out of the 1959 legislature, not only in worker benefit programs, but also in tackling fundamental problems which have been avoided by preceding legislatures, such as taxation, labor laws, farm labor and water development.

Nevertheless, measured against labor's expectations, the 1959 session had many great disappointments.

Major Disappointments

As stated in my preliminary report immediately following adjournment, when the gavel signaled the end of the 1959 session, a long list of major failures were left behind. These included: (1) failure to enact needed state legislation to protect and extend the organizational and picketing rights of labor; (2) refusal to adopt Governor Brown's proposal to correct the abuses of the anti-labor Jurisdictional Strike Act, as embodied in AB 419, the Governor's so-called Labor Representation and Jurisdictional Strike Bill; (3) refusal to enact the Governor's minimum wage bill, or in any way to modify the state's archaic and inadequate minimum wage procedure; (4) rejection of every effort by the Brown Administration and organized labor to improve the plight of agricultural workers that in any way ran contrary to the interests of the corporate farmer, as represented by the notoriously anti-labor Associated Farmers and the Farm Bureau Federation; (5) refusal to protect the organizational rights of public employees, or to extend

limited collective bargaining rights to already organized public employees engaged in proprietary functions of public agencies; (6) enactment, in direct violation of the Democratic party pledge against regressive consumer taxes, of some \$64 million in additional consumer levies, which will offset a large portion of the dollars won by workers in the field of social insurance; and finally (7) refusal of the legislature, at the insistence of the Administration, to give taxpayers any protection against the unjust enrichment of landed monopolists that is implicit in Governor Brown's \$1.75 million water bond program passed by the legislature.

These failures, together with the many accomplishments of the 1959 session, are spelled out in the appropriate sections of this report. The following is intended only to give some of the highlights of the session.

SESSION'S MAJOR DEVELOPMENTS

Workmen's Compensation

The gains won in workmen's compensation benefits this year perhaps epitomize the success obtained at the 1959 session in regard to workers' social insurance benefits. Vast workmen's compensation improvements enacted by the session will increase benefit payments to injured workers and their survivors by a conservatively estimated amount of between \$16 to \$18 million a year.

In addition to many other improvements, these gains include: (1) an increase in the minimum weekly disability benefit for temporary and permanent disabilities from \$15 to \$20, and a boost in the maximum weekly benefit from \$50 to \$65 for temporary disabilities, and from \$40 to \$52.50 a week for permanent disabilities; (2) substantial improvements in death benefits raising the amount from \$15,000 to \$20,000 for a totally dependent wife with children; from \$12,000 to \$17,500 for totally dependent spouse without dependents; and from \$12,000 to \$15,000 as a maximum for partial dependencies, along with a \$200 increase in the burial benefit; and (3) a 50 per cent increase in the life pension payments for permanent disabilities of over 70 per cent, combined with substantial improvements in the direction of giving injured workers a wider choice in the selection of physicians, in compensating workers for expenses in-

curred in contested workmen's compensation claims, and in advancing the payment of benefits.

These improvements and others were the result of many long hours of painstaking presentation and discussion of labor's comprehensive workmen's compensation program advanced at the 1959 session. The final details were worked out with employer groups, at the insistence of the legislature, which followed previous session practices of compelling negotiated package programs. As such, however, the program approved embraced a large portion of the workmen's compensation proposals advanced by the Federation at the 1959 session.

The major shortcoming in the field of workmen's compensation was the failure of the legislature to make any substantial progress in providing long overdue rehabilitation benefits for injured workers who are unable to return to their former occupation.

Unemployment Disability Insurance

The improvements won in unemployment disability insurance benefits come close to matching the successes obtained in workmen's compensation legislation. It is estimated by the Department of Employment that the disability liberalization measure of the session will increase benefit payments from the State Disability Fund by about \$6.5 million, and an additional amount approaching this figure from private carriers, for workers covered under so-called voluntary plans. All totaled, the disability bill represents a benefits package approaching \$13 million.

These benefit increases will be payable as a result of a \$15 increase in the maximum weekly benefit from \$50 to \$65, representing the first time in the history of the program that the legislature granted the benefit level requested by the Federation.

The new \$65 benefit is contained in a liberal "uniform" \$25 steps schedule, which, starting with the minimum payment, increases \$1 in benefits for each additional \$25 in high quarter earnings, to a maximum of \$65 payable for qualifying individuals with high quarter earnings of \$1,500 or over. This means in essence that everyone falling within the schedule's limits will be compensated for at least 56 per cent of his wage loss, when disabled by illness or accident not connected with employment.

The new liberal schedule is combined with a revision of the formula for financing so-called extended liability payments, which are those payments for disabilities commencing after a person is unemployed, or when no longer in covered employment. Under the new formula, private carriers, who, in the past, have almost completely avoided paying their fair share of the costs of extended liability benefits, will be required to double their contributions into the extended liability fund, according to estimates of the Department of Employment. Through a system of pro rata sharing of the costs of extended liability benefits between the state plan and private carriers, the so-called extended liability account will be placed on a substantially pay-as-you-go basis.

Finally, it is to be noted in regard to the disability benefits won at the 1959 session that there was no need to increase worker contributions into the program, either by increasing the contribution rate, or by raising the taxable wage base.

Unemployment Insurance

The session-long struggle to obtain unemployment insurance benefits won this year, more or less describes the nature of the 1959 session. This struggle is reviewed in considerable detail in the preface to the "Social Insurance" section of this report, and as such, is necessary reading for the understanding of the session.

Always in the past, benefit increases in unemployment insurance have been the hardest to secure of any of the worker benefit programs. This session was no exception, although the size of the improvements won exceeded by far any achievements of the past. It was not until the closing few days of the session that the unemployment insurance package was wrapped up and sent to the Governor's desk.

This 1959 unemployment insurance package combines an increase in the maximum weekly benefits from \$40 to \$55, with a boost in the casual earnings allowance from \$3 to \$12 without reduction in benefits for partials, and the enactment of an extended duration bill, providing up to 13 weeks of additional coverage during periods of unemployment when the jobless rate statewide is 6 per cent or more. These gains were made for the first time without any additional restrictive proposals advanced by employers. On the contrary, all the

increased benefits will be financed without placing a drain on the Unemployment Insurance Fund, by substantial increases in employer contributions.

Despite these gains made this year, the state jobless program remains the weakest of the three basic social insurance programs, although just about the most liberal among the states.

Labor Legislation

In regard to labor legislation affecting the body and operation of the trade union movement in California, the session can be written off as a hair-raising experience without accomplishment. It was evident throughout the session that there was a marked reluctance among legislators, in the wake of the defeat of "right to work" at the polls last year, to do anything to plug existing gaps in state labor legislation, or to correct anti-labor statutes on the books, such as the state Jurisdictional Strike Act, which would have the effect of strengthening unions as institutions in our economy. This, in part, helps explain the defeat of AB 419, embodying the Governor's campaign pledge to provide state machinery for the democratic determination of representation rights, and to provide jurisdictional strike procedures which would eliminate the abuses of the present anti-labor Jurisdictional Strike Act. Following the defeat of AB 419, it became necessary for the Federation, in turn, to oppose and defeat the Governor's companion proposal, SB 209, the so-called Labor-Management Reform bill.

Both of these measures, as key parts of the Governor's legislative program, pre-empted the field of labor legislation at the 1959 session. The complete story is detailed in the "Labor Union" section of this report, and is too lengthy and complicated even to attempt a summary in this preface to "The Sacramento Story." Suffice it to say here, that there were many "friends" in the 1959 legislature, who, for purely political reasons, would have been content with a record in labor legislation that did nothing to facilitate or improve the climate for peaceful labor-management relations in the state, so long as they could hold up to the public the enactment of some kind of "labor reform" measure, even if it was nothing more than a number and title. The great trade union movement of this state and the voting public at large had the right to expect more.

The success of the Federation in defeating **SB 209**, in summary, was a negative victory in which labor can take little or no consolation. We sought the positive approach, but were forced to take to the defensive when it became apparent that there was no real desire in the legislature to do anything about the vicious state Jurisdictional Strike Act, or to provide the representation machinery in intrastate commerce which the Governor had called for. As far as Governor Brown is concerned, he is to be commended for his efforts in support of **AB 419** in pushing for corrective state labor legislation, but we cannot agree with the Governor that, failing this, the labor movement should have been content with "effort" alone, and have taken legislation that had its basis in Washington hearings and a great deal of public misrepresentation, rather than need in California.

Minimum Wages and Farm Worker Legislation

Minimum wage legislation advanced by Governor Brown and supported by organized labor received essentially the same treatment by the legislature as the Governor's labor representation and jurisdictional strike bill. Both measures were dumped in the Senate Labor Committee. In both instances, the power and control of the corporate farmers at the 1959 session was as shocking and frightening as it was manifest.

The corporate farmer interests, as represented by the Associated Farmers and other dominant farmer-processor oriented groups, together with hotel and restaurant interests, assumed the leadership role of employer groups generally in killing the Governor's minimum wage bill, as well as **AB 419**. The 1959 session, insofar as it held promise at the outset that perhaps something would be done this year for the exploited and downtrodden farm worker, was a bitter disappointment. Not one measure affecting farm workers was passed by the legislature that did not have the blessings of the dominant farm groups.

Credit must go to the Governor, however, for the courage which he demonstrated in continuing to press for his minimum wage bill, and specifically its application to agricultural labor, in the face of a hostile, and in many respects a frightened legislature, which shook under the pressure mobilized by corporate farmer and hotel and restaurant interests. The Governor's courage, undoubtedly, was instrumental in once again making agricultural

labor a key issue, which in itself had the indirect effect of at least forcing the farm groups to reluctantly give a little ground, as indicated in the section on "Farm Labor."

Civil Rights Measures

In sharp contrast with the treatment of minimum wage and farm labor legislation, was the liberal attitude of the legislature under the liberal leadership of Governor Brown in the enactment of civil rights legislation. The success obtained in this area was a clear demonstration of what can be accomplished by liberal-labor cooperation in pressing an issue and building public and political support for action over a period of more than a decade.

The civil rights accomplishments of the session exceeded even the hopes of civil rights groups with the enactment, besides the celebrated Fair Employment Practices law sponsored by Governor Brown, of a measure which will go a long way toward eliminating discriminatory practices in the sale and rental of publicly assisted housing. These enactments in civil rights legislation should be reviewed carefully by all labor organizations, as they represent perhaps the most successful area of legislative activity of the session, along with the enactment of other bread and butter benefits.

Other Legislation

Among disappointments of the session, and ranking high on the list, were the actions of the legislature in the important fields of taxation and water development. These two issues literally dominated the entire session, and spilled over into other areas of legislative activity.

As far as labor is concerned, the courage demonstrated at the 1959 session in the enactment of substantial increases in taxes was completely overshadowed by the resort to unnecessary and regressive consumer taxation with the passage of the 3 cents per pack tax on cigarettes, and the 2 cents to 4 cents per gallon boost in the state beer excise. Workers and the consuming public generally, who already were carrying almost two-thirds of the state tax burden, deserved better treatment by a Democratic party that campaigned on a platform pledging adherence to the principle of taxation on the ability to pay basis, which, at the 1959 session, was observed in the breach, both by the Governor and his party leadership in the legislature. It can

be truthfully said that never before in the history of state politics has there been such an impressive display of party unity to violate the principles of a party platform. The greatest disappointment, perhaps, was in the many friends of labor in the legislature, who in their campaign for election openly said they would never vote for additional consumer taxes, and then under pressure of the Governor's office, were unable to stand up and vote against his consumer tax proposals.

Water legislation left labor with much the same kind of disappointment. No organized group in the state understands better than labor the necessity for pressing ahead with comprehensive and maximum development of our water and power resources. Our jobs and the future prosperity of this state are at stake. It can be also said, without modesty, that no organized group in the state has been more active in the fight to prevent these resources from falling into the hands of monopolists, or more conscious of the schemes which have been advanced by these monopolists in the history of water and power development in California to subvert anti-monopoly and anti-speculation protections for the taxpayers.

At the 1959 session, in his commitment to resolve the north-south deadlock and secure passage of a water program by the legislature, Governor Brown had to choose the path of expediency and thereby sidestep the issue of monopoly and unjust enrichment, which he himself declared could not be tolerated in the development of California's water resources. In both houses of the legislature, efforts to amend unjust enrichment protections into the Governor's \$1.75 billion water program were handily defeated on the premise that injection of the issue at this point was premature and would destroy the possibility of passing a water program at the 1959 session.

Indeed, the monopolists who originally proposed the Feather River project to avoid reclamation law would not have supported state entrance into the water and power business, if the possibility of using the state as a means of escaping anti-monopoly protections had been foreclosed. In successfully pressing for the passage of the \$1.75 billion water bond program, therefore, the Administration gambled with the needed protections for the investment of the people in order to get a program started, with hopes that something could be done

at a later date to prevent unjust enrichment by millions and millions of dollars to a relatively few giant landholders who virtually control the portion of the lower end of the San Joaquin valley which lies in the path of the great aqueduct being proposed to carry water south and over the Tehachapis into the southern part of the state. Governor Brown has since pledged his Administration to work for unjust enrichment protections. Yet the history of water and power in California and the west generally, is conclusive on this one point. Never has any effective anti-monopoly, anti-speculation protections been developed after a project has been launched, and the leverage of the "need" for the project itself lost.

The Federation fought hard in Sacramento, almost alone, to get the legislature to face the issue squarely. Having lost this first round to the monopolists, it remains to be seen what the Governor and the legislature will do in the interim period between now and the 1960 elections before it will be known whether or not labor can support the Governor's \$1.75 billion water bond program at the polls.

On the positive side, tempering to some extent the legislative disappointments and failures in the fields of taxes and water development, were the enactment of a good many of the Administration's other proposals. Particularly noteworthy was the establishment of an office of Consumer Counsel to advance the interests of the public as consumers in state government, and the creation of a long overdue Economic Development Agency, along with enactment of legislation to provide a state planning agency charged with the responsibility of developing a state master plan for the physical development of the state.

Among many other advancements and accomplishments were the repeal of cross-filing, the enactment of increased school support funds and social welfare payments in the face of an exceedingly tight budget situation, and the passage of a good number of bills in areas of special interest to affiliated organizations, as well as the general public. A great deal of progress was made which is reported in considerable detail by subject matter in the body of this report. Included was the enactment of a substantial number of Federation bills effecting changes in various codes for the benefit of

workers generally and specific trades and occupations.

Labor Friends

As in previous issues of "The Sacramento Story," labor's friends and foes are indicated by the tabulation of roll call votes at the end of the report. Special mention, however, should be made of those legislators who carried the Federation's legislative programs. To these legislators who took the lead in fighting labor's many battles in and out of committee where actions were generally out of view of the public, and also on the floor of the legislature, we are greatly indebted. "Reward at the polls" is the only adequate method which the labor movement has of demonstrating our gratitude.

In this regard, the tabulated test roll call votes included in this report were selected to give as honest and comprehensive a picture of the session as possible from labor's point of view and broad interests in state legislation. Again, however, these tabulations cannot be taken as conclusive, because a good portion of the legislative process is embodied in the work of committees where most bills are disposed of without reaching the floor. Nor do the floor test votes indicate those who jumped on the bandwagon to get a good labor vote, after having done everything possible to kill a particular bill behind the scenes. A supplemental list of committee votes which will be published by the Federation in time for use in the 1960 elections should be helpful in this regard, but here, too, there are limitations on use, inasmuch as committee roll calls are not officially published, and many issues are determined by voice vote.

Finally, in closing, I wish to express my sincere,

personal appreciation of the vigorous and untiring services of the officers and staff who assisted me in my work in Sacramento. I especially call to your attention the invaluable services of President Thomas L. Pitts, who was on hand the entire session, together with Vice President Harry Finks, General Counsel Charles P. Scully, and the remainder of the legislative staff. Without their untiring efforts and the assistance of representatives of many of our affiliated unions and organizations, who also were on hand for the entire session, the mammoth legislative task of the Federation could not have been carried forward. These include George Mulkey of the Electrical Workers, Fred Smith and Ken Larson of the Fire Fighters, Edward Park of the State Building Trades, Gene Madigan of the Machinists, and Don Henry of the Teachers Union, among others who came to Sacramento to assist the Federation on particular legislation.

I am also most appreciative of the effective work done by organizations that undertook to help us in our work by communicating labor's positions on key measures to the legislators. At many times during the session, it was these communications that helped turn the tide when the chips were down, and the votes on vital issues both in committees and on the floor could have gone either way. Finally, I wish also to thank members of the Legislative Committee, Manuel Dias, chairman, W. J. Bassett, M. R. Callahan, Arthur Dougherty, Lowell Nelson and Herbert Wilson, all of whom remained available throughout the session to assist your secretary-treasurer.

Fraternally submitted,
C. J. HAGGERTY
Secretary-Treasurer

SUMMARY AND REPORT ON LEGISLATION

ALCOHOLIC BEVERAGES

(Other measures affecting the liquor industry are reported under ELECTIONS, SCHOOLS and TAXES.)

Good Bills

AB 1097 (Holmes). As passed by the legislature, created a defense to the sale of alcoholic beverages in any criminal prosecution or disciplinary proceeding upon evidence that a minor's appearance was such that reasonable persons would have considered him an adult; required findings on such defense in proceedings before the Alcoholic Beverage Control Department. Vetoed by the Governor.

AB 1323 (Holmes). Provides that a person arrested for violation of Alcoholic Beverage Control Act may be released by arresting officer upon signing of an agreement to appear in court; requires such release when the person arrested is a licensee or employee of a licensee. Chapter 199.

AB 2260 (Winton). As passed, prohibited the Alcoholic Beverage Control Department from limiting the number of on-sale beer and wine licenses issued to bona fide public eating places; provided that issuance of such licenses shall not be included in the premise count which determines the limitation on an on-sale general license. Pocket-vetoed by the Governor.

AB 2355 (Luckel). Authorizes use of term "cocktail lounge" in signs advertising alcoholic beverages on licensed premises. Chapter 1337.

SB 406 (Johnson). Provides that the restriction of employment of minors on licensed premises shall apply to all persons under 21 years of age. Chapter 543.

SB 419 (Johnson). As amended and enacted, makes proof of presentation of bona fide evidence of majority and identity a defense in proceedings involving employment of a minor and permitting a minor to enter or remain in a public premise, as well as sale of alcoholic beverages to minors. Chapter 550.

Bad Bills

AB 2155 (McMillan). Reduced substantially the number of on-sale licenses, based on county population, and increased on-sale license fees. Died in Assembly Committee.

AB 2346 (Johnson). Authorized Alcoholic Beverage Control Appeals Board to determine on appeal whether the decisions of the Alcoholic Beverage Control Department are supported by the weight of the evidence, rather than substantial evidence in the light of the whole record; authorized such Board to modify reduced penalty assessments of the Department. Required adoption of ACA 40 (Johnson). Died in Assembly committee.

ACA 40 (Johnson). As introduced, increased the number of members on the Alcoholic Beverage Control Appeals Board from three to five members, and provided for five-year terms; also limited the scope of review by the Appeals Board of decisions of the Alcoholic Beverage Control Department. Amended to eliminate the increase in board members and the five-year terms. Defeated on the Assembly floor.

SB 842 (Hollister). Limited the number of off-sale general licensed premises to one for each 2,000 inhabitants in a county, instead of one such license for each 1,000 inhabitants; provided that off-sale general licenses instead of off-sale licenses shall be counted in determining whether additional licenses may be issued in any county; limited to 20 the number of licenses or transfers that may be issued in any one county in a calendar year. Died in Senate committee.

Other Bills

AB 2209, AB 2210, AB 2211 (Kennick). Provide respectively that no part of the fine assessed against minors for (1) purchase or consumption of alcoholic beverages, (2) entering and remaining in public premises licensed for the sale of alcoholic beverages, and (3) presenting false evidence of age and identity in the purchase of alcoholic beverages, shall be suspended. Chapters 866, 867 and 868.

SB 211 (Hollister). Prohibited the Department of Alcoholic Beverage Control from adopting any rule limiting or fixing prices or discounts on distilled spirits sold by retail licensees. Died in Senate committee.

SB 409 (Johnson). Repeals provision that no retail license shall be issued for any premises for which a license has been revoked during the three months immediately preceding filing of the application. Chapter 935.

SB 412 (Johnson). Repeals provision for issuance of bottling or packaging license. Chapter 665.

SB 599 (Beard). As passed by the legislature, required proof beyond a reasonable doubt to establish offense of selling or otherwise furnishing alcoholic beverages to a minor by an off-sale licensee, and provided that a deter-

mination in any criminal proceeding involving such selling or furnishing is conclusive proof as to the Alcoholic Beverage Control Department and the persons charged. Vetoed by the Governor.

In addition to the above bills, a number of measures were enacted relating to the location of liquor establishments in the vicinity of churches, hospitals, state institutions, universities and colleges. Generally, these bills liberalize present restrictions in regard to existing licensees that come within the prohibited limit as the institutions grow or extend their boundaries. They include **AB 203** (Chapter 803), **AB 1193** (Chapter 807), **AB 1342** (Chapter 756), **AB 1973** (Chapter 2193), **AB 2224** (Chapter 2195), and **AB 2562** (Chapter 2194).

BARBERS AND COSMETOLOGISTS

Good Bills

Bills marked * were sponsored by the Federation

***AB 306** (George E. Brown). As passed by the Assembly, prohibited barber college from posting an outdoor sign advertising the charge for services rendered in the establishment. Died on the Senate floor because of Legislative Counsel's opinion that the bill was unconstitutional.

***AB 307** (George E. Brown). Prohibited barber colleges from charging any person for services performed by students. Died in Assembly committee.

***AB 308** (George E. Brown). Prohibited barber colleges from remaining open to the public more than five days a week, or more than 40 hours in any week. Died in Assembly committee.

***AB 309** (George E. Brown). Eliminated the classification of junior cosmetology operator. Passed the Assembly, died in Senate committee.

***AB 351** (George E. Brown). Substitutes references to a cosmetologist for present references to a hairdresser and cosmetician or cosmetologist in the Cosmetology Act. Chapter 718.

Bad Bills

AB 1028 (Masterson). As passed by the legislature, made a number of changes regarding the licensing of cosmetologists and cosmetological establishments. Contained a provision requiring an applicant for admission to cosmetology school to submit proof that he possesses the education required by the Cosmetology Act, such proof to be submitted within 15 days of enrollment, rather than permitting a student to satisfy the educational en-

trance requirements while attending a cosmetology school. Vetoed at the request of the Federation.

AB 1029 (Masterson). Provides that licensed cosmetologists in immediate supervision of a school of cosmetology have an instructor's license, rather than an instructor's permit, without establishing an examination criteria for licensing; requires school of cosmetology to post \$5,000 bond, regardless of number of students being taught, and provides that aggregate liability of surety on bond shall not exceed the \$5,000 amount; makes other changes regarding examination and registration fees for instructors, permanent wavers, and schools of electrology. Veto requested by Federation refused. Chapter 1871.

Other Bills

AB 160 (MacBride). As introduced, was a bad bill weakening the qualifications for licensing of barbers in order to take care of an individual out-of-state barber seeking a license in California. As passed by the Assembly and enacted, application date of bill was restricted to 90 days. Chapter 401.

AB 397 (McMillan). Originally a bad bill permitting registered barbers or apprentices to enroll in certain postgraduate courses in barber colleges, while prohibiting persons enrolled from performing any acts of barbering in college for remuneration. Amended to make enforcement possible, and to provide that postgraduate course for a registered apprentice or registered barber may be offered only after 6 p.m. on work days. Chapter 804.

AB 1340 (Bane). As amended and enacted, provides for an increase in the educational requirements for barber licensing after January 1, 1960, from eighth grade to ninth grade; makes related changes in other educational provisions. Chapter 2160.

AB 2654 (Cunningham). Authorized State Board of Barber Examiners to adopt rules and regulations regulating advertising, except newspaper advertising, by barbers. Died in Assembly committee.

SB 422 (Thompson). As amended and enacted, requires owner of barbershop, when applying for certificate to conduct new shop, or to conduct existing shop at a new location, to give notice to the State Board of Barber Examiners; provides that the two years' experience as a registered barber in another state or county which may qualify a person for an instructor's certificate shall be in a state or

county whose requirements for licensing barbers are substantially equivalent to those in California, or that the individual has affidavits from at least two other persons stating that he has had at least four years' practice as a barber in another state or county whose requirements for licensing are not substantially equivalent to those in the state. Revises provisions requiring Board to prepare copies of the law regulating the practice of barbering, which is to be furnished the owner or manager of each barber shop or college for posting therein. Makes wilful failure of an owner or manager of a barber college, as well as an owner or manager of a barber shop, to post such copy a violation of the law. Revises renewal dates for certificates of registration as barber, apprentice barber, and instructor in barber college. Provides for payment of \$3 fee by applicant to conduct existing barber shop under new ownership at a new location. Chapter 1688.

SB 533 (Gibson). As enacted, provides that Cosmetology Board shall mail to every person failing an examination the grade which he receives on examination; gives right of unsuccessful applicant to inspect examination within 90 days after announcement of results. Chapter 1584.

SB 609 (Gibson). Revises Barber Board authority regarding extension of time for completing courses of instruction in barbering. Chapter 1508.

SB 1229 (Fisher). Prohibited barber colleges from being open to the public for more than five days in any week, or more than 45 hours in any week. Passed Senate, killed on Assembly floor.

SB 1405 (Rodda). Provides that no cosmetology student shall be required or permitted to attend more than 8 hours of instruction or practice in any one day, except that a student may be permitted to complete a service in process, but not to exceed 30 consecutive minutes. Chapter 1709.

CIVIL RIGHTS AND CIVIL LIBERTIES

The enactment of far-reaching civil rights legislation was one of the outstanding achievements of the 1959 general session. As in previous sessions, the California Labor Federation worked actively through the California Committee for Fair Employment Practices together with other civic-minded groups to secure the enactment of civil rights legislation which will undoubtedly mark 1959 in state history as the year in which California undertook the protection and extension of the equal rights of its citizens.

Entering the 1959 session, it was generally assumed by labor and other supporters of civil rights legislation, that, in view of the commitment of a large number of elected legislators to support a Fair Employment Practices bill, such a measure was almost certain to be signed into law. Nevertheless, the enactment of **AB 91** was a dramatic victory, in that literally hundreds of emasculating amendments were beaten down to secure passage of a strong bill, which exceeded the expectations of even the hard core of FEP supporters who worked so hard in the eight-year struggle for passage of a California law.

AB 91 is a fully enforceable law, providing for all the careful intermediate steps of private hearing and conciliation, but also calling for possible fine and jail sentences for unreconstructed violators. It is even stronger than the New York law after which it is patterned, in that it allows the FEP Commission itself to investigate possible discrimination without having a formal complaint filed by an aggrieved person. The measure prohibits discrimination in hiring, upgrading, advertising, questioning of prospective employees, or in any condition of em-

ployment by labor unions, employment agencies or employers of five people or more. The only gap that exists—a rather important one—resulted from an amendment eliminating the bulk of farm workers from coverage. A minimum budget of \$202,000 was also approved for the current fiscal year, which will enable the new law to go into operation on a firm footing in September.

Holding the line against some 200 amendments was the major problem in securing the passage of **AB 91**. In this, Assemblyman Rumford and the FEP forces received strong and vigorous support from Governor Brown, who made the enactment of FEPC the number one plank in his legislative program. The Federation, in addition to working actively throughout the struggle to defeat emasculating amendments, also sent individual letters to each member of the legislature at the outset of the session, urging the passage of **AB 91** without weakening amendments.

AB 91 was launched early in the session, and went into perfect orbit through the Assembly. As

anticipated, however, employer groups who opposed the measure pursued the tactic of trying "to love the bill to death" with amendments when it reached the Senate Labor Committee. Over a period of better than a month, through the process of repeated pre-hearing conferences while the bill was in committee, FEP forces fought off amendment after amendment to secure approval by the Senate Labor Committee with only one major adverse amendment—the agricultural exemption insisted upon by the committee chairman and inserted into the bill over the opposition of FEP supporters. Even in this case, however, it was possible to fight off a blanket exemption, and to limit the exclusion to farm workers who reside on the land on which they work. Major non-weakening amendments adopted by the Senate Labor Committee changed the FEP Commission from a salaried body to a per diem commission, operating within a newly created division of Fair Employment Practices, under a chief who would be the principal executive officer of the commission.

The major emasculating effort, however, was yet to be made by employer groups when the bill was sent to the Senate Finance Committee after receiving a policy approval by the Senate Labor Committee. Under the leadership of the President Pro Tempore of the Senate, the Senate Finance Committee adopted and proposed for floor action a series of weakening amendments designed to (1) prohibit commissioners from initiating complaints, and (2) deny commissioners conciliation procedures for the successful resolution of discrimination cases prior to reaching the complaint stage. These and other crucial amendments became the key Senate floor test in the struggle to secure passage of a strong FEP measure. Led on the floor by Senator George Miller, Jr., the FEP forces rallied behind the powerful and effective organization work of the Brown Administration forces to defeat the Finance Committee amendments in a key test vote of 23 to 14. Following this victory, the bill was passed in the Senate by roll call vote of 30 to 5 and quickly sent to the Governor's office for signature after concurrence of the Assembly in Senate amendments which had been adopted.

In the struggle to fight off weakening amendments, it should be noted that one of the most difficult problems successfully resolved was the forestalling and final defeat of a small minority of FEP supporters who sought to secure an amend-

ment to **AB 91** which allowed local FEP ordinances to continue to operate, even though they were considerably weaker than the state law. If such an amendment had been successful, it would have permitted local governments to enact much weaker FEP bills, and thereby defeat the purpose of the state measure.

Ranking in importance with the enactment of FEP legislation, was the passage of California's first anti-discrimination bill on housing, **AB 890**, prohibiting discrimination because of race, color, creed, national origin or ancestry in publicly assisted housing accommodations constructed or otherwise aided with public funds. This measure sailed through the Assembly, but ran into under-cover opposition on the Senate side which took better than two full months to overcome. Following approval by the Senate Judiciary Committee, after adoption of several somewhat weakening amendments, the major struggle was with behind-the-scenes efforts to keep the bill from coming up for passage on the Senate floor. At one point, the measure was referred to the Senate Finance Committee, even though the bill in no way carried any implied appropriation, inasmuch as enforcement was through court action for damages and injunctive relief.

Although amended to exclude non-profit and California Veterans housing, and to revise the enforcement provisions, the bill, **AB 890**, as enacted, is considered one of the most significant pieces of civil rights legislation to be enacted by the 1959 legislative session. Most important are its provisions which provide a remedy for discrimination in multiple dwelling and tract housing.

In other phases of the important issue of housing discrimination, the Senate dumped **AB 113**, which would have provided for effective anti-discrimination provisions in local redevelopment and urban renewal programs, after the measure received quick approval in the Assembly. A small but significant advancement in this phase of the anti-discrimination battle, however, was the amendment of a state anti-discrimination policy statement into **SB 703**, designed to remove some of the roadblocks in community redevelopment programs. This anti-discrimination policy declaration was amended into the Senate bill by Assemblyman Elliott after defeat of his more comprehensive **AB 113** in Senate Governmental Efficiency Committee.

The coordination of activities on behalf of housing

and other civil rights bills was undertaken during the session by the California Committee for Fair Employment Practices, inasmuch as there was no time to expand or to reorganize civil rights forces into a new committee after passage of the FEP bill. The organizations which were banded together for FEP and represented on the committee had a real interest in these and other areas, and were sent copies of each bill in order to make it possible for them to mobilize supporting activities.

Working in this manner with the California FEP committee, labor's role in civil rights legislation was kept in the forefront throughout the session.

Rounding out the tremendous civil rights advancements made at the 1959 session, was the enactment of several additional pieces of important legislation, including **AB 594** (Unruh), strengthening the state public accommodations law, and **AB 7** (Elliott), repealing the unconstitutional law against racial intermarriages.

On the civil liberties front, the session was also outstanding for the defeat of a large number of measures which would have advanced police powers unwarrantedly at the expense of individual rights. Not one adverse police power bill of any significance got through the legislature.

On the other hand, all major legislation on the positive side designed to correct areas of abuse of police powers and infringement on civil liberties also were defeated. Included in this category was Federation-sponsored ***AB 1407** and a series of other bills which would have curbed wiretapping, bugging and eavesdropping. Efforts in **AB 215** and **AB 1766**, to repeal the unconstitutional "loyalty oath" for tax exemptions and to substitute a positive oath for the "non-disloyalty" oath required of public employees, respectively, were also defeated.

In the field of civil liberties, special tribute must be paid to the invaluable work of the Friends Committee on Legislation, which throughout the session assumed the leadership role in the protection and extension of civil liberties.

Good Bills

Bills marked * were sponsored by the Federation

AB 7 (Elliott; McAteer, co-author). Deletes unconstitutional provisions of the Civil Code, making marriages of white persons with Negroes, Mongolians, members of the Malay race, or mulattoes illegal. Chapter 146.

AB 91 (Rumford, Hawkins and others). Fair Em-

ployment Practices bill. As enacted, is a strong bill: Prohibits discrimination by employers, labor organizations and employment agencies against persons because of race, creed, color, national origin or ancestry; creates a state Commission on Fair Employment Practices within the Department of Industrial Relations composed of five members appointed by the Governor, with the advice and consent of the Senate, to protect the civil right to seek, obtain and uphold employment without discrimination, both through education and enforcement of the Act's prohibitions; provides that the Chief of the Division of Fair Employment Practices shall be the principal executive officer of the Commission. Specifically designates five categories of discrimination in employment as unlawful employment practices: (1) to discriminate in hiring, upgrading or discharging employees because of race, creed, color, national origin or ancestry, (2) to discriminate in compensation terms, conditions or privileges of employment because of aforesaid reasons, (3) to ask questions before employment which directly or indirectly express any limitation, specification or discrimination on the same grounds, (4) to print and circulate any publication or advertisement which similarly expresses such discrimination, and (5) to discriminate against any person because he has filed a complaint, testified, or otherwise opposed any act forbidden by the bill. Applies similar provisions to employment agencies, and describes as unlawful labor union activities which (1) discriminate in any way against members or applicants for membership because of race, creed, color, national origin or ancestry, and (2) discriminate against employers or employees for any of the aforesaid reasons.

Passed the Assembly by a vote of 64 to 14.

All major amendments to weaken the bill in the Senate were defeated with the exception of an exemption for agriculture, confined to agricultural workers residing on the land where they are employed as farm workers. Final passage was secured in the Senate after defeat of emasculating amendments which would have removed the power of commissioners to investigate possible discrimination without having a formal complaint issued, and denied commissioners use of conciliation procedures prior to the issuance of a complaint.

Passed the Senate by a vote of 30 to 5, after defeat of above emasculating amendments by a vote of 23 to 14. Chapter 121.

AB 113 (Elliott). As passed by the Assembly, prohibited discrimination because of race, color, religion, national origin or ancestry in the sale, lease or rental of property in any community redevelopment or urban renewal project; provided strong procedures for enforcement. Killed in Senate Committee on Governmental Efficiency after nearly unanimous passage by the Assembly.

AB 155 (Busterud). Strengthened the state public accommodations law. Dropped in Assembly Committee in favor of AB 549, enacted into law.

AB 215 (O'Connell). Repeal of unconstitutional "loyalty oath" required of persons and organizations declaring tax exemptions. Failed of passage in the Assembly by roll call vote of 39 to 41.

AB 341 (Francis). As amended and passed by the legislature, gave right to an arrested person to make three telephone calls where booked, completed to persons who may be attorney, employer or relative; made denial by public officer or employee a misdemeanor. Vetoed by the Governor.

AB 444 (Burton). Prohibited discrimination in membership in real estate boards and associations, and made discrimination in the sale, rental, or lease of property, grounds for denial, suspension or revocation of real estate brokers' license. Referred to interim committee study by Assembly.

AB 594 (Unruh). Unruh Civil Rights Act; changes the state law against discrimination in public accommodations and substantially strengthen protections. As introduced, was so broad and sweeping in coverage (including private clubs and all housing—in three words) that it was believed to be unsound. Although amended to eliminate private clubs and housing, it still covered professional services, schools, professional organizations and charities, as well as business establishments. In the course of securing passage through Assembly committee and later the difficult Senate Committee on Governmental Efficiency, the bill was amended and cut down to its final form as passed: covers all business establishments of any kind whatsoever; increases the recoverable sum from \$100 to actual damages, plus \$250; and adds "religion" and "national origin" to "race" as grounds on which discrimination may not be practiced. Passed the Assembly by a vote of 45 to 17, and the Senate by a vote of 26 to 4. Chapter 1866.

AB 756 (Burton). Made grounds for suspension or revocation of liquor license, the denial of equal accommodations to all citizens. Passed Assembly by a vote of 48 to 12, and killed in the Senate Committee on Governmental Efficiency.

AB 810 (Burton). Made wiretapping a felony, and pro-

vided that evidence so obtained was inadmissible in court. Died in Assembly committee.

AB 890 (Hawkins, Rumford and others). Housing anti-discrimination bill. As passed by the Assembly by a vote of 67 to 9, prohibited discrimination because of race, color, religion, national origin or ancestry on any public-assisted housing accommodation constructed or otherwise aided with public funds; covered all public-assisted housing, including FHA and VA insured loans as well as California Veterans housing, and applied to both multiple dwellings and tract housing of five units or more; provided for enforcement by an aggrieved person, or a taxpayer having property assessed at more than \$1,000, through court action for damages of not less than \$1,000, or by seeking an injunction against further violations.

As passed by the Senate without opposition after amendment on several occasions as was necessary to overcome largely behind-the-scenes opposition, and signed into law, is still a strong bill. Senate amendments removed application to non-profit housing, and California Veterans housing, and provided that only aggrieved persons may seek injunctions to prevent discriminatory acts or sue for damages, while cutting the amount of minimum damages from \$1,000 to \$500. The main provisions of the bill applying the new housing anti-discrimination provisions to VA and FHA financed tracts remain intact. Chapter 1681.

AB 1067 (O'Connell). Provided for insurance of peace officers, with policy to inure to the benefit of persons to whom officers incur personal liability for intentional torts, including false arrest, false imprisonment, etc. Refused passage in Assembly by a vote of 26 to 47.

AB 1333 (George E. Brown). Prohibited teacher applicants from being asked questions relating to political party, registration, religion, race, color or marital status. Died in Assembly committee.

***AB 1407 (O'Connell).** As introduced, was a strong measure, providing that information obtained in a manner prohibited by the California wiretapping statute, or in a manner prohibited by section 653h of the Penal Code, relating to the use of dictographs, shall be inadmissible in any judicial or administrative proceeding; made the same provision in regard to interception of communications between a prisoner and his attorney, religious advisor or physician; prohibited any person from eavesdropping on, or recording by, an electronic or other device, any conversation, without permission of all parties to the conversation, making exception for telephone or telegraph personnel performing their duties; prohibited information illegally obtained from being admitted in a judicial or

administrative proceeding. Bill was completely rewritten and subsequently amended five times, before reaching the floor as a weak measure prohibiting wiretapping and eavesdropping, but exempting peace officers from such prohibitions. The exemption for peace officers was adopted by a vote of 40 to 21. Following this amendment, the bill was stricken from the file, and died on the Assembly floor.

AB 1632 (Rumford). Prohibited a school district from requiring a photograph of a person applying for a teaching position. Killed in Assembly committee.

AB 1669 (Burton). As passed by the Assembly by a vote of 49 to 8 after being amended three times, was a weak bill providing for limited restrictions on eavesdropping while exempting peace officers from such restrictions. Amended on the Senate side to remove the exemption for peace officers, and sent to interim committee for study.

AB 1766 (O'Connell). Substituted positive oath to support Constitution for oath of non-disloyalty required of public employees. Defeated on Assembly floor by a vote of 47-30 on motion to send back to committee.

AB 2053 (Francis). Made it a misdemeanor for police officer to fail to release arrested person from custody as required by section 825 or 849 of Penal Code. Pocket-vetoed by the Governor.

AB 2607 (O'Connell). Strengthened law regarding arrest without warrants by declaring state policy in favor of issuance of such warrants whenever possible. Pocket-vetoed by the Governor.

AB 2611 (Burton). Made it a misdemeanor for a person to falsely allege in campaign material that a candidate is a communist or fascist, communist or fascist sympathizer, has the endorsement of communist or fascist, or is a follower of the communist or fascist line. By a vote of 45 to 19, was amended in the Assembly to remove application to newspapers, radio and TV, and publications of religious organizations. As so amended, was approved by a vote of 41 to 32, but was later reconsidered and finally refused passage by a vote of 13 to 54.

AB 2612 (Burton). Provided for revocation or suspension of the license of any state licensee who persistently discriminates. Passed the Assembly by a vote of 52 to 16. Killed in Senate committee.

AB 2712 (O'Connell). Eliminated vagrancy as a crime of status; rewrites law eliminating vague standards. Pocket-vetoed by the Governor.

AB 2790 (Hawkins). Required Department of Employment to study and make recommendations concerning actions tending to reduce unemployment caused by racial or religious discrimination, and to report to the Governor and legislature on studies made and steps taken toward reduction. Died in Assembly committee.

AB 2800 (Hawkins). Created a state commission on discrimination in housing to recommend to state and local governments on the elimination of discrimination in pub-

lically assisted housing, and made such discrimination unlawful. Died in committee. See **AB 890**, enacted into law.

AB 2818 (Burton). Prohibited bugging devices without posting of notice. Tabled on floor of Assembly by a vote of 58 to 16.

AB 2819 (Burton). Required licensed private investigators to make annual reports to Director of Professional and Vocational Standards of knowledge of installation or use of wiretapping and bugging devices; required said director to report to district attorney any such information indicative of law violation; provided, with specific exemptions, that such reports are confidential, and made disclosure a misdemeanor. Tabled on floor of Assembly by a vote of 49 to 25.

SB 1126 (Shaw). As amended and passed, provided that no owner, manager, announcer, commentator or other person connected with or employed by a radio or TV station shall be held in contempt by a court, the legislature, or an administrative body, for refusing to disclose the source of any item of news or commentary thereon, broadcast or telecast by the radio or television station. Pocket-vetoed by the Governor.

Bad Bills

AB 39 (Crawford). Permitted admission of illegally obtained evidence in certain criminal cases. Killed in Assembly committee.

AB 2249 (Francis). Provided for censorship of obscene books in a manner endangering basic freedoms. Died in Assembly committee, following refusal by Assembly to withdraw bill.

ACA 31 (Lanterman). Provided for admissibility of illegally obtained evidence regarding criminal proceedings involving seizure of a narcotic or a deadly weapon. Rejected adoption by the Assembly by a vote of 52 to 27. (Two-thirds vote required.)

SB 523 (Grunsky). Provided for searches without warrant as incident to the arrest of a narcotics offender. Died in Senate committee.

SB 524 (Grunsky). Provided that in any criminal proceeding, evidence of information, communicated to a police officer or other peace officer by a confidential informant, shall be admissible in court on the issue of reasonable cause to arrest or search without requiring the name or identity of the informant to be disclosed. Amended and passed by Senate, and died in Assembly committee.

SB 525 (Grunsky). Revised the present provision to make clear that in court or grand jury proceedings, all witnesses shall be deemed to be competent, save those formally accused of the crime under investigation. Died in Senate committee.

SB 526 (Grunsky). Permitted issuance of search warrants for night search in specified cases. Killed in Senate committee.

SB 728 (Grunsky). Permitted admissibility in courts

of illegally obtained evidence in proceedings involving narcotics law, and permitted redress for injury to person or property for infringement of any rights. The bill was a serious weakening of present court rules against the admissibility of illegally obtained evidence. Passed the Senate by a vote of 21-18, and killed in Assembly committee following rejection of motion to withdraw bill by a vote of 36 to 41.

SB 859 (Dilworth). Attempted to rewrite loyalty oath required of persons and organizations filing for tax exemptions, so as to make present oath constitutional. Died in Senate committee.

Other Bills

AB 251 (Beaver). Requires cancellation or refund of any tax or penalty or interest thereon for any fiscal year commencing in 1958 on property as to which the "college exemption" from property tax for such fiscal year was available; deletes requirements for the filing of loyalty oath declaration. Passed Assembly, after defeat of attempt by a

vote of 46 to 34 to reinsert loyalty declaration reference. Chapter 103.

AB 254 (Beaver). Same as AB 251, but applies to tax exemption of orphanages. Passed Assembly after a 43 to 35 vote to table amendments to reinsert reference to loyalty declaration. Chapter 104.

AB 276 (Francis). Required that arrested person be booked within three hours with some exceptions. Pocket-vetoed by the Governor.

AB 324 (DeLotto). Same as AB 251 and AB 254, except that it applies to property tax exemption of hospitals. Passed by the Assembly, after a 46 to 33 vote defeating amendment to reinsert reference to loyalty oath declaration. Chapter 81.

AB 2250-2253 incl. (Francis). Tightened laws regarding the distribution of obscene materials to minors and others. All died in Assembly committee.

CONSTRUCTION AND CONSTRUCTION WORKERS

In addition to gains made at the 1959 session of the legislature affecting all workers, several bills were passed of specific benefit to construction workers, including a few Federation-sponsored bills introduced pursuant to convention mandates.

Perhaps the most significant among these were **AB 317** providing for the inclusion of fringe benefits in the determination of prevailing rates in public works, **AB 712** requiring proof of contractor's license as a condition of issuing a local building permit, and ***AB 469**, placing under the state Contractors Licensing Law, so-called owner-builders who enter the commercial construction field for sale and leasing purposes, ***AB 469** was, however, pocket-vetoed by the Governor.

One of the greatest disappointments of the 1959 session in regard to construction workers was the failure of the legislature to enact any significant measure to provide prevailing rates for state mechanics, tradesmen and workers hired on a permanent basis, who were red-circled and denied prevailing rates by a 1956 State Personnel Board decision transferring certain per diem classifications to so-called monthly range classes. The major bill to correct this intolerable situation, ***AB 318**, was passed by the Assembly, only to be dumped in Senate committee. Following defeat of this measure, however, the Assembly adopted a House resolution calling upon the State Personnel Board to re-examine its infamous 1956 decision. These meas-

ures and others affecting construction workers as public employees are reported under STATE, COUNTY AND MUNICIPAL EMPLOYEES.

Finally, it should be noted on the negative side, that the Federation was successful in correcting many bills that either exempted public works from competitive bidding requirements, or removed public works done by day labor from the prevailing rate provisions of the Labor Code. These bills are too numerous for listing herein. A few measures enacted without satisfactory contracting provisions, however, are listed below.

(See also LABOR CODE, GENERAL and STATE, COUNTY AND MUNICIPAL EMPLOYEES.)

Good Bills

Bills marked * were sponsored by the Federation

AB 146 (Cunningham). Spelled out minimum penalties for misdemeanor conviction of contractor for practicing without license. Died in Assembly committee.

AB 159 (MacBride). Added section to Contractors Licen-

sing Law requiring certification by licensee that his contractor's license is in full force and effect as a condition of issuing a building permit by a city or county. Passed by legislature and vetoed by the Governor in favor of AB 712, which provided similar protections by amendment of the Labor Code.

AB 177 (Hanna). Makes diversion of funds or property received by contractor for a specific project or operation a cause for disciplinary action, whether or not funds are otherwise used. Makes failure of a contractor to substantially account for the use of funds and property received for a construction project on such project a ground for disciplinary action. Chapter 97.

AB 179 (Hanna). Makes refusal of a licensee to comply with a request of Registrar of Contractors State License Board to make licensee's records available for inspection, a ground for disciplinary action. Specifically, makes failure of licensee to keep records open for inspection of authorized representative of Registrar, as well as Registrar, cause for disciplinary action. Chapter 98.

***AB 259 (Kilpatrick).** Required a contractor to file a statement certifying that he is licensed pursuant to state law as a condition precedent to the issuance of a building permit by a city or county. Dropped in favor of AB 159 and AB 712, both passed by the legislature, and the latter signed into law.

***AB 317 (Z'berg).** Amends the Labor Code to provide that fringe benefits shall be included in determining prevailing rates in public works. Chapter 2173.

***AB 431 (Dills).** Specified that on every construction or building site, there shall be not less than one water closet for every 15 employees or fractional part thereof, and a sink and bubbler fountain with running water. Died in committee.

***AB 469 (Samuel R. Geddes).** As introduced, required an owner of property, building or improving a structure thereon for the purpose of leasing or renting such a structure, to have a contractor's license. As amended and passed, permitted owner-builder to build only one structure with appurtenances for leasing or rental, and specifically exempted from Contractor's Licensing Law a charitable hospital, corporation, or a non-profit medical and hospital service corporation, which engages in construction work incidental to its own business. Pocket-vetoed by the Governor.

***AB 470 (Samuel R. Geddes).** As introduced, deleted provisions exempting from Contractors Licensing Law,

any construction or operation incidental to the construction and repair of irrigation and drainage, or to farming, dairy, agriculture, viticulture, horticulture, stock or poultry raising, or clearing or other work on land in rural districts for fire prevention purposes. As passed by the Assembly, the bill was rewritten to confine the present exemptions repealed in the original bill to construction valued at less than \$1,000. On the Senate side, the bill was again completely rewritten to require a contractor's license for land-leveling operations, and as so amended, died in Senate committee.

***AB 471 (Samuel R. Geddes).** As introduced, and passed by the Assembly, subjected to regulation as a specialty contractor one whose operations are concerned with the installation and laying of carpets, linoleum, and resilient floor covering. As amended in the Senate and enacted into law, applies licensing requirement to those "principally" engaged in the specified operations. Chapter 2175.

***AB 608 (Pattee).** As amended and enacted into law, provides that if work on state projects is let on informal bids, it can only be to licensed contractors, unless such work is exempt from licensing requirement by any other provision of law. Chapter 1170.

***AB 640 (Samuel R. Geddes).** Prescribed a minimum fine of \$300 for a first conviction, and for a second or subsequent conviction prescribed a minimum fine of \$300 and imprisonment in a county jail up to a maximum of 10 days as punishment for acting without a contractor's license. Referred to interim committee for study by the Assembly.

***AB 677 (George E. Brown).** Required contractors to keep posted on the job for public inspection, a copy of plans and specifications relating to a construction project; made failure to do so a cause for disciplinary action. Died in Assembly committee.

***AB 701 (Pattee).** Repealed present preference provisions for California manufacturers regarding public purchases. Re-enacted stronger preference provisions for both bidders who furnish material produced or manufactured in this state, and for state contractors in regard to work awarded by the state or its political subdivisions, and materials purchased by such agency. Died in Assembly committee.

***AB 702 (Pattee).** Deleted the provisions prohibiting subletting of work on public projects when no sub-contractor was designated in the original bid of the general contractor, and allowing such subletting under certain conditions in emergencies only. Required the name of a contractor awarded a contract on public works and names of all subcontractors listed to perform work under that contract to be published, not later than the date of issuance of the building permit, in a trade journal published and circulated in the county where the work is to be performed. Passed by the Assembly, and killed in Senate committee.

AB 712 (MacBride). Amends section 3800 of the Labor Code to provide that only fully licensed contractors shall be issued building permits by cities and counties. Chapter 361.

***AB 880 (Kilpatrick).** As amended and enacted, requires cities and counties to file local prevailing rate determinations with the State Department of Industrial Relations. Chapter 1787.

AB 1135 (Samuel R. Geddes). As amended on numerous occasions and passed by the legislature, subjected to Contractor's Licensing Law owner-builder who builds more than one structure with appurtenances on his own land for sale. See also Federation bill ***AB 469**. Pocket-vetoes by the Governor.

***AB 1375 (Burton).** Required person licensed in this state as a contractor to maintain with the Division of Labor Law Enforcement a \$2,500 bond conditioned upon the payment of wages. Referred to interim committee for study by the Assembly.

AB 1760 (Hawkins). Required person, firm, corporation or partnership, contracting to construct, alter or repair a dwelling to furnish other party with a surety bond for faithful performance of contract, and payment to person supplying labor or materials, if construction is \$500 or more. Prohibited such persons or entities from obtaining the signature of contracting party on completion certificate prior to actual completion, or use of certificate prior to completion, to obtain property or credit; made violation a misdemeanor. Referred to interim committee for study by Assembly.

AB 2360 (Hanna). As passed by the Assembly, removed exemption from Contractors Licensing Law of specialty contract work for fabricated installation work valued at more than \$100. Killed in Senate committee.

AB 2894 (Gaffney). As passed by the Assembly, required person licensed as a contractor to maintain with the Division of Labor Law Enforcement a bond, conditioned upon payment of wages, in the amount equal to usual minimum amount underwritten by standard fidelity and bonding insurance carriers, but in no event less than \$2,000 nor more than \$5,000. Referred to interim committee for study on the Senate side.

***ACR 77 (Meyers).** Provides for interim committee study of so-called "suede shoe" operations. Chapter 115.

Bad Bills

AB 2675 (Sumner). Provided that construction of facilities in juvenile forestry camps or juvenile homes ranches or camps not exceeding \$30,000, instead of \$10,000, shall be done by contract. Passed by the Assembly, and stricken from the file on the Senate side.

SB 177 (Johnson). Levee District Law of 1959, providing for the establishment of levee districts for specified purposes. Permits all work to be done under the superintendence of a levee district board without going to bid. Chapter 370.

SB 881 (Thompson). Amends the Santa Clara Flood Control and Water Conservation District Act to provide that construction work valued at over \$3,000 shall be let to bid, but only if the work is not done under the superintendence of the district by force account. Chapter 1004.

SB 1128 (Collier). Removes the present \$10,000 ceiling on the value of construction work for facilities of juvenile forestry camps or juvenile homes, ranches or camps that may be done without going to contract. Chapter 1374.

SB 1324 (Dolwig). Provided that whenever a general contractor has obtained a building permit from a city or county for a particular project therein, no other contractor, including sub-contractors on such projects, is to be required by such city or county to obtain any permit or license in connection with the construction work being performed. Died in Senate committee.

Other Bills

AB 156 (Biddick). As amended on numerous occasions and passed by the legislature, requires, with certain exceptions, that local agencies comply with all applicable building ordinances and zoning ordinances of the county or city in which the local agency is situated. Allows a local agency aggrieved by the application of the zoning ordinance, or the decision of a county or city officer or agency in connection with the ordinance, to appeal to the local planning advisory committee. Allows the State Department of Public Works to delegate to a county or city the functions of the Division of Architecture relating to the inspection of school building construction. Chapter 2110.

AB 582 (Britschgi). Required registration of persons in the cleaning of and disposition of refuse from chemical toilets used on construction sites generally. Passed Assembly and died in Senate committee.

AB 600 (Meyers). Modifies existing provisions of the Contractors Licensing Act relating to an applicant qualifying for a contractor's license; rewrites sections relating to those who may qualify for a partnership or corporation license. Chapter 407.

AB 839 (Winton). Permits State Building Stand-

ards Commission to publish an index to all regulations and statutes relating to building standards, and to advise other state agencies concerned with building standards in order to ensure uniformity of building standards. Eliminates provision that staff assistance shall be furnished to the Commission by other state agencies. Chapter 495.

AB 1280 (Bee). Specifies that a continuing contract not to exceed five years in duration may be entered into by a school district governing board with an accepted vendor or lessor, for apparatus or equipment to be furnished, sold, built, leased, installed, or repaired for the district. Chapter 366.

AB 1290 (Biddick). Authorizes the Department of Public Works to enter into agreements with the United States relating to the construction and maintenance of highways in connection with any facility of the United States, rather than only in connection with the Central Valley project. Chapter 468.

AB 1591 (Backstrand). Established new procedures for bidding by subcontractors. Passed the Assembly and referred to interim committee on the Senate side.

AB 1820 (Hegland). Provides that the district board of directors of a local hospital district may let contracts for work to be done or for materials or supplies without complying with the statutory bidding requirements, if it determines that an emergency exists resulting from a disaster, and such

action is necessary to protect the public health, safety, welfare and property of the people. Chapter 1081.

AB 2178 (O'Connell). Provided for the licensing of operating engineers. Died in Assembly committee.

AB 2588 (Winton). Requires State Fire Marshall to periodically prepare and distribute at cost, lists of materials and equipment and methods of construction and of installation of equipment which are in conformity with fire and panic safety standards provided by regulations. Chapter 1634.

SB 486 (Gibson). Abolishes the Capital Outlay and Savings Fund in the State Treasury, and transfers remaining funds to the General Fund. Chapter 1259.

SB 618 (McCarthy). Requires contractor to post a bond conditioned upon the satisfactory completion of work undertaken pursuant to the Street Opening Act of 1889. Chapter 2095.

In addition to the above measures, a number of bills were enacted and signed into law which make acceptable adjustments in the amount of work which various governmental agencies may undertake without going to bid. These bills include **AB 1079** (Chapter 1024), **AB 1088** (Chapter 1276), **AB 1279** (Chapter 1281), **AB 1825** (Chapter 1096), **AB 2171** (Chapter 913), **AB 2208** (Chapter 1324), and **SB 133** (Chapter 1129).

ELECTIONS

The final chapter in labor's long campaign to undo the harmful effects of cross-filing was written this year by the California legislature in the passage of **AB 118**, an outright repeal measure which was among the top priority items of Governor Brown's legislative program, and of Democrats in control of the legislature. This measure was undoubtedly the most important election bill enacted into law affecting the Elections Code.

Another important measure, **SB 48**, moving the primary closer to the general election, was passed by the legislature but pocket-vetoed by the Governor.

Other significant bills passed by the legislature, listed below, include several items in Governor Brown's program designed to facilitate the use of voting machines and electronic tabulating devices, and to speed up the tabulation of election results.

The so-called "purity of elections" bill containing many reporting provisions which, although well-

intended, would have hamstrung labor COPE type operations on a year-round basis, was again pushed by the Democrats this year. As in previous years, the bill got by the Assembly, but was quickly disposed of in Senate committee.

Another significant measure was **ACA 15**, providing for four-year terms of office for Assemblymen, with half of the offices expiring every two years. This proposed constitutional amendment was adopted by the legislature, and will be before the voters at the 1960 general election. Whether labor will support or oppose the amendment will be de-

terminated at the 1960 convention of the California Labor Federation, when all ballot measures will be passed upon.

Good Bills

AB 74 (Mulford). Makes it a misdemeanor for a candidate for office to imply or mislead voters that he is an incumbent, or acting in the capacity of a public officer. Chapter 235.

AB 92 (Collier). Makes it a misdemeanor to threaten assault or inflict damage on petition circulators and their property, to forcibly steal or take the circulator's petition, to buy or attempt to buy petitions, or to falsely sign or forge a signature to a petition. Makes it a felony for a person to cause another person to subscribe to petitions a fictitious name. Chapter 96.

AB 118 (Munnell). Eliminates cross-filing for partisan offices. Passed Assembly by vote of 49 to 29 and Senate by a vote of 22 to 15. Chapter 284.

AB 220 (Conrad). Provides for absentee voting by person called to service after final day for making application for an absentee voters ballot. Chapter 1159.

AB 290 (Biddick). Makes it unlawful for a candidate to misrepresent that he has the support of a party's county central committee with which he is not affiliated; gives any member of a county central committee authority to commence superior court action to enjoin misrepresentation. Chapter 38.

AB 350 (Crown). Where county supervisors so elect, provides that a state commission on voting machines may prescribe the procedure to be followed in tabulating ballots by means of any type of mechanical, electro-mechanical, or electronic tabulating device. Chapter 358.

AB 534 (Masterson). Provided for arrangement of ballots to permit straight party ticket voting in general elections by marking a specially designated space. Died in Assembly committee.

AB 616 (George E. Brown). Reduces from 3% to 2% the percentage of statewide votes which a party's candidate for state office must poll at the general election to retain the party's right to participate in the direct primary election. Encourages minority parties. Chapter 267.

AB 696 (Elliott). Declared legislature's policy to en-

courage the observance of general election days as a state holiday; required that employees of city, county and public agency be given such holiday. Died in Assembly committee.

AB 1307 and AB 1308 (Crown; co-authored by Senator Cobey). For both primary and general elections, authorizes county election board to omit non-partisan offices and local measures from the ballot, if it determines that the number of candidates and measures to be voted on will result in too large a ballot; in such case, authorizes board to provide for the issuance of a second ballot to voters, containing only non-partisan offices and local measures. Chapters 928 and 808 respectively.

AB 1351 (O'Connell). Made county and municipal offices partisan offices. Died in Assembly committee.

AB 1455 (Lunardi). Provides for issuance of second absentee voter's ballot in cases where first is lost; requires second ballot to specify that it is a felony to vote twice. Chapter 810.

AB 1456 (Lunardi). Permits any voter, who resides more than 10 miles by the most direct route for public travel from the nearest polling place, to vote absentee. Chapter 961.

AB 1503 (Francis). Requires county clerk or registrar of voters, immediately following the cancellation of affidavits of registration, to compile a current list showing the number of voters by party affiliation in each Assembly, Senatorial and Congressional district located in whole or in part within the county; requires list to be made available on request to voters residing within the county. Chapter 1178.

AB 2347 (Johnson). Permitted sale of alcoholic beverages during hours polls are open in a city or county election. Died in Assembly committee.

AB 2520 (Unruh). Provides that in counties which install electronic tabulating devices, polls shall be open from 7 in the morning until 8 at night. Chapter 1905.

AB 2817 (Burton). Requires county clerks to compile and make available to the legislature, such information and statistics as may be necessary for use in connection with reapportionment of legislative districts. Chapter 2010.

ACA 5 (Elliott). Restores right to vote of felon who has served his sentence and completed probation or parole. Chapter 158.

ACA 50 (Meyers). Provided for reapportionment of Assembly and Congressional districts in a more uniform manner, with three Assembly districts to a Congressional district. Died in Assembly committee.

SB 48 (McBride). Changed date of primary election from first Tuesday in June to first Tuesday in August. In presidential years, the presidential primary would continue to be held on the first Tuesday after the first Monday in June. Pocket-vetoed by the Governor.

SB 565 (Cobey; co-authored by Assemblyman Crown). Provides for speeded up reporting of election returns. Chapter 2094.

SB 566 (Cobey). Broadens authority of State Commission on Voting Machines to include vote tabulating devices; changes composition of and spells out procedures on approval of voting machine and vote tabulating devices. Chapter 1585.

SB 1240 (Holmdahl; co-authored by Assemblyman Mulford). Makes it a misdemeanor not to indicate or identify groups or individuals responsible for campaign literature. Specifies that bill does not apply to windshield stickers, or bumper strips, or official ballot pamphlets. Chapter 1764.

Bad Bills

AB 110 (Conrad). Provided for complete re-registration of voters commencing January 1, 1962. Died in Assembly committee.

AB 320 (Winton). So-called Purity of Elections Law, fully applicable to California and local COPEs, as well as campaigns of individual candidates. Drafting of bill was designed to meet the situation of campaign committees of individual candidate, and would have imposed intolerable burdens on COPE organizations. Passed the Assembly by a vote of 72 to 4, and killed in Senate committee.

AB 611 (Charles H. Wilson). Prohibited pre-party endorsements of candidates prior to primary election. Died in Assembly committee.

AB 2368 (Kilpatrick). Provided for open primary. Died in Assembly committee.

SB 372 (Cobey). Provided for a selection of candidates to national primary conventions by the state central committees, instead of by a presidential primary election, and eliminated the provisions pertaining to the presidential primary election. Died in Assembly committee after passage by the Senate by a vote of 21 to 18.

SB 800 (McCarthy). Prohibited pre-primary endorsements by party organizations; also provided for primary elections in September instead of June, with a separate presidential primary. Died on Senate floor.

Other Bills

AB 111 (Luckel). Prohibits identification envelope containing absentee ballot from being opened before being delivered to the canvassing board, and makes other technical changes in this regard. Chapter 29.

AB 195 (Conrad). As introduced, was a bad bill, providing for cancellation of voter registration of individual who voted in the primary, but not in the general election. As passed by the legislature and signed into law, bill is satisfactory in that registration will be cancelled for not voting at general election, only if the individual does not respond to a notice of cancellation, either in person, in writing or on a specially prepared return-postcard within 30 days of receiving notice. Chapter 702.

AB 219 (Conrad). Provides that on ballots designed for electronic vote tabulation, the candidates' names and offices shall be printed in parallel columns at least 2½ inches wide; requires write-in votes cast on such ballots to be marked with a rubber stamp, and provides that the instructions to voters appearing on such ballots shall state that a written vote will not be counted unless it is so marked. Chapter 1158.

AB 236 (Conrad). Presidential voting for a new resident: directs the county clerk to have special blank affidavits of registration for presidential voting by new residents prepared as specified; provides that new residents may register between the 19th day to the 54th day prior to the presidential election; directs new residents to register in the office of the county clerk, but requires that if new resident cannot come into the county clerk's office, he may apply in writing and obtain a blank, then appear before a notary; directs county clerk to keep open to public inspection for four years from the date of election a list of persons who have voted as new residents; provides that after the completion of the official canvass, the county clerk shall cancel all affidavits of registration of new residents and shall prepare a notice to each person registered as a new resident; directs the county clerk to preserve the cancelled affidavits of registration for a period of ten years. Chapter 520.

AB 1002 (Conrad). Provides that a new resident, eligible to vote for president and vice president of the United States, shall register to vote in the manner prescribed in the law pertaining to new resi-

dents, as provided in **AB 236**, rather than in the same manner as persons who meet the residential requirements for voting generally. Chapter 506.

AB 2241 (Bruce F. Allen). Outlawed paid solicitations for signatures on initiative, referendum and recall petitions. Would have outlawed the use of professionals. Passed by Assembly and killed in Senate committee.

AB 2258 (Winton). Prohibited candidate for office of Governor, at either primary or general election, from soliciting or accepting campaign contributions from liquor licensees. Passed Assembly and died in Senate committee.

ACA 15 (Pattee). Increases terms of office of members of the Assembly from two to four years, with one half of members elected every two years. Chapter 237.

SB 607 (Hollister). Provides that electronic technicians, rather than machinists, may be employed

to assist the State Commission on Voting Machines in examining a voting machine, and shall be paid a fee of not more than \$50, rather than \$10 for each day for each electronic technician employed. Chapter 999.

SCA 28 (Holmdahl). Allows the legislature to provide for the election of judges of municipal courts by the electors-at-large of an entire judicial district, or to provide for the election by qualified electors of election districts created within a judicial district in the manner prescribed by the legislature. Chapter 113.

SJR 6 (Cobey). Memorializes Congress to commence proceedings for the repeal of the 22nd Amendment to the U.S. Constitution, limiting the term of office of Presidents. Chapter 162.

EMPLOYMENT AGENCIES, PRIVATE

The 1959 session of the legislature distinguished itself in this area of legislation by the relatively few measures introduced, as compared with previous sessions. Nevertheless, of the few measures introduced, two of them related to the crucial issue of private employment agency abuses; namely, the often exorbitant and unregulated fees charged jobless workers.

The California Labor Federation sponsored ***AB 446**, providing for a 10% fee limit, based on the first month's salary. All of labor's efforts, however, were directed toward another bill, **AB 2796**, introduced later in the session by Assemblyman Augustus F. Hawkins, after it became apparent that the author of the Federation-sponsored measure was not going to take up the bill. The Hawkins measure initially provided for the same 10 percent fee ceiling as in the Federation-sponsored bill, but was increased to 25 percent in order to secure approval of the bill in the Assembly Committee on Industrial Relations over the opposition of private employment agencies.

As the measure went to the floor of the Assembly, it was bitterly contested by the Private Employment Agency Association, which claimed, in effect, that the right to exploit was a matter of freedom of contract. Employment agency representatives descended upon the capital en masse to fight the measure.

Labor's support of the measure, on the other hand, was forcefully brought to the attention of legislators in the Assembly. In its supporting activity, the Federation pointed out to legislators that jobless persons who are unable to find employment often resort to private agencies in desperation. The

agency, in turn, is in a position to extract every dollar they can, because the fee schedule which the agency must post by law in its office is not in any way regulated by the Labor Commissioner. Once the contract is signed by an applicant, the Federation argued, there is no possibility of contesting the fee charged, no matter how exorbitant, so long as it conforms to the posted schedule.

In spite of the soundness of labor's active position, it was soon apparent on the Assembly floor that employment agency representatives who flooded the capital were making headway in their efforts to defeat the bill. Accordingly, the measure was further amended to restrict even the 25 percent fee limit to applicants for jobs paying less than \$400. As so amended, the bill came up for passage, and was defeated by referral to interim committee for study. One of the great disappointments of the session was the vote on the motion of referral to kill the bill. Only 6 Assemblymen voted against referral. The small vote, despite many labor friends in the Assembly, was a clear indication that some internal party bickerings had been allowed to fulminate and obscure an important issue.

Good Bills

Bills marked * were sponsored by the Federation

***AB 446 (Burton).** Established the maximum fee chargeable by a private employment agency at 10 per cent of the amount received by the applicant for employment, based on his first month's salary. Died in Assembly committee, because of failure of author to move the bill.

AB 886 (Unruh). A Department of Industrial Relations bill. Requires an employment agency to pay \$25 filing fee to the Labor Commissioner for issuance of a license. Requires an annual fee, at the time a license is issued or renewed, of \$25 to be paid by each employment agency, including those operating solely as labor contractors, for each branch office the agency maintains. Requires a \$25 filing fee to be paid the Labor Commissioner at the time application for consent to the transfer assignment of a license is made. Chapter 949.

AB 2796 (Hawkins). As introduced, was essentially the same as ***AB 446**. Amended in Assembly committee to increase the maximum fee limit to 25 percent, and later on the Assembly floor, to limit the 25 percent fee to applicants for jobs paying \$400 a month or less. As so amended, was killed on the Assembly floor by referral to interim committee for study.

Bad Bills

SB 1436 (Short). Exempted from employment agencies required to be licensed the following: consultants to management on executive selection; persons seeking employment for persons as teachers or executives in educational institutions exclusively; employment bureaus conducted by an incorporated bar association, hospital, association of registered nurses, or registered medical institutions; and organizations operated under the exclusive control of bona fide non-profit educational, religious, charitable or eleemosynary institutions. Died in Senate committee.

FARM LABOR

The story of legislation affecting farm workers can be summed up in one sentence. No measure designed to benefit exploited farm workers passed the 1959 session of the legislature which was opposed by corporate farmer interests, as effectively represented by the Associated Farmers and also the Farm Bureau Federation, and the overall coordinating Agricultural Council.

The strength of the organized farmer groups was demonstrated over and over again, much to the disappointment of labor, religious and minority groups, such as the Community Service Organization, the National Association for the Advancement of Colored People, the Jewish Labor Committee, and others who joined forces in the formation of the California Citizens Committee for Agricultural Labor, and who had a right to expect some substantial improvement in farm legislation in view of the commitment of the state Democratic party platform to the elevation of farm workers to a level of "parity" with their brothers and sisters in non-agricultural industries. Early evidence of this strength was demonstrated by the ease with which the corporate farmer interests first seriously weakened in the Assembly Governor Brown's minimum wage proposal covering farm workers, and then dumping the bill handily in the Senate Labor Committee.

This story is reported under LABOR CODE CHANGES, GENERAL, as the minimum wage bill, **AB 1223**, had general application.

While the defeat of the minimum wage legislation for farm workers was ample proof of farmer strength, it was not until the representatives of the

"Montgomery Street farmers" took the lead to defeat Governor Brown's union representation and jurisdictional strike bill, embodied in **AB 419**, that the full impact was realized. Although the representation procedures applicable only to intrastate labor relations hardly affected any farmers—save those few who do not hire farm workers and dispose of their entire product by local retail sales, at the market place—the corporate farm groups organized a march on Sacramento that flooded the state capital with both large and small farmers when the bill was heard in Senate Labor Committee, following passage by the Assembly. The tabling of the bill by the Senate Labor Committee was in no small part due to the lead taken by the farm organizations which, in turn, demonstrated not only the real meaning of "Montgomery Street farmers" in their relationship with other employer groups, but also the more frightening prospect of how many dirt farmers were so easily deceived about the application of **AB 419** to agriculture and worked up to the emotional pitch that brought them to Sacramento for the hearing of the bill. (**AB 419** is listed under LABOR UNIONS.)

The 1959 session demonstrated that the center of agricultural strength remained the rurally-dominated state Senate. The final blow dealt the exploited farm worker was when the upper house Committee on Governmental Efficiency refused to approve even a modest proposal to establish an agricultural labor resources committee to study and make recommendations to the legislature on the plight of migratory workers and their families. The proposal was embodied in **SB 1469**, authored by liberal Senator Hugo Fisher from San Diego, who worked diligently to salvage at least a permanent fact-finding body to advise the legislature, out of the bad situation that developed in the Senate. Despite the efforts of the Senator, which at times gave reason for believing that perhaps **SB 1469** had a chance, the bill was quickly dumped by sending it to interim committee for "study of the subject matter of the bill" as soon as the wrecking crew of the big farm organizations arose in a body to oppose the modest measure. It was not even necessary for them to speak publicly against the bill.

Yet, despite all these setbacks, the 1959 general session cannot be written off as a complete failure as far as agricultural labor is concerned. The bills listed below, which were approved with the blessing of the agricultural organizations, are indicative of the less tangible success achieved in once again making the plight of agricultural labor an active issue both in the legislature and before the public. The tacit acceptance by farm organizations of the watered-down resolution in **SJR 19**, calling upon Congress to adopt a minimum wage for agriculture, and its adoption by the legislature, would not have been possible without the success achieved in making agricultural labor an issue. The same, of course, applies to the passage of measures tightening safety standards for farm labor vehicles, reported below, and the passage of a workmen's compensation bill, reported under that section, making insurance coverage compulsory.

Full credit in this regard must go to Governor Edmund G. Brown for his untiring efforts to keep the plight of farm workers an issue before the legislature, and his absolute refusal to back away from any of his proposals when pressured by the "Montgomery Street" farm organizations. Where his own party failed him in the legislature, he is now taking action within the powers that rest with his administration to press his remedial programs for farm

workers, including the announcement that he plans to go ahead with the appointment of an agricultural labor committee within his administration.

Besides the bills listed below, other measures affecting agricultural workers are reported under **LABOR CODE**, **GENERAL**, **LABOR UNIONS**, **WORKMEN'S COMPENSATION**, **UNEMPLOYMENT INSURANCE** and **UNEMPLOYMENT DISABILITY INSURANCE**.

Good Bills

AB 49 (Pattee; co-authored by Senator Farr). As amended eight times and passed by the legislature, establishes safety standards and requirements for the equipment and operation of vehicles used in the transportation of farm laborers; prohibits farm labor contractor or person employed by farm labor contractor from operating a farm labor truck or farm labor bus on a highway, unless he possesses a valid chauffeur's license. Other persons may not operate a farm labor truck or bus unless they are in possession of a valid chauffeur's license also, or an operator's license endorsed by the Department of Motor Vehicles to permit the operation of farm labor vehicles, or are expressly exempted from such licenses. Chapter 679.

AB 887 (Unruh). A Department of Industrial Relations-sponsored bill: adds a \$10 filing fee for the filing of an application for issuance of a farm labor contractor's license; deletes provision that the \$25 license fee shall be paid at the time the license has been issued, leaving it subject to the provision that the fee shall be paid before a license shall be issued. Chapter 950.

AB 1371 (Pattee). Prohibited operation of a farm labor bus or truck unless the operator is in possession of a chauffeur's license. Provisions are included in **AB 49**, enacted into law. Died in committee.

AB 1663 (Burton). Specified that the Director of Employment may, at the request of any interested person, release any information in his possession relating to statements of need for, or authorizations for utilization of foreign workers under federal legislation relating to the supplying of agricultural workers from Mexico. Passed the Assembly by a vote of 54 to 16, and killed in Senate committee.

SB 493 (Montgomery). Requires every farm labor contractor or his employee who operates a bus or truck to transport individuals in connection with business, rather than those regularly operating such

vehicles, to be a licensed chauffeur. Chapter 330. See also **AB 49**, enacted into law.

SB 469 (Fisher). Created the California Agricultural Labor Resources Committee, to be comprised of thirteen persons appointed by the Governor with the advice and consent of the Senate, selected from various specified areas of interest, and two members of the legislature serving and participating as an interim committee; and required the committee to conduct studies and programs on all matters relating to the problems of agricultural labor. Referred to interim committee study by the Senate.

SJR 19 (Farr). As introduced, was a strong resolution outlining the low wage conditions of agricultural labor, and memorializing Congress to enact a national minimum wage law for agricultural workers of the nation. Amended by the Senate to eliminate all language relating to the facts of low wage conditions of agriculture to satisfy farm groups, and as such, was adopted by the legislature. In its weakened form, the resolved portion still calls upon

Congress to enact a national minimum wage law for agricultural workers. Chapter 227.

Other Bills

AB 46 (Pattee). Transferred jurisdiction over labor camps from the Division of Housing in the State Department of Industrial Relations to the State Department of Public Health. Died in committee.

AB 1809 (Dahl). Repeals railway grade crossing stopping requirement provisions relating to motor trucks transporting employees in addition to those riding in the cab and busses transporting employees. Provides, instead, that such vehicles shall stop at railway grade crossings under the same requirements as presently applicable to motor vehicles carrying persons for hire, explosives, or inflammable liquids and school busses. Chapter 1881.

SB 506 (Slattery). Qualified provision requiring toilet facilities in labor camps by referring to "privies" as well as to "water closets." Died in Senate committee.

FIRE FIGHTERS

Among the significant advancements in legislation affecting fire fighters made at the 1959 session of the legislature, the passage and signing into law of Federation-sponsored ***AB 618** was clearly the most important achievement. This measure extends the protection of state law to the right of fire fighters to organize without interference for the purpose of discussing grievances and conditions of employment. Passage of ***AB 618** was the culmination of three legislative sessions and six years of concerted effort in Sacramento. It should be noted also that this measure was the only one of several on the subject matter of organizational rights of public employees that survived the entire gamut of legislative obstacles.

Other measures enacted of importance to fire fighters are reported under WORKMEN'S COMPENSATION and STATE, COUNTY AND MUNICIPAL EMPLOYEES.

Good Bills

Bills marked * were sponsored by the Federation

***AB 618 (McMillan)**. As introduced, added a new section to the Labor Code to provide that neither the state nor any county, political subdivision, incorporated city, town, nor any other municipal corporation shall prohibit, deny or obstruct the right of fire fighters to join any labor organization of their own choice.

As amended and passed by the Assembly, new sections were added and combined under an entirely new chapter 4 in the Labor Code for fire fighters to define fire fighters and specifically provide

that they shall have the right to self-organization, to form, join, or assist labor organizations, to present grievances and recommendations regarding wages, salaries, hours and working conditions to the governing body, and to discuss the same with such governing body through such an organization, but shall not have the right to strike. On the Senate side, another provision was added to spell out that the rights conferred to fire fighters shall not extend to the right to recognize a picket line when fire fighters are in the course of performing their official duties as fire fighters. As so amended, was approved by the Senate by a vote of 23 to 11, after having first been rejected, and then the rejection reconsidered. Assembly passage was by a vote of 62 to 7. Chapter 723.

AB 919 (Bradley). Provided for the establishment of county metropolitan fire protection authorities to improve the efficiency of fire protection service. The measure, initiated and diligently pursued by the affiliated Professional Fire Fighters Union, was amended on four occasions before being rejected on the Assembly floor

as the result of an all-out campaign against the bill by the League of California Cities. In the course of the struggle, the California Labor Federation sent individual letters to Assemblymen urging that the measure be enacted into law. Referred to interim committee for further study.

AB 920 (Bradley). Repeals provisions of the municipal and county Government Code providing for the formation of local fire districts, metropolitan fire protection districts, county fire protection districts, and fire protection districts in one or more counties; substituted therefor a uniform fire protection district law governing the formation of districts. This measure, also vigorously pushed by the affiliated Professional Fire Fighters and supported by the California Labor Federation, was passed by the Assembly by a vote of 42 to 21, but refused passage on the Senate floor.

***AB 1240 (Miller).** Deleted restrictions upon the amounts of money fire protection districts in one or more counties may raise by taxation each year. Died in Assembly committee.

***AB 1243 (Miller).** As amended and enacted, adds a new section to the Government Code to provide that fire fighters should have first choice for the positions to be filled by dissolved or decreased fire districts or departments whenever a fire protection district or city fire department is dissolved, or the area it serves is decreased by reason of consolidation, merger, incorporation or annexation, and the fire protection district or city fire department taking over the duties of the dissolved or decreased districts or department decides to hire additional firemen. Provides also that, as nearly as possible, such employees who are hired shall be given positions with a rank comparable to that which they held in the dissolved or decreased district or department. Prohibits any fire fighter from being hired who is over the mandatory retirement age of the fire protection district or city fire department which is taking over the duties of the dissolved or decreased district or department. Chapter 1813.

***AB 1341 (Dills).** Added a new section to the Government Code dealing with the retirement of safety members who are members of a county retirement system organized under the so-called fixed formula plan; provided that such members would be allowed to retire, if they desired, after completion of 25 years of service at a minimum of 40 per cent of their final compensation. Passed by Assembly and killed in Senate committee.

SB 456 (Regan). Makes it a misdemeanor for any person who, for the purpose of selling firefighting equipment, falsely represents that he is or that he has the approval of any fire marshal, fire inspector, or member of a fire department. Chapter 431.

Bad Bills

AB 1969 (MacBride). Deletes provision forbid-

ding coverage of policemen or firemen under federal Old Age and Survivors' Insurance program. Requires fire fighters to come in as a unit without any division in their separate retirement system. Opposed by fire fighters and California Labor Federation, as provisions modified by bill are those inserted by the fire fighters with the assistance of the Federation two years ago. Request for veto (acknowledged denied). Chapter 1791.

Other Bills

AB 1058 (MacBride). Specified applicable pension determination formulas for safety members of county retirement systems with respect to service performed prior to OASDI coverage and with respect to service subsequent to such coverage. Pocket-vetoed by the Governor.

AB 1132 (Britschgi). Provides a territory not within a fire protection district, which is included within a city by the incorporation of the city after January 1, 1955, may be annexed to the fire protection district which serves such city by resolution of the legislative body of the city declaring the territory annexed to the district. Chapter 1039.

AB 2288 (MacBride). Authorizes local fire district and county fire protection district to enter into mutual aid agreements with other fire protection districts of the United States and agencies thereof, and private firms and corporations manufacturing defense materials or equipment under contract with the United States which maintains full-time fire departments. Chapter 1057.

SB 8 (Short). Permits a housing authority to transfer real property not needed by the authority to a fire protection district for fire protection purposes without consideration, upon a determination that such transfer is necessary or desirable to effectuate the purpose of the authority. Chapter 522.

SB 581 (Stiern; co-authored by Assemblywoman Donahue and Assemblyman Williamson). Permits counties and county fire and police protection districts as well as cities to contract with another such agency for the furnishing of supplementary fire and police protection. Restricts the immunity from liability granted to fire or police forces in such cases to apply only when the forces are operating within the limits of the local agency receiving supplementary protection under such contracts, and while travelling to and from such other local agency. Chapter 437.

FISHING

(See also UNEMPLOYMENT INSURANCE for Federation-sponsored measures extending the partial benefits program for commercial fishermen, and providing for regular unemployment benefits under certain circumstances.)

Good Bills

AB 43 (Pattee). Repealed Fish and Game Code section prohibiting sale, purchase or processing of albacore weighing less than 7 pounds. Passed by Assembly and referred to interim committee for study by Senate.

AB 190 (Pattee). Required the furnishing of a true copy of the receipt given fishermen on the delivery of fish to each person on request whose compensation is based directly on the weight or other information shown on such a receipt. Died in Assembly committee.

AB 298 (Thomas). Eliminated termination date on the provision regarding a privilege tax on packing and reduction licensees receipts of sardines, pacific mackerel, squid, herring and anchovies. Died in Assembly committee.

AB 802 (Davis). As amended and passed, requires Department of Fish and Game to maintain an accounting system which will accumulate costs by regions and districts for each activity or program in which the Department is engaged, to include certain specified programs or activities; requires quarterly reporting and submission of report to the Assembly and Senate Standing Committees on Fish and Game when the legislature is in session, or to the respective interim committees when the legislature is not in session. Chapter 1453.

AB 2003 (Thomas). Authorized the use of bait nets in any ocean district except district 19B to take designated species of fish, including jack and pacific mackerel, for bait or processing, rather than use in all ocean districts except district 20, and for taking designated species in district 19A and -9B, if fish used for bait only. Died in Assembly committee.

SB 378 (Farr). As amended and passed, provides that no sardines, anchovies, mackerel or squid intended for use in any cannery shall be unloaded from any vessel except at a weighing or measuring device approved by the Bureau of Weights and Measures. Requires such products shall be weighed by a public weighing master licensed as an individual under the laws of the state, and a receipt as to such weight to be immediately issued by him to the fishermen at the time of receipt of such products. Urgency measure. Chapter 711.

SB 379 (Farr). Requires making a fourth copy of receipt of sardines, anchovies, mackerel or squid

used or intended to be used in a cannery, which shall be made available by the maker for delivery to an agent authorized in writing by the majority of the persons who participated in the taking of the fish, excluding the fishermen receiving the original copy. Provides the buyer or canner, upon request of such authorized agent, shall notify the agent of the unloading and weighing of such fish, and shall permit such agent to be present at all times during the weighing of such fish. Chapter 992.

AJR 1 (Pattee). Requests Congress and Secretary of Defense to ensure that a public hearing be held prior to closing of an area to fishermen by the federal government, except in extreme urgency, and that such closures be limited to area vital to our national defense. Chapter 177.

AJR 3 (Cusanovich). Requests House of Representatives Merchant Marine and Fisheries Committee to investigate and hold hearings in California on importation of tuna. Chapter 84.

Bad Bills

AB 21 (Thomas). Provided a uniform season from September 1 to December 31 for taking sardines used in a reduction plant or by a packer, rather than a season of from September 1 to December 31 in designated districts south of Port Arguello, and from August 1 to December 31 elsewhere. Would have reduced the employment opportunities of sardine fishermen in Northern California by one month. Died in Assembly committee.

AB 1818 (Coolidge). Prohibited taking sardines for bait or consumption as fresh fish from March 15 to June 30. Required, in determining amount of sardines available for reduction purposes, canning of 960 one-pound oval cans of sardines per ton or equivalent if other size cans used. Amended and died in Assembly committee.

SB 56 (Murdy). Authorized Fish and Game Commission to exercise the same general regulatory power over commercial fishing as it now exercises over sport fishing. Amended several times and killed in Senate committee.

SB 150 (Murdy). As amended and passed by the Senate, by a vote of 31 to 2, set 17,500-ton limitation on anchovies for canning between October 1, 1959 and March 31, 1960, and 35,000-ton limitation for canning between April 1, 1960 and March 31, 1961, thereafter. Provided for termination of anchovy season by Fish and Game Commission on landings reaching tonnage limitations. Refused passage on Assembly floor by a vote of 28 to 44.

Other Bills

AB 71 (Thomas). Extends to June 1, 1961, date after which sardines for designated special purposes may be taken at any time. Urgency measure effective immediately. Chapter 89.

AB 721 (Chapel). Changes described portion of

district 20 in which gill nets will be used to take flying fish for bait. Chapter 114.

AB 763 (Thomas). Authorizes taking sardines, smelt, anchovy, queenfish, and white croaker with a bait net in district 19A for any purpose. Specifically provides sardines taken for canning purposes may be taken only between October 1 and December 31. Chapter 301.

AB 994 (Pattee). Prohibits the use of any artificial light to lure or attract squid in districts 16 and 17, excluding lights necessary for the usual operation of the vessel. Urgency measure taking effect immediately. Chapter 119.

AB 1254 (Hegland). Among other things, eliminates the provision for issuance of duplicate commercial fishing license upon payment of \$3, and provides that not more than one license of the same class shall be issued to, or purchased by a person for the same licensed year, except upon the filing of an affidavit showing the loss or destruction of an unexpired commercial fishing license and payment of the \$3. Chapter 214.

AB 1274 (Belotti). Makes it unlawful for any person to possess any salmon on board any vessel carrying any net within Pacific Ocean waters of the state, except that persons on vessels carrying paranzella nets, beam trawls, and otter trawls may possess salmon taken with hook and line. Eliminates prohibition as it applies to district 12D. Chapter 325.

AB 1881 (Thomas). Pacific Marine Fisheries Compact covering states of Oregon, Washington and Alaska, Hawaii, or any other state having rivers or streams tributary to the Pacific Ocean. Chapter 1316.

AB 2644 (Petrus). Provides for refunds of privilege taxes on fish packers and processors. Chapter 1988.

SB 51 (Brown). Extends general regulatory powers of Fish and Game Commission for two years. Chapter 1568.

SB 343 (Erhart). Extends the privilege tax imposed on commercial fish packers and processors on the purchase, receipt or taking of certain specified fish from December 31, 1959 to December 31, 1961. Chapter 429.

SB 453 (Erhart). Makes the definitions, rules of construction and general provisions of the Fish

and Game Code applicable to all regulations made under the Code. Chapter 994.

SB 573 (Erhart). Prohibits any person possessing or using while fishing any licenses, license tag or license stamp not lawfully issued to him. Chapter 557.

SB 878 (Miller). Creates the California Fish and Seafood Advisory Board, with specified powers. Chapter 1596.

SJR 27 (Erhart). Requests the President of the United States aided by Congress, to bring about a treaty between the United States, Canada, Japan and Russia to properly protect the fish resources of the north Pacific Ocean. Chapter 204.

HARBORS

Good Bills

SB 340 (Coombs and Rodda). Permits the governing board of a river port district to contract for group insurance for officers and employees of the district, to make payroll deductions upon consent of employees for payment of premiums, and to pay portions of the premiums for district funds. Chapter 128.

SB 357 (McAteer). Empowers the San Francisco Harbor Authority to authorize payments to be made into a private fund providing health and welfare benefits for non-permanent harbor employees. Prescribes terms and conditions under which such payments shall be made. Chapter 540.

SB 1201 (Gibson). Increases bar pilotage rates for San Francisco, San Pablo and Suisan Bays from \$6 to \$7.25 per draft foot of vessel's deepest draft. Chapter 1700.

Other Bills

AB 191 (Luckel). Increases maximum number of San Diego Port Pilots from 4 to 6. Makes the pilotage rates now prescribed for vessels laden or unladen solely at San Diego applicable to all vessels subject to pilot fees. Chapter 18.

SB 215 (Dolwig). Specifically provides that harbor districts may acquire, construct, own, operate, control, use or develop harbor works, and incur indebtedness and issue bonds for such purposes. Chapter 530.

SB 265 (McAteer). Exempts from the prohibition against employing non-citizens, persons performing

services for the San Francisco Port Authority outside of the state under personal service agreements to solicit business. Chapter 229.

SB 612 (Gibson). Prohibits the appointment or licensing of a bar pilot if he is over the age of 70, and prohibits any other limitation of age, except that he be over 21. Requires that he have a practical knowledge of the management of motorships and steam vessels, rather than solely in steam vessels. Chapter 476.

HOUSING

Good Bills

AB 644 (Samuel R. Geddes). Required every redevelopment plan to provide that a portion of the redevelopment project shall be used as housing for older persons. Died in Assembly Committee.

AB 645 (Samuel R. Geddes). Authorized establishment of a housing research center to study the housing requirements of the people of the state. Died in Assembly Committee.

AB 1051 (Rees). Provides for a rebate of everything except \$10 where a real estate licensee attempts to negotiate a rental or furnishes rental information and the prospective tenant does not obtain a rental. Chapter 1275.

AB 1052 (Rees). Provides that a copy of the Real Estate Commissioner's public report on a subdivision shall be furnished to a prospective purchaser or lessee of property therein by the owner, subdivider or agent prior to the execution of the purchase or lease contract. Chapter 305.

AB 1056 (Rees). Permits the Real Estate Commissioner to revoke or suspend the license of a real estate licensee, business opportunity licensee or mineral, oil and gas licensee for conduct which constitutes fraud or dishonest dealing. Chapter 1873.

AB 1110 (Masterson). As amended and enacted, provides that whether or not the expenditure of federal funds by a public housing authority is in accordance with the law or contract under which the funds are received, or any applicable federal regulations, shall be matters to be determined exclusively by the Public Housing Authority. Provides for audit of all Public Housing Authority funds not subject to audit by the federal agency. Chapter 945.

AB 1354 (Rees). Revises law relating to the requirement of replacement housing for occupants displaced by redevelopment projects. Chapter 1817.

AB 1810 (Petrus). Provides for special proceedings in superior court to determine the validity of community redevelopment and urban renewal bonds and plans. Chapter 1542.

AB 2146 (DeLotto). Makes provisions of the State Housing Act relating to dwellings applicable in unincorporated areas in any county where board of supervisors, by resolution, finds this necessary to public health and safety. Chapter 1052.

SB 441 (Short). Deleted provisions which provide that the community redevelopment law does not authorize a redevelopment agency to construct or rehabilitate buildings, or to sell, lease grant or donate public property to the Public Housing Authority or any public agency for low rent housing projects. Died in Senate committee.

SB 703 (Short). Removes a number of roadblocks generally used to stall and block redevelopment and urban renewal projects. Contains a section amended into the bill on the Assembly floor which declares state policy against discrimination in community redevelopment and urban renewal projects. Chapter 1102.

SB 802 (Burns). Provided for long-term, low-interest loans of state funds to private individuals and to public and private corporations for the construction, acquisition and development of low cost and low rent housing for elderly persons of low income. Authorized issuance of state bonds as provided for in SCA 10. Died in Senate committee.

SCA 10 (Burns). Provided for the issuance of \$100 million in bonds for housing for the aged as provided in SB 802. Died in Senate committee.

Bad Bills

AB 364 (Hegland). Authorized local imposition of so-called privilege tax that would be the equivalent of a property tax on public housing projects. Died in Assembly committee.

AB 812 (Rumford). Provides that temporary housing projects may be continued in existence for another 10 years. Chapter 269.

AB 2219 (Bradley). Provided for unreasonable owner participation in community redevelopment and urban renewal projects, which could be used to block and stymie any such projects. Died in Assembly committee.

AB 2811 (Bradley). Required redevelopment agency to pay public utilities cost of relocating facilities. Referred to interim committee for study.

Other Bills

AB 211 (Sedgwick). Revises sanitary standards for auto and trailer parks and tent camps. Chapter 337.

AB 1248 (Winton). As amended and enacted, provides that nothing in the law relating to the practice of contractors limits the power of a city and county to regulate the quality and character of installations made by contractors through a system of permits and inspections, which are designed to secure compliance with and aid in the enforcement of applicable state and local building laws, or to enforce local laws necessary for the protection of public health and safety; provides also that nothing shall limit city and county power to adopt a system of permits requiring submission of plans and specifications for installations, prior to commencement of construction; specifically provides that bill shall not be construed to allow cities and counties to regulate qualifications of contractors. Chapter 1403.

AB 1843 (Grant). Provides that any trailer coach which meets the standards prescribed by the Division of Housing shall not be required to comply with any local ordinances prescribing requirements for plumbing, heating and electrical equipment installed in trailer coaches. Chapter 1191.

AB 2246 (Grant). Authorizes Division of Housing to determine and provide by regulation that standards of other states for the plumbing, heating and electrical equipment installed in trailer coaches are at least equal to the standards prescribed by the Division; prescribes that any trailer coach which has been approved by a state listed in such regulations shall be deemed to meet the standards prescribed by the Division, if it determines that the standards of the other state are actually being enforced. Chapter 1328.

SB 1283 (Berry). Revises requirements for gas and water service lines to permit use of lead, brass or plastic lines, or asbestos, cement and copper lines as well as steel and iron lines, and requires that shut-off valve be located outside the structure served where it will be accessible at all times,

rather than in a readily accessible location outside the building. Specifically provides that provisions of bill shall not apply to piping or equipment installed by or under the control or maintenance of a gas or water utility on the supply side of the inlet piping of the structure being served. Chapter 1609.

INDUSTRIAL SAFETY

(See also PUBLIC HEALTH regarding passage of bill regulating radiation hazards, and other specific categories for safety bills relating to listed industries and occupations)

Good Bills

AB 2741 (Gaffney). Established statutory standards for the safety of persons engaged in loading or unloading ships or vessels in regard to hand trucks; handtools; the storage of materials; curbs or rails on docks; wharves or piers in active service for movement of cargo to vessels; the inspection of equipment; dock plates; and the use of internal combustion engines. Passed the Assembly, and killed in Senate committee.

AB 2890 (Gaffney). Required the Division of Industrial Safety to maintain a staff of four maritime safety engineers, who would be subject to the State Civil Service Act. Passed Assembly, and referred to interim committee for study by the Senate.

AB 2891 (Gaffney). Provided that the State Personnel Board shall create, with the guidance of the Department of Industrial Relations, the class of position of Maritime Safety Engineer in the State Civil Service, such engineer to be within the department. Passed the Assembly and referred to interim committee by the Senate.

ACR 138 (Meyers). Requested State Personnel Board to equate salaries of engineers of Division of Industrial Safety with those of comparable general engineering classes. Refused passage on the floor of the Assembly by a vote of 28 to 34.

Other Bills

AB 1572 (Cusanovich). As amended and passed by the legislature, provided that no standard or order of the Division of Industrial Safety relating to airbrake tanks, airbrake pressure tanks, or airbrake reservoirs, used to provide storage of compressed air for brake application or other air-controlled auxiliaries common to automotive vehicles equipped with compressed air, shall be more restrictive than the applicable standards for such tanks as set forth by the Society of Automotive Engineers. Vetoed by the Governor.

INSURANCE

(Including Health and Welfare)

The question of regulating health and welfare trust funds was again one of the major issues in this area of legislation.

Two years ago, with the support of the California Labor Federation, the Rees-Doyle regulatory act was passed by the 1957 legislature. This act, with an automatic expiration date of June 30, 1960, carried with it an appropriation for administration, and was believed by labor to be comprehensive in scope. In the intervening period between passage and the 1959 session, the State Insurance Commissioner adopted rules and regulations together with registration and reporting forms required by law for administration. Over the opposition of organized labor, however, he confined the scope of his rules and regulations to negotiated health and welfare and pension programs which are funded, thereby exempting from application of the Rees-Doyle Act, unilaterally developed programs by employers as well as many so-called "level of benefit" plans. A legislative counsel's opinion obtained by Assemblyman Rees during that rule-making period in support of the Federation's position did not sway the Commissioner in promulgating rules and regulations that narrowed the scope of the Act.

Accordingly, the California Labor Federation sponsored at the 1959 session ***AB 1163**, authored by Assemblyman Rees, to specifically state that the Rees-Doyle Act is applicable to *all* programs, whether negotiated or not. The Federation assumed the position that it was opposed to any extension of the Health and Welfare Supervision Act unless its scope was broadened to reverse the interpretation of the Insurance Commissioner, especially in view of the passage of the federal disclosure law. Assemblyman Rees in turn introduced two other bills: **AB 1164**, repealing the automatic expiration date in the Rees-Doyle Act, and **AB 963**, which would have required health and welfare and pension programs to foot the bill for department examinations, and also to pay fees for registration and filing of various reports.

Following long delay and referral of the bills to Assembly subcommittee of the Finance and Insurance Committee, the examinations fee provisions of **AB 963** were dropped, and the provisions for a modest, one-shot registration filing fee schedule were amended into **AB 1164**, which repealed the termination date of the Rees-Doyle Act. This amended version of **AB 1164**, together with ***AB 1163** in amended form to broaden the scope of the Rees-Doyle Act, were moved through the Assembly in quick order, only to be killed in the Senate Committee on Insurance and Financial Institutions where they were opposed by the State Chamber of Commerce, other employers and certain insurance lobbyists.

The defeat of these bills means that the Rees-Doyle Act will now expire on June 30, 1960, unless interim action is taken by the legislature. Thus the forces who generally argued successfully for the narrow application of the Rees-Doyle Act before the Insurance Commissioner were the same general groups who defeated extension of the law when an attempt was made to broaden the scope as originally intended in the enactment of the Rees-Doyle Act.

Noteworthy of mentioning in summary was the defeat of a Federation-sponsored bill, ***AB 1524** prohibiting the operation of any hospital service program unless its rates have been submitted to and approved by the Insurance Commissioner.

A number of bills enacted into law affecting negotiated group insurance programs are listed below, most of them under the category of "other bills," for purely informational purposes.

Also worthy of noting was the absence at the 1959 legislative session, for the first time in many years, of any bill proposing a comprehensive, state-wide prepaid medical care program.

See also **UNEMPLOYMENT DISABILITY INSURANCE** and **WORKMEN'S COMPENSATION**.

Good Bills

Bills marked * were sponsored by the Federation

AB 305 (George E. Brown). As amended and enacted, raises the life and disability insurance exemptions in the Labor Code for unions and related organizations, with respect to insurance against wage losses, from a maximum of \$3,000 to \$6,000 in the aggregate for any one loss and the transactions connected therewith. Chapter 34.

AB 513 (Masterson). Provided for payment of claimant's attorney fees where insurance company unsuccessfully challenges claim which is not settled within six months and thereafter is judged in favor of the claimant in an amount exceeding the maximum offered by the insurer for the settlement of the claim. Sent to interim committee for study by Assembly.

***AB 1163 (Rees)**. As introduced, specified that all health and welfare programs covering persons employed in the state shall be subject to the Rees-Doyle Health and Welfare Program Supervision Act, whether negotiated or not. As amended and passed by the Assembly by a vote

of 71 to 3, provided for the same extension of scope by defining terms used in the Act, and also made provision for elimination of overlapping jurisdictions over programs between state agencies. Killed in Senate Committee on Insurance and Financial Institutions, along with AB 1164, repealing the expiration date of the Rees-Doyle Act.

***AB 1524 (Beaver).** Provided that no hospital service program can be operated unless its rates have been submitted to and approved by the Insurance Commissioner. Died in Assembly committee. Senate companion, ***SB 100 (Burns)**, died in Senate committee.

AB 1767 (O'Connell). Extended the scope of the Rees-Doyle Health and Welfare Supervision Act to all health and welfare programs, and not only those agreed to through collective bargaining. Dropped in favor of ***AB 1163**.

AB 2291 (Bradley). Excludes trusts created for the purpose of providing for beneficiaries under hospital service contracts, group life or group disability insurance plans, group annuities or any combination thereof, from application of the rule against perpetuities. Chapter 1240.

AB 2535 (Burton). Added non-profit corporations to the enumerated employer groups eligible to obtain group life insurance for their members or employees. Died in Assembly committee.

AB 2642 (McCollister). Provides that restriction on the maximum amount of insurance on any one life where the number of employees covered by the group policy is less than 25, does not apply where the group life insurance is not term, and is a part of the employer's pension plan, qualifying for deduction under the state income tax laws. Chapter 1636.

AB 2723 (Petrus). Provided that no life insurance policy, non-cancellable disability insurance contract, hospital expense or hospital and surgical expense contract shall terminate or lapse by reason of default in payment of any premium, installment or interest during the period of a strike of insurance agents; made related changes. Died on Assembly floor.

SB 1241 (Holmdahl). Provided that every group disability master policy shall contain a provision granting coverage, after retirement, to all employees or members who were under such policy at least five years before retirement. Died in Senate committee.

Bad Bills

AB 963 (Rees). As introduced at the request of the Insurance Commissioner, required the Insurance Commissioner to examine health and welfare programs under the Rees-Doyle Act every five, rather than every three years, and made such examination an expense of the health and

welfare program being examined. Also established a schedule of fees for the registration and filing of financial statements on such programs with the Commissioner, and empowered the Commissioner to assess programs to defray the cost of administration not met by other fees.

As such, the bill was defeated in Assembly committee, except for that portion establishing a registration fee schedule for regulated health and welfare programs, which was amended into **AB 1164**, extending the duration of the Rees-Doyle Act.

The bill was later used in the session for the entirely different purpose of regulating workmen's compensation insurance advisors. In this amended form, it was sent to interim committee for study by the Assembly.

AB 1164 (Rees). As introduced, repealed the June 30, 1960, termination date on the Rees-Doyle Health and Welfare Supervision Act. As such, the bill was carried as "bad," unless the scope of the Act was also extended as proposed in Federation-sponsored ***AB 1163**. As amended, and moved with ***AB 1163**, combined extension of the Act with a modest registration fee schedule amended into the bill from **AB 963**, and a revised provision requiring the Insurance Commissioner to examine health and welfare programs only when he has reason to believe that such program is being operated in a manner contrary to the rights and interests of the beneficiaries, instead of at least every three years. As so amended, passed by the Assembly and killed in Senate committee along with ***AB 1163**.

AB 1525 (Beaver). Placed restrictions upon convertibility of group life policies after termination of employment. Died in Assembly committee.

AB 2836 (Rees). Specified that statutory provisions relating to concerted activities of insurance carriers in establishing and using rates, are intended to authorize insurers to act in concert in connection with all aspects of making rates and related matters. Died in Assembly committee.

Other Bills

AB 770 (Charles H. Wilson). Requires a disability insurance policy to permit the insured to select the services of a duly certified chiroprapist, instead of a physician, if the chiroprapist is authorized by law to perform the particular medical or surgical services covered by the policy. Chapter 138.

AB 1526 (Beaver). Provides that a group life policy may be issued to the trustee of a fund established by an association of employers in the same industry, or an association of such employers and one or more labor unions, if all the members of the association would be eligible for the issuance of such insurance had they not been members. Chapter 457.

AB 1528 (Beaver). In regard to group disability

insurance policies, defines management personnel in various categories which are eligible for participation. Chapter 696.

AB 1530 (O'Connell). Provides for the regulation of trade practices in the business of insurance by defining and providing for the determination of all such policies in this state which constitute unfair methods of competition or unfair or deceptive acts or practices, and by prohibiting the trade practices so defined or determined. Chapter 1737.

AB 1580 (Unruh). Adds a new article to Insurance Code to provide for the regulation of credit life insurance and credit disability insurance. Chapter 1667.

AB 2372 (Masterson). Provided for limited conversion privilege to policyholders of group hospital and surgical expense insurance upon termination of employment; specified that the conversion privilege, if included in group policy, must be available to the surviving spouse with respect to the spouse and such of children as are covered, or to a child solely with respect to himself upon his attaining of the limiting age of coverage while covered as a dependent; specified that the converted policy shall contain certain minimum benefits. Died in Assembly committee.

AB 2448 (Charles H. Wilson). Provides that all disability insurance policies issued after September 18, 1959, shall be construed as if they contain, and all policies issued after January 1, 1962, shall be written to contain provisions regarding selection of medical and surgical services to include a chiropodist, as provided in **AB 770**, enacted into law (see above). Chapter 1248.

AB 2833 (Rees). Regulated the issuance of franchise and wholesale life insurance at special rates; required that the individuals to whom such insurance is made available shall be employees of a common employer or affil-

iated employers, unless the insurance is made available in connection with an indebtedness or a contract of sale; limited total amount per individual to \$50,000. Provided for another form of group life insurance for professional associations or national veterans' associations, under specified conditions. Pocket-vetoed by the Governor.

House Resolution 284 (Cameron). Provides for interim committee study of the subject matter of group insurance plans providing medical and hospital bill insurance coverage, and their relation to the cost of hospital services and medical care in California. Adopted by the Assembly for assignment to appropriate study committee.

SB 266 (Byrne). Provides that provisions of Insurance Code relative to disability insurance policies do not apply to liability insurance policies. Chapter 328.

SB 770 (Grunsky). Provides for a new mortality table in lieu of the 1941 CSO table which is now used for the reserve basis of individual ordinary insurance written in the state. Chapter 938.

SB 807 (Byrne). Provides that where a group disability insurance policy covers members of an association, the insurer may collect, or may assist the policyholder in collecting, premium contributions from the members. If more than 100 members are covered, the policy shall state the insurer's charge for such collection services. Chapter 572.

SB 838 (Thompson). For purposes of eligibility for group life insurance, provides that term "employee" shall include proprietors and partners of an employer which is an individual proprietor or partnership, and the term "employer" includes any self-employed member of a labor union whether or not there are persons employed by him. Chapter 2097.

LABOR CODE CHANGES, GENERAL

Overshadowing all actions in this field of legislative activity, was the defeat of minimum wage legislation proposed by Governor Edmund G. Brown.

The Federation itself introduced two minimum wage bills: ***AB 440** providing for \$1.50 per hour minimum wage within the existing framework of wage and hour regulations, applicable to males as well as women and minors, and ***AB 1421** which would have established the same minimum in a state fair labor standards act, patterned after federal law.

The Federation proposals were necessarily set aside in order to make way for the Governor's pro-

posed minimum wage bill, **AB 1223**, proposing the establishment of a \$1.25 minimum and 95 cents per

hour for learners. The Governor's measure, authored by Assemblyman Hawkins, while making certain reasonable exemptions, contained two important features which (1) applied the proposed minimum to agricultural labor and, in addition, (2) provided for extending to adult males the present authority of the Industrial Welfare Commission to fix minimum wages for women and minors, except in the case of maximum hours, and other conditions of labor of males over 21 years of age.

Although violently opposed by employers generally, and particularly by the hotel and restaurant industry, opposition to the Brown proposal was focused on the efforts of the corporate farmer organizations to defeat any attempt to extend wage protections to exploited farm workers. (See FARM LABOR.)

The strength of these farm organizations in the 1959 legislature was immediately apparent when it was found necessary, in order to get the bill out of committee, to amend **AB 1223** in the Assembly Committee on Industrial Relations to reduce the \$1.25 minimum wage to \$1.00 per hour for agricultural workers. From Industrial Relations, the bill moved to the Ways and Means Committee for financial clearance, where the opportunity was seized by Assembly leaders in the Governor's own party to remove the application of the bill to farm workers altogether.

Technically, the bill was in the Ways and Means Committee only for approval of the financial aspects, which were negligible. Acceptance of the bill as a matter of policy had already been given the Brown measure by the Assembly Committee on Industrial Relations. Yet, with ten Democrats and four Republicans present at the time of the hearing, the lower house Ways and Means Committee voted to dump the state Democratic Party platform, and exclude agricultural workers from the provisions of **AB 1223**. The maneuver was accomplished by voice vote, over opposition of the author of the bill, and apparently without knowledge to the Governor of the action that had been planned.

On the floor of the Assembly, the Governor rallied his forces, and with the assistance of the Federation, secured approval of a 90-cent minimum wage for agricultural labor as a substitute for complete exclusion, and the rejection of a long list of amendments offered on behalf of employer groups generally designed to further emasculate the coverage

and working conditions of the measure. The more important of these amendments are the subject of test roll calls on the minimum wage bill listed in the tabulation attached to the end of this report.

Despite the general success obtained on the Assembly floor in securing the passage of a watered-down minimum wage bill through the Assembly, a serious blow was inflicted prior to approval when Assemblyman Jesse M. Unruh secured adoption of an amendment removing the authority of the Industrial Welfare Commission to increase the minimum wage for adult males above the statutory minimum rates proposed in the bill, where the minimum is found inadequate to supply the necessary cost of living and maintain the health and welfare of workers. The Unruh amendment was consistent with the efforts of the corporate farmer interests to further weaken the protections for agricultural workers short of outright exemption, which they had failed to secure in the Assembly.

On the Senate side, with farmers, the hotel and restaurant industry, and employers generally laying for the Governor's measure, the already watered-down measure was effectively dumped by the upper house Committee on Labor. By voice vote of 4 to 3, the committee sent the measure to interim committee for study. The Governor, despite his efforts to secure enactment of his measure, was unable to revive the defeated bill.

Later in the session, perhaps as a means of soothing their guilt feelings, the dominant group in the Senate Labor Committee which killed **AB 1223** permitted clearance of **SJR 19**, memorializing Congress to enact a national minimum wage for agriculture, which was eventually approved by the legislature itself. (This resolution is reported also under FARM LABOR.)

Apart from the minimum wage issue, the Federation sponsored a large number of bills listed below, affecting the general provisions of the Labor Code. Of these, only the following were enacted into law, in most instances, in modified form: ***AB 142**, providing for a uniform lunch hour in various branches of the logging industries; ***AB 302**, providing employee protections in regard to wage releases required by employers; and ***AB 380**, relating to the collection of health and welfare contributions under collective bargaining agreements.

Other Federation-sponsored bills amending the

Labor Code that were passed are found scattered in other sections of this report as they more appropriately fall into specific categories of legislation. These other sections include FIRE FIGHTERS, CONSTRUCTION AND CONSTRUCTION WORKERS, FARM LABOR, LABOR UNIONS, STATE, COUNTY AND MUNICIPAL EMPLOYEES, and WORKMEN'S COMPENSATION.

Good Bills

Bills marked * were sponsored by the Federation

***AB 142 (Davis).** Provides that the requirement of a one-half hour lunch period between the third and fifth hours of each day's shift in saw mills, shake mills, shingle mills and logging camps, shall also apply to planing mills, veneer mills, plywood plants, or other type of plant or mill which processes or manufacturers any lumber, lumber products, or allied wood products. Chapter 717.

AB 143 (George E. Brown). Prohibited discrimination in the employment of individuals because of their age. Required the Department of Industrial Relations to enforce law and hold hearings. Provided administrative and judicial procedures and remedies. Established penalty for violations. Died in Assembly committee.

***AB 299 (Gaffney).** Required that at any place of employment where 75 or more persons are employed, ambulance facilities should be maintained and provided, capable of transporting the injured person within one hour to a medical facility, or in the absence of such ambulance, to provide adequate medical facilities at the place of employment. Died in Assembly committee.

AB 300 (Gaffney). Provided that no employer may discharge or discriminate against any employee because of a first levy of attachment, garnishment or execution of attachment upon the wages due to such employee from the employer. Provided that in no event may he take any such action without prior investigation, and clear and convincing evidence that the attachment, garnishment, or execution is in good faith and justified. Made violation by employer a misdemeanor. Sent to interim committee for study by Assembly.

***AB 301 (Gaffney).** Increased penalty for wilful failure of employer to make full payment of wages, when due after cessation of employment, to three times the daily rate for a maximum of six calendar months. Died in Assembly committee.

***AB 302 (Gaffney).** Makes it a misdemeanor for an employer to require the execution of any release of any claim or right for wages unless payment thereof has been made, and nullifies, as between employer and employee, any such release violating this provision. Specifies that when any con-

tractor violates such provision, it shall be a cause for disciplinary action. Chapter 1066.

***AB 303 (Gaffney).** Provided that no release executed as a condition of receiving wages shall be valid where payment is made other than in cash, until the check or other document has been honored and paid. Died in Assembly committee.

***AB 380 (Bane).** Provides that it shall be unlawful for an employer, wilfully and with intent to defraud, to fail to make agreed payments to a pension and vacation plan. Chapter 824.

***AB 440 (Burton).** Established minimum wage of \$1.50 per hour for men, women and minors, in any occupation, trade or industry. Prohibited Industrial Welfare Commission from setting minimum wages lower than this amount. Action on this bill deferred in support of Governor's bill, **AB 1223.**

***AB 443 (Burton).** As introduced, required that all employees be allowed time off for service on juries without loss of pay. Amended by author to severely restrict application to employers of 50 or more, with limit on amounts and duration. Died in Assembly committee. (See also **AB 1146.**) Senate companion, ***SB 435 (Teale),** died in Senate committee.

***AB 479 (Elliott).** Provided that where employer requires uniform, the cost of such uniform must be borne by the employer. Amended to exclude situations where cost of such uniform is covered by an agreement between the employer and his employees. Died in Assembly committee.

***AB 680 (Dills).** Required employer to indicate on the wage deduction statement, the period of time worked for each payment of wages, the number of regular and overtime hours worked in such period, the name of employee, the wage rate and premium paid, and the name and address of each employer. Referred to interim committee for study by the Assembly.

***AB 681 (Dills).** Required employer to indicate on wage deduction statement, the period of time covered by each payment of wages, the number of hours worked in such period, the name of the employee, the wage rate and premium paid, the amount paid to health and welfare, pension, vacation, holiday, apprenticeship training, or professional funds or programs, and the name and address of each employer. Referred to interim committee for study by Assembly.

AB 834 (Hanna). Made it a misdemeanor to wilfully ignore a subpoena issued by the Chief of the Division of Industrial Welfare, if the residence of the witness is less than 150 miles from the place of trial. Died in Assembly committee.

AB 877 (Miller). Changes the Division of Labor Law Enforcement's exemption from payment of court costs from one in which the Division brings

the action, to any civil action in which the Division is a party. Chapter 210.

AB 1146 (Williamson). As introduced, provided that all employees shall be allowed time off for service on juries without loss of pay. Amended to restrict application to employers of 10 or more, and to provide compensation for wage loss not to exceed \$20 per day for a period no longer than 30 days. As so amended, was referred to interim committee for study by the Assembly.

AB 1147 (Williamson). Required every common carrier and express company paying its employees by check or draft, to provide facilities for cashing a check or draft; made violation a misdemeanor. Referred to interim committee by Assembly.

***AB 1210 (Petris).** Provided that work done by a public utility company pursuant to order of the Public Utilities Commission or other public authority, is included within the provisions of the Labor Code applicable to public works, and thereby requiring the payment of prevailing wages. Died in Assembly committee.

AB 1223 (Hawkins). Governor's Minimum Wage Bill. As introduced, established a statutory minimum wage of \$1.25 per hour, and 95 cents for learners. Authorized Industrial Welfare Commission to grant permits allowing payment of lower wage to persons handicapped by physical disability, or other specified causes. Extended authority of Commission to fix minimum wage for women and minors to adult men except in the case of maximum hours, and other conditions of labor of males of age of 21 or over. Exempted from statutory minimum wage baby-sitters, voluntary non-profit employees and persons subject to a lawful apprenticeship agreement. Conferred rule-making power on Industrial Welfare Commission with respect to both statutory minimum wages and those fixed by order, and made the existing civil and penal provisions applicable to violations of minimum wage orders of the Commission, applicable also to statutory minimums.

As approved by the Assembly Committee on Industrial Relations, the bill was amended to extend IWC authority to males over 18, instead of 21, to cut agricultural statutory minimum wage from \$1.25 to \$1.00 per hour, and to qualify that exemption from statutory minimum wage does not exempt same from IWC jurisdiction.

As passed by the Assembly by a vote of 44 to 35, the bill was further amended to (1) reduce the \$1.00 minimum rate for agriculture to 90 cents, as a substitute for the Ways and Means Committee proposed amendment to delete agricultural coverage altogether, (2) delete coverage for newsboys and outside salesmen, (3) provide that piece-rate systems in agriculture shall satisfy the 90-cent minimum hourly rate, if under such system 90 per cent of the workers employed realize the minimum of 90 cents per hour, and (4) delete the power of the Industrial Welfare Commission to set minimum wages above the statutory minimum for males. The amendment for a 90-cent minimum rate for agriculture, instead of complete exemption as proposed by Ways and Means, was adopted by a vote of 46 to 30. The weakening amendment deleting the power of the Industrial Welfare Commission to set the

minimum wages for males above the statutory minimum was adopted by a roll call vote of 58 to 19. Among adverse amendments defeated in the course of Assembly consideration, were the following: exempt adult male real estate salesmen, insurance agents, brokers and solicitors; amendments to average piece rates of agricultural workers for purposes of a 90-cent hourly rate; amendments to cut the \$1.25 minimum in the bill for those other than agriculture (already at 90 cents) to \$1.00; and final amendments to insert a modified agricultural exemption.

Killed in Senate Labor Committee by referral to interim committee for study.

***AB 1300 (Unruh).** Prohibited employment discrimination against an otherwise qualified person, solely on the ground of his age. Died in Assembly committee.

***AB 1421 (George E. Brown).** Established a Fair Labor Standards Act with a minimum wage of \$1.25 per hour and a maximum work week of 40 hours for men, women and minors; provided for time-and-a-half pay for overtime, except that work beyond 10 hours shall be paid at double time; authorized Director of Department of Industrial Relations to set higher rates than statutory minimum and a lower maximum number of hours for employees. Action deferred because of precedence given the Governor's minimum wage bill, **AB 1223**. Died in Assembly committee.

AB 1518 (George E. Brown). As passed by the Assembly, authorized the Division of Industrial Welfare, after hearing, by appropriate order, rule or regulation, to require that every common carrier as defined in the Public Utilities Code, maintain adequate facilities for the health and sanitation of its employees at every location where employees are employed or domiciled for the convenience of the employer. Died in Senate committee.

AB 1764 (McMillan). As passed by the Assembly, made it a misdemeanor for an employer to withhold or deduct from the compensation or wages of an employee any amount for loss or damage to the employer's tools or equipment, unless such loss or damage is intentionally caused by the employee. Amended in Senate Labor Committee to define tools as not including money or securities, and then killed in Senate Finance Committee.

AB 1771 (Burton). Authorized the Industrial Welfare Commission to fix minimum wages for males between 18 and 21. Passed Assembly and killed in Senate committee.

AB 2510 (Burton). Specified that discrimination in employment because of sex by an employer, labor organization or employment agency, shall be subject to the same restrictions as set forth in the California Fair Employment Practices law. Died in Assembly committee.

AB 2708 (Luckel). Specified that in any action by the Labor Commissioner on the behalf of any employee for wages, penalties or other demands, the written certificate of the Commissioner that he has reviewed the employee's claim and has found it valid shall be prima facie evidence that the claim is valid. Passed the Assembly and tabled in the Senate.

AB 2878 (O'Connell). Required construction sites to have toilet facilities as prescribed, and required such facilities to be cleaned and disinfected every third working day. Died in Assembly committee.

SB 1364 (Fisher). Specified that collective bargaining contracts containing provisions for arbitration of disputes shall not apply to individual claims of unpaid wages, and that employees shall have the personal right of action to collect unpaid wages before the Labor Commissioner. Contained exception that an individual claim may be submitted to arbitration pursuant to provisions of a collective bargaining agreement, if the individual claim and the employer both agree to so arbitrate. Passed Senate and died in Assembly committee. (See **SB 1365**.)

SB 1365 (Fisher). As passed by the Senate, specified that actions to enforce the provisions of the Labor Code pertaining to the payment of wages in general occupations may be maintained before the Labor Commissioner without regard to the existence of any private agreement to arbitrate. As amended in the Assembly and signed into law, provides that actions to enforce claims for the collection of due and unpaid wages claimed by an individual may be maintained without regard to the existence of any private agreement to arbitrate, but specified that the above provisions shall not apply to claims involving any dispute concerning the interpretation or application of any collective bargaining agreement containing such an arbitration agreement. Chapter 1939.

Bad Bills

AB 604 (Garrigus). Specified that the Department of Industrial Relations shall not have the power to fix the maximum hours of males between 16 and 21 years of age, rather than between 18 and 21; lowered the minimum age to which the provisions regulating the hours of employment of minors apply from 18 to 16 years of age. Amended to restrict application to males engaged in agricultural work or the processing or packing of fruits and vegetables. Sent to interim committee for study by Assembly.

AB 2302 (Bee). Made provision for the exemption of cosmetologists from the women's eight-hour law, when necessary to complete a course of beauty treatment, but not to exceed one hour. Passage refused on Assembly floor by a vote of 24 to 29.

Other Bills

AB 184 (Levering). Extends for two more years the Defense Production Act of 1950 which permits women to work beyond eight hours in defense industries. Chapter 99.

AB 597 (Ernest R. Geddes). Permits the public employment of person who has declared his inten-

tion to become a citizen, or of any native-born woman who has married a non-citizen, in position pertaining to the care or guidance of children in a child care program supported by the state. Chapter 360.

AB 885 (Unruh). Adds new chapter to Labor Code to provide for the licensing of artists' managers by the Labor Commissioner. Chapter 888.

AB 2781 (George E. Brown). Provides that section 204 of the Labor Code which, with certain exceptions, requires twice-monthly payment of wages shall be inapplicable to employees paid on a weekly basis on a regular day designated by the employer in advance of the rendition of services as the regular pay day. Specified a required time of payment of such employees paid on a weekly basis. Chapter 1564.

AB 2839 (Z'berg). Modified provision excepting, from the prohibition against employment of aliens by the state, county or city, any professional person who has declared his intention to become a citizen, by providing that in the state service, for aliens to be employed pursuant to this exception, the State Personnel Board must first find that a shortage of qualified applicants exists, and that it would be to the interest of the state to hire such aliens. Exempted from the prohibition of employment of aliens by public agencies, any non-citizen student by a faculty member or student assistant of state-supported colleges or universities. Pocket-vetted by the Governor.

House Resolution 273 (Bee). Directs interim committee study by an appropriate committee of all facts and circumstances relating to the hiring and employment of minors by tax-exempt institutions which engage in profit-making business activities, and to report recommendations as to the desirability or necessity of legislation in this field. Adopted by the Assembly.

House Resolution 322 (Sedgwick). Authorizes interim committee study by an appropriate committee of the desirability of revising the laws governing maximum hours of work of women so as to permit an employer, during emergency periods, and by permit from an appropriate state agency, to have women employees work 9 hours per day for five days a week, with the ninth hour to be paid for at overtime rates. Adopted by the Assembly.

SB 556 (Farr). Provides that an employer is guilty

of a misdemeanor upon failure to pay wages due, while having the ability to pay, after demand has been made upon him, rather than when payment is demanded from him. Chapter 1358.

SB 971 (Teale). Adds x-ray laboratory technician and licensed vocational nurses in hospitals to list of occupations not subject to the limits of the women's eight-hour law. Chapter 1104.

LABOR UNIONS

The field of labor legislation affecting the body and operation of the trade union movement in California was preempted by the advancement of Governor Brown's so-called "labor reform" and "labor representation" bills, embodied in **SB 209** and **AB 419**, respectively.

AB 419 proposed the establishment of machinery for the determination of union representation rights and the settlement of jurisdictional disputes in intrastate commerce, while repealing the injunctive provisions of the state's anti-labor Jurisdictional Strike Act.

SB 209, on the other hand, proposed the establishment of constitutional requirements for "democratic" procedures in the operation of unions, the regulations of financial transactions of employee and employer representatives, and the imposition of "safeguards" for local unions placed under international trusteeship.

Although developed and proposed independently by the Brown Administration, the Governor consulted representatives of labor and management separately on the general nature of his proposals. These preliminary discussions were informative in nature and in no way committed the Federation to support of the Governor's measures.

Further, it was the understanding of the Federation at these pre-introduction discussions, that the Brown proposals were to be introduced and embodied in one bill. Whatever transpired between these early conferences and the actual introduction of the bills that caused the Governor's proposals to be divided into two parts was unknown to the Federation.

Despite introduction of two measures in the place of one, it remained the understanding of the Federation in its relationships with the Governor's office that **SB 209** and **AB 419** were integral parts of one proposal, and that one would not be enacted without the other.

Conference on Labor Bills

Following introduction of the measures, the Federation immediately called a special conference in San Francisco on February 7, when some 400 representatives from central labor councils, craft councils and International unions met to review

and discuss the Brown bills. The transcript of this conference, together with a tabulated summary of the recommendations and views conveyed to the Federation by labor organizations throughout the state, was presented to the executive council of the Federation when it met in Sacramento, February 13-14 to formulate labor's official position in regard to the Brown measures.

Pursuant to the mandate of the 1958 merger convention, the executive council agreed to take a positive approach to the bills, provided amendments were inserted to correct provisions which strayed from the concept of responsible government intervention, or interfered with the traditional or legitimate functions of trade unions. Accordingly, a long list of amendments were proposed to each bill by the council, which in turn were conveyed to the Governor and substantially amended into his two bills.

Although the Governor did not at any time attempt to establish the need for so-called union reform legislation in California, the Federation nevertheless agreed to accept a carefully drawn measure that would be combined with long overdue improvements in state labor legislation.

Senate Kills AB 419

AB 419, the so-called "labor representation" bill, moved quickly through the Assembly, where all employer attempts to emasculate the measure and remove its limited application to agriculture were defeated. On the Senate side, however, the Associated Farmers, the Farm Bureau Federation, and other reactionary farm and employer groups staged an all-out mobilization effort against the bill, which crowded the capital with misinformed and misled farmers who viewed the measure as an attempt to

force compulsory organization of farm workers. The Senate Labor Committee tabled the bill, thereby killing it for the session.

Following defeat of **AB 419**, it was assumed by organized labor that Governor Brown would drop **SB 209**, the so-called "reform" measure, which at the time had already passed the upper house.

It soon became apparent, however, that regardless of need, the Governor looked upon **SB 209** as a "must" measure, and that he was going to continue to press for its passage irrespective of any understanding which may have existed on labor's part that **SB 209** was to be dropped upon the failure of **AB 419**.

The Governor quickly went to work and secured necessary commitments in the Assembly Committee on Industrial Relations to pass the bill to the lower house floor. Faced with this situation, the Federation in turn successfully pressed the adoption of amendments in committee to incorporate the outright repeal of the Jurisdictional Strike Act, and also the unconstitutional "hot cargo" act, still in the Labor Code.

The repeal provisions were immediately denounced by the Governor, who stated that he would seek removal of the amendments and passage of the bill in the form approved by the Senate, despite his previous commitment to do something about the Jurisdictional Strike Act.

The Federation made it clear that it could not accept a so-called "reform" measure without the enactment of needed constructive legislation in the field of labor-management relations, and accordingly proceeded to mobilize the labor movement to keep the repealer amendments in the bill. Thus, the stage was set for a head-on clash with the Governor's office and his lieutenants in the lower house that was not resolved into a victory for organized labor until the closing minutes of the 1959 session.

With the bill in the Ways and Means Committee for a review of the financial provisions, it was logical that the Governor should attempt to use this committee, under control of Jesse M. Unruh (D., Los Angeles), one of his chief lieutenants, to delete the Federation's amendments and send the bill to the floor. This action, however, was held up until the Governor's tax and water programs and other key Administration proposals had cleared the legislature, so that the Administration forces could con-

centrate on passage of the bill without damage to other pending programs.

Federation Amendments Deleted

Upon first hearing of the bill in the Ways and Means Committee, amendments were immediately approved to delete the repeal of the Jurisdictional Strike Act and the unconstitutional "hot cargo" law, despite the fact that, under Assembly rules, Ways and Means was without authority to make policy changes in a bill that had been approved by another committee. The committee chairman immediately pressed to push the bill out, but upon realizing that the votes were not present, postponed action and set the bill for another hearing.

At this point, the Administration forces sought to divide the labor movement, and apparently secured commitments from a few labor representatives to support the bill with the deletion of certain provisions regarding the filing of financial reports by union officers and other related items in the measure.

Again the measure was called upon for hearing, and the amendments were quickly inserted so that the bill could be sent out to reprint and scheduled for another hearing in Ways and Means. At the time these amendments were adopted, William Munnell (D., Los Angeles), acting as chairman of the Ways and Means Committee, promised that ample opportunity would be given organized labor to present its views on the measure when it was heard again.

SB 209 came up for its final hearing in Ways and Means two days before adjournment. Without a quorum present, or recognition of the rights of fellow committee members or interested parties, the bill was taken up, amended back substantially into the form passed by the Senate, and sent out by the committee chairman on his own action, in total disregard of a chorus of "Noes" voiced by committee members present.

Federation Protest

Because of the methods employed by the chairman, it became necessary for the Federation to protest the committee action to the entire body of the Assembly. The following circular letter was sent to every Assemblyman with copies to the Governor and the press:

"Dear Assemblyman:

"At a time when it is alleged that there is a

need for democracy in unions, the labor movement of this state finds it rather difficult to accept the arrogant, dictatorial, and autocratic manner in which **SB 209**, the so-called union democracy measure, was sent to the floor today by the chairman of the Assembly Ways and Means Committee.

"Despite assurances yesterday by Assemblyman William Munnell, then acting chairman of the Ways and Means Committee, that opponents of **SB 209** would be afforded a hearing on the merits of the bill, Chairman Jesse M. Unruh sent the bill to the floor without a committee quorum, totally disregarding committee members' request for a roll call, and in spite of a chorus of 'no' votes. The Governor's spokesman disdained any comment from any source except his own statement that the bill was out.

"If this is democracy in action, certainly organized labor in this state wants no part of it. Such action would never be tolerated by the members of any labor organization and should be roundly condemned by every citizen in this state. We are informed that the author of this measure was not consulted in this slick maneuver and was totally unfamiliar with the contents of the amendments proposed before the committee. In fact, the author disowned any knowledge of the bill in its present form and the tawdry conduct of the Governor's spokesman in violating every principle of fairness and decency to ram this measure through the legislature. Certainly any measure that cannot survive explanation, let alone opposition, is patently and totally devoid of merit and should be rejected.

"We believe that this gross violation of fundamental democratic principles warrants the bill being defeated or at least being referred back to committee in order to insure trade union members and citizens of the state that an arbitrary chairman shall not ignore the rights and privileges of his fellow legislators and the public. We feel confident that the Governor, when he is made aware of the procedures followed will roundly denounce them.

"We in the labor movement believe in democracy as a means as well as an end. We trust that the members of this legislature hold the

same belief and will take the action necessary to prove it.

C. J. HAGGERTY,
Executive Secretary-Treasurer,
California Labor Federation, AFL-CIO."

Defeat of SB 209

SB 209 came up for final passage by special order at 3:00 p.m. on the last day of the session. In three hours of locked battle with the Governor's office, the Federation secured near unanimous support from Republican Party members in the Assembly (largely, perhaps, because of employer opposition and the opportunity afforded them to make a party issue of the bill), and split the Democrats sufficiently to send the bill to the original Committee on Industrial Relations by a vote of 50 to 28. The referral action killed the bill for the session.

The defeat of **SB 209** was viewed by labor as a necessity in view of the failure of the Governor and the legislature to secure any corrective legislation in the field of labor-management relations. But the defeat was a negative victory.

The state Jurisdictional Strike Act, vicious as it is, remains on the statute books. A Federation bill to repeal this anti-labor law, ***AB 709**, did not move out of Assembly committee because of the precedence given the Governor's revised jurisdictional strike procedures contained in **AB 419**.

The defeat of **AB 419** in the Senate Labor Committee also killed all hopes of establishing democratic machinery for the determination of representation and collective bargaining rights in intra-state commerce. A Federation-sponsored bill to repeal the unconstitutional "Hot Cargo" Act, ***AB 711**, was pushed through the Assembly, only to be killed in the Senate Labor Committee.

Other Bills

The domination of the Governor's bills was so complete that not one measure affecting unions as institutions and their operations was passed. A bill attempting to revise the unconstitutional Hot Cargo and Secondary Boycott Act to make it again legal and effective, **SB 1276**, was introduced, but only as an obvious attempt to counteract the Federation's bill to repeal the unconstitutional act. No attempt was made to move this anti-labor revision bill.

Also introduced was **SB 1034**, designed to curb

picketing activities by requiring that picket signs state whether the employer or the employees of the employer were being picketed. The bill was pushed out of the Senate Labor Committee without an opportunity being afforded the Federation to be heard. But upon protest, the Senate referred the bill back to committee, where it died.

Finally, it should be noted in passing that in regard to organizational and collective bargaining rights of public employees, a number of bills introduced on this subject are reported under STATE, COUNTY AND MUNICIPAL EMPLOYEES. All bills failed with the exception of one declaring the organizational rights of fire fighters, reported under that section.

AB 419 (Miller). Governor's so-called Labor Representation and Jurisdictional Strike bill. As introduced, declared state policy that the majority of workers in a given unit shall have the opportunity to select a collective bargaining agency by majority vote, and that a jurisdictional strike is against public policy and unlawful.

Required Department of Industrial Relations, upon petition filed by a bona fide labor organization claiming to represent a majority of workers in a unit, to investigate such representation claim, and to conduct hearings and elections as are necessary to determine the appropriateness of the unit involved, and whether the majority of workers in such unit desire to be represented by any petitioning bona fide labor organization. Required Department to determine in each case the appropriate bargaining unit for representation by a self-determination election, and further required that the conduct of all elections by the Department shall be by secret ballot. In determining the persons' eligibility to participate in an election, prohibited Department from allowing strike breakers to vote, and required it to recognize the voting rights of strikers who are involved in the unit. After certifying the bona fide labor organization receiving a majority of the votes cast as exclusive representative of the workers in the designated unit, prohibited Department from considering a second representation petition for the conduct of any election in the unit within one year after certification, or until expiration of a collective bargaining agreement, not to exceed two years from the date of execution of such contract. Further, during the period of certification or collective bargaining agreement, prohibited all other organizations from engaging in striking, picketing, or boycotting for the purpose of obtaining a contract, recognition, or members in the designated unit.

Repealed present Jurisdictional Strike Act, and enacted new jurisdictional strike procedures. As distinct from representation, defined a jurisdictional strike as a "concerted refusal to perform work for an employer or any other concerted interference with an employer's operation or business arising out of a controversy between two or more labor organizations as to which has or should have the exclusive right to have its members perform

work for an employer." Permitted employer, workers, or any bona fide labor organization involved in such a jurisdictional strike to petition the Department to determine whether a jurisdictional strike, in fact, exists between bona fide labor organizations. Required petitions to specify name or names of the labor organizations involved and basis of the claims pertaining to such strike. Within 48 hours of receiving petition, required Department to issue a notice of hearing to determine whether a jurisdictional strike exists, or dismiss the petition. If notice of hearing to determine whether a jurisdictional strike exists is issued, during the period the Department has jurisdiction over the case, any concerted refusal to perform work for an employer or any other concerted interference with an employer's operation or business, being undertaken by any labor organization or organizations involved, was required to cease and not be resumed. Three choices were then made available to the labor organizations involved. If the Department determined that a jurisdictional strike did exist, by mutual consent of the labor organizations involved, the subject matter of the strike was required to be submitted (1) for final and binding decision to a tribunal of an organization with which the organizations involved are affiliated, or (2) for final and binding decision to arbitration before a mutually acceptable arbitrator, or (3) for a final and binding decision to the Department of Industrial Relations. Should the labor organizations involved select either of the first two above choices, the Department was divested of its jurisdictional strike powers upon notice to such effect, except power to stop any concerted interference with the employer's operation or business that is undertaken for the purpose of enforcing a jurisdictional claim. In cases where the jurisdictional dispute is submitted to the Department of Industrial Relations for decision, the Department was required, in making its decision, to consider among other factors, jurisdictional and work assignment agreements between labor organizations involved, and any jurisdictional and work assignment standards and rules established by the organizations with which the labor organizations are affiliated, and make a decision that would best promote industrial peace and harmony.

Made provisions of bill exclusive with respect to establishment and determination of all rights, duties and remedies concerning representation and claims to jurisdiction, and provided that nothing shall be deemed to authorize any action in any court or administrative agency of the state, other than as provided in the bill, while reserving the right of any person or organization to maintain proper court action for violation of a written collective bargaining agreement, or for failure to comply with the final decision or order of the Department, pursuant to the provisions of the bill.

Further, subject to the prohibitions and provisions of the bill, prohibited its interpretation or application to restrain, prevent, or interfere with the rights of labor organizations to negotiate terms or conditions of labor or employment with employers, or engage in concerted activities for collective bargaining, solicitation of membership, advertising wages, hours and working conditions, or any other mutual aid protection.

Gave any member of a bona fide labor organization or any employer the right to seek enforcement of the bill by petition to the Department of Industrial Relations. Gave Department, in turn, authority to hold hearings on enforcement petition, and to issue compliance orders, with power of enforcement by court action, while reserving the right of a person or organization aggrieved by a final order of the Department to seek judicial review within 30 days by petition for Writ of Mandate in accordance with the provisions of the Code of Civil Procedure.

Restricted bill to intrastate commerce by providing that any question of representation or jurisdictional dispute subject to the provisions of the Labor-Management Act, or the federal Railway Labor Act shall not be subject to the provisions of the bill. Contained severability clause should any provision of the measure be declared invalid.

As approved by the Assembly Committee on Industrial Relations, contained the following amendments, incorporating the substance of major Federation proposed changes, which:

(1) Restated and broadened the declaration of state policy regarding the right of workers to have "full freedom of association, including the right to organize, to bargain collectively and to designate representatives of their own choosing for the purpose of negotiating the terms and conditions of employment or other mutual aid or protection, and the representative designated or selected for the purpose of collective bargaining by a majority of the workers voting in a given unit shall be the exclusive representative of all the employees in such unit for the purposes of collective bargaining."

(2) Extended the protection of the bill to any organization or association of employers.

(3) Broadened definition of company union to include any organization which is supported directly or indirectly by the employer, and to impose upon independent labor organizations the burden of proof that they are not company dominated.

(4) Clarified that the election procedures in the bill shall apply only where a question of representation exists.

(5) Provided for runoff election where the results of a representation election between two or more organizations does not produce a majority for any one organization.

(6) Provided runoff election where the first election fails to result in a majority vote for any contending labor organization.

(7) Provided re-bargaining period to eliminate contract bar under substantially the same NLRB rule, namely; petition must be filed not earlier than 120 days nor later than 60 days prior to termination of an agreement which has been in existence not longer than two years.

(8) Deleted in various subsections the prohibition against concerted interferences with an employer's operation or business as a basis for a jurisdictional strike and instead prohibited only striking, picketing, boycotting or work stoppage for such purpose.

(9) Excluded Saturday, Sunday and holidays in computing the 48 hours within which the director must issue

his notice of hearing with respect to a jurisdictional strike claim.

(10) Provided that the Department shall assume jurisdiction and decide the jurisdictional dispute if the members do not voluntarily submit to existing machinery or arbitration.

(11) Provided that time within which the members are permitted to act is seven days excluding Saturdays, Sundays and holidays.

(12) Provided that if an employer refuses to comply with the final and binding decision resolving jurisdiction, striking, boycotting or work stoppage may be continued.

(13) Provided an interested labor organization as well as a member of an interested labor organization and only interested employers may seek enforcement of the law by the Department.

On the Assembly floor was further amended to specify that the bill did not apply to public employment, and to remove application to newsboys.

As so amended, passed the Assembly by a roll call vote of 44 to 34, after defeat of a long series of anti-labor amendments, individually voted upon and tabulated as test votes in the roll calls attached to this report, designed to do the following: load the dice against unions in the representation provisions of the bill; broaden jurisdictional strike provisions to include representation matters and insert a hot cargo ban; insert injunction provisions and provide for damage suits against so-called mass picketing and picketing for unlawful purposes; prohibit unions which gained bargaining rights from striking in the negotiation of contracts; restrict the determination of the appropriate unit in a representation election; prohibit strikers from voting in a representation election, and permit strikebreakers to vote for no union; adversely rewrite declaration policy of the bill to accomplish anti-labor purposes; exempt application to farm workers, domestic workers, and hospital employees.

Tabled by Senate Committee on Labor.

SB 209 (Teale). Governor's so-called Labor-Management Reform Bill. As introduced, required the constitution and by-laws of a local labor organization to provide for the following: (1) minimum of 10 regular membership meetings per calendar year; (2) furnishing adequate written notice of time and place of membership meetings; (3) maintenance of membership meeting minutes for inspection of members; (4) reasonable quorum for conduct of business; (5) election of officers and representatives by secret ballot; (6) election of officers and representatives at least every three years; (7) reasonable opportunity for members to nominate candidates for office; (8) reasonable opportunity for member in good standing to vote along with specific written notice of date and time of election; and (9) recall of officers for misconduct along with reasonable procedure for effecting such recall.

Prohibited labor organizations from making any loan, directly or indirectly, to any officer, employee or member of the organization, excepting loans made pursuant to any strike benefit or sick leave program applicable to all members of the labor organization.

Required labor organizations to file with the Department of Industrial Relations (1) copy of its constitution and by-laws, and if no constitution or by-laws, a full report on the governing rules and practices of the labor organization with respect to the conduct of meetings, election of officers, and the handling of organization funds, (2) copy of any amendment to the constitution, by-laws, or governing rules, and (3) an annual financial report, showing assets and liabilities, income and disbursements, the schedule of salaries, allowances and other disbursements to officers or employees.

Required any employer, corporation, or employer association which pays money or anything of value to any person, corporation, organization or consultant for the purpose of influencing employees or their representatives in the collective bargaining process, or in their right to organize, or for the purpose of investigating a labor organization, its members or representatives, to file annual financial reports and statements with the Department of Industrial Relations. Likewise required any person, organization, corporation, consultant, etc. receiving such money or thing of value to file similar annual reports.

Required union officials and employees, other than clerical employees, receiving wages, salaries or other allowances in excess of \$2,500 a year, to file with the Department annual signed reports of (1) any stocks, bonds, securities and other interests, legal and equitable, and any money or thing of value derived directly or indirectly (a) from an employer with which the union negotiates or is seeking recognition, except payments and benefits received as a regular employee, (b) from a firm which does a substantial part of its business with a company with which the union negotiates or is seeking recognition, or (c) from a firm which does business with the union itself, and (2) any payment received directly or indirectly from any person or employer who acts as a labor relations expert, advisor, or consultant to an employer pursuant to an agreement or arrangement by which the employer or employee is to influence or affect employees in their exercise of the right to join and maintain a liberal organization.

Provided that the above reports and documents required to be filed with the Department be confidential, except that they must be made available to members of a filing labor organization upon request, and may be used by the Department for compilation of statistical data, etc., without disclosing the names of the persons or organizations involved.

Made it a misdemeanor (1) for an employer or any person who acts as a labor relations expert or representative of an employer, to give, or lend any money or anything of value to an officer, representative or employee of a labor organization to influence his official actions or decisions, and (2) for any representative, officer, or employee of a labor organization to accept or solicit money or anything else of value from an employer or his representative with the understanding that it will influence his official action, or decisions as representative, officer or employee of the labor organization or welfare fund.

Provided for the regulation of "trusteeships" whereby a labor organization assumes complete control of the

operations of a subordinate labor organization. During the period of trusteeship, made it unlawful to (1) count the votes of delegates from the subordinate body in any parent body convention or election of officers, unless the delegates were chosen by secret ballot vote among all the members in good standing of the subordinate body, and (2) co-mingle the funds or assets of the subordinate body with the funds or assets of the parent labor organization, or to use funds of the local in trusteeship for any purpose other than (a) the expenses of the trusteeship (b) the expenses of the operation and conduct of the affairs of the local and (c) the normal per capita tax and assessment payable by subordinate bodies not in trusteeship. Required parent labor organization, in event of trusteeship, to file a report with the Department of Industrial Relations setting forth the reasons for imposing the trusteeship. Permitted trusteeship to be imposed only in accordance with the constitution or by-laws of the parent organization for a period not to exceed one year, except upon good cause shown to the Department.

Gave Department of Industrial Relations powers to promulgate rules and regulations for the implementation of the above provisions of the bill, and discretion to require verification of any reports required.

Gave union member, labor organization or employer the right to seek enforcement of the provisions of the bill by written petition to the Department in accordance with rules and regulations prescribed by the Department. Required the Department upon receipt of such petition, to properly investigate complaint, and, at its discretion, hold a hearing on the matter, with power to subpoena witness and administer oaths, and to issue orders requiring compliance with the bill upon such terms and conditions as the Department, in its discretion, may deem just and proper.

Provided Department with power to take all proceedings necessary for the enforcement of its decisions and orders.

Gave any person aggrieved by a final decision or order of the Department 30 days to seek judicial review by filing a petition for a Writ of Mandate in accordance with the provisions of the Code of Civil Procedure.

Included severability clause in case any portion of the bill is held invalid.

Finally, provided that any of the bill's provisions subsequently covered by federal law shall become inoperative.

As passed by the Senate by a vote of 30 to 6, contained amendments embracing the bulk of those proposed by the Federation to do the following:

(1) Broaden the definition of "company union" to include any organization supported directly or indirectly by an employer, and place the burden of proof that a non-affiliated union is not company dominated on the independent union.

(2) Provide that the requirements relating to democratic procedure in local union constitutions apply only to union whose jurisdiction is entirely in California, whether or not affiliated with a labor organization.

(3) Revise the union constitution requirements to (a)

eliminate the requirement of 10 regular meetings a year and provide that the local union constitution need only specify the number of meetings, (b) provide that posting or publication is adequate notice of a meeting and elections, (c) substitute the requirement that the union constitution provide for a quorum of members to conduct business for language requiring a reasonable quorum and prohibiting the conducting of business without such quorum, (d) eliminate the requirement of the election of representatives, and provide only that officers and delegates to bodies with which the union is affiliated be elected not less than every three years and by secret ballot, and (e) provide for the removal of officers for misconduct in office and reasonable procedures for effecting such removal, including a trial and hearing with reasonable notice, in place of requirement that constitution provide for recall for misconduct and reasonable procedures for effecting such recall.

(4) Exempt death, welfare, or sick benefit programs and any bona fide credit union program from the ban on union loans of a direct or indirect nature to any union officer, employee or member.

(5) Delete the requirement that the financial report filed by unions include income and disbursements, and provide that books and accounts of the union shall be available for inspection by the membership at the office of the union at reasonable times.

(6) Give Director of Industrial Relations authority to exempt unions from filing requirements for reasons presented to the labor organization and made public so long as the exemption does not interfere with the objectives of the law.

(7) Provide that employer reports to the Department of Industrial Relations shall be made available by the Department or the employer to anyone owning any interest or having membership in the same.

(8) Provide, regarding union officer and employee filings on stock ownerships, that filings on stock ownerships in a business that deals substantially with an employer that is under agreement with the union or is being organized pertain only to stocks that are generally known to fall within this relationship.

(9) Revise federal preemption provision so that the whole bill shall become inoperative to the extent that the subject matter of the bill is regulated, in whole or in part, by the enactment of a federal law.

(10) Revise constitutional requirement on election of officers from at least every three years to four years.

In Assembly committee, following the defeat of AB 419, SB 209 was amended as proposed by the Federation, to repeal the state anti-labor Jurisdictional Strike Act, and the unconstitutional Hot Cargo Act still on the books, and then referred to the Ways and Means Committee which deleted the repealer amendments inserted at the request of the Federation. Amended further by Ways and Means to delete certain provisions regarding the filing of financial reports by union officers, and other related items, in order to secure some labor support for the measure, but failing this, was amended back in substantial form as passed by the Senate and literally pushed out of committee by the chairman to the Assembly floor. Killed on Assembly floor by re-referral back to the Committee on Industrial Relations by vote of 50 to 29.

Good Bills

Bills marked * were sponsored by the Federation

*AB 709 (McMillan). Repealed anti-labor state Jurisdictional Strike Act. Died in committee.

*AB 711 (McMillan). Repealed unconstitutional state Hot Cargo and Secondary Boycott Act, still in the Labor Code. Passed Assembly by a vote of 66 to 3, and killed in Senate committee.

*AB 811 (Rumford). Authorized court to enjoin the improper use of the name of any organization in connection with any election, candidacy of any person, or adoption of any measure, as well as trade or business organizations' names. Died in Assembly committee.

AB 1839 (Burton). Repealed state's anti-labor Jurisdictional Strike Act. Died in Assembly committee.

Bad Bills

SB 1034 (Hollister). Required every picket to carry a sign stating whether the labor dispute was with the employer or his employees. Recommended favorably by committee to Senate floor, which in turn re-referred the bill back to committee, where it died.

SB 1256 (Williams). Revised state unconstitutional Hot Cargo and Secondary Boycott Act in language designed to make it constitutional. Was introduced when Federation bill *AB 711, repealing the unconstitutional act, was awaiting hearing in Senate committee. Died in Senate committee along with the Federation's repealer bill.

LIENS, ATTACHMENTS AND WRITS OF EXECUTION

Good Bills

Bills marked * were sponsored by the Federation

*AB 304 (Gaffney). Provided that execution, garnishment, or attachment of wages or earnings is possible only after final judgment against a judgment debtor. Died in Assembly.

AB 1037 (Hanna). Provides that no attachment may issue unless the sum claimed in the action is at least \$75, rather than \$50. Chapter 1872.

AB 1138 (Biddick). Modifies the provision generally providing that in cases of attachment, the clerk of the court, with whom the complaint is filed,

shall not make public the filing of the complaint or issuance of the attachment until after filing of the return of service of the writ of attachment, by providing that this rule shall apply only if the plaintiff so requested in writing at the time of filing the complaint, and by further providing that, in any event, the court shall make the entire file in the action available for inspection at any time to any party named in the complaint, or to his attorney. Chapter 1073.

AB 1139 (Biddick). Modifies rule that no mechanics' liens bind property for more than 90 days after filing, unless proceedings to enforce same are commenced within that time and a notice of pendency of proceedings is filed, by eliminating the requirement of filing the notice of pendency as a condition of effectiveness of the lien beyond 90 days. Provides, however, that after filing the complaint, plaintiff may file a notice of pendency for record in the appropriate county, as prescribed, and only from the time of such filing shall a purchaser or encumbrancer of the affected property be deemed to have constructive notice of the pendency of the action, and in that event only of its pendency against parties designated by their real names. Chapter 1176.

AB 1547 (Hanna). Allows, in addition to the owner of property sought to be charged with a claim of lien, a contractor named in a claim of lien or whose duty it is under his contract with the owner to keep the property free from liens, or a subcontractor named in the claim of lien by whom claimant was employed to perform labor, or to whom he furnished materials, to file a bond, as specified, freeing the property from the lien. Chapter 1013.

AB 1608 (Burton). Liberalized exemptions from attachment and execution. Died in Assembly committee.

AB 1609 (Burton). Provided that the first \$200 of a person's earnings for personal services rendered at the time within 30 days preceding a levy of attachment or execution, in the case of a single person, and the first \$300 of such earnings in the case of a married person supporting his or her spouse, is exempt from attachment or execution without filing a claim of exemption. Died in Assembly committee.

AB 1612 (Burton). Increased from \$500 to \$1,000 the exemption from attachment and execution that may be claimed for the fishing boat and net owned by a fisherman, and used by him to earn his livelihood. Died in Assembly committee.

AB 1614 (Burton). Increased from \$300 to \$500 the basic exemption from attachment and execution that may be claimed for wages and earnings of seamen, sea-going fishermen, and sealers. Died in Assembly committee.

AB 1616 (Burton). Subject to liability of one-half of the sum, for debts incurred for necessities, permitted claim of exemption from attachment and execution for such monies and other benefits as are attributable to premiums not exceeding \$1,000, rather than \$500, per year, paid on disability or health insurance. Died in Assembly committee.

AB 1617 (Burton). Permits claim of exemption from attachment and execution for one motor vehicle of a value not to exceed \$350, instead of \$250. Chapter 1474.

AB 1756 (Crawford). Exempted from attachment the first \$500 of defendant's earnings, plus one-half of his earnings over that amount, rather than just one-half of his earnings, for personal services during preceding 30 days. Died in Assembly committee.

SB 234 (Farr). Provides for lien to secure payment to persons furnishing labor materials and services in connection with the drilling and operating of a gas or oil well on a leasehold; provides procedure for enforcement of lien. Federation amendment inserted to give priority to labor liens. Chapter 2020.

Bad Bills

AB 568 (MacBride). Provides, with regard to the possessory lien of a person who performs work or renders services or provides care, parking, or safekeeping for personal property, that the excess of the lien over \$200, rather than the excess of the lien over \$100, is invalid if such work, services, care, parking or safekeeping is provided at the request of a person other than the holder of legal title, unless the prescribed written notice is given to the holder of legal title prior to commencing the work, services, care, parking or safekeeping. Chapter 197.

SB 794 (Dolwig). Permitted attachment against worker earnings on default of two successive credit payments, as for example, against household furniture. Passed Senate and killed in Assembly committee.

Other Bills

AB 1153 (Hanna). Provides that whenever wages have been attached, the notice of the debts owned to defendant which must be left with the person owing the wages, must state the provisions of the

Code of Civil Procedure relating to exemptions from attachment for earnings for personal service, and shall state that the debtor, to avail himself of an exemption of more than one-half of his wages earned the preceding 30 days, must file affidavit with the levying officer as provided in the Code section relating to the affidavit that must be filed to secure an exemption. Chapter 1008.

AB 1270 (Hanna). Provides for continuing attachment in effect, after judgment for defendant, when plaintiff makes a timely motion for a new trial or for vacating of judgment, or for judgment notwithstanding the verdict, as well as when he files a timely appeal. Authorizes the court to increase the undertaking to take into account any detriment caused by continuing the attachment. Allows court to increase undertaking on appeal, on defendants motion within 60 days after perfecting the appeal, in such amount as is justified by the detriment reasonably to be anticipated by continuing the attachment. Chapter 833.

SB 814 (Regan). Requires giving of notice describing the nature of a mechanic's lien as a prerequisite to a valid lien. Does not apply to a person under direct contract with an owner, or one performing actual labor for wages. Chapter 2034.

SB 815 (Regan). Provides for stop notices by person suing on a contractor's bond regarding public works for furnishing of labor and materials. Does not apply to a person who performs actual labor for wages. Chapter 1594.

MOTOR VEHICLES

Good Bills

AB 988 (Belotti). Provided that a traffic officer may require the unloading and reloading of an unlawfully loaded vehicle only at such places as will not violate regulations of the Division of Industrial Safety. Died in Assembly committee.

AB 1391 (Biddick). Changes the definition of "contract balance" as used in the provisions dealing with motor vehicle conditional sales contracts to include only the unpaid balance which the buyer originally agrees to pay by instalments, and excludes other amounts for which he may later become obligated under the terms of the contract including the charges for insurance, repairs, for the

preservation of the security interest; makes other changes. Chapter 1466.

AB 2232 (Gaffney). Requires vehicle brakes, together with the component parts thereof, to be maintained in good condition and good working order, rather than requiring only vehicle brakes to be maintained in good working order. Chapter 2183.

AB 2737 (Hegland). Required every truck or truck tractor having three or more axles and every truck or truck tractor with a trailer or semi-trailer, rather than any vehicle or combination of vehicles used to carry persons or property for hire, to display on both sides of each vehicle the name or trademark of the person under whose authority the vehicle is being operated. Passed Assembly, died in Senate committee.

AB 2897 (Meyers). Made it a misdemeanor to operate a motor vehicle business on Sunday. Died in Assembly committee.

AB 2898 (Meyers). Provided for the licensing of vehicle repair shops; prohibited the employment in a repair shop of persons not holding a certificate of completion under any applicable apprenticeship program, or not an apprentice. Provided for issuance of the certificate to persons with four years' experience in automotive repair trades. Died in Assembly committee.

SB 1073 (Miller). Provides that every vehicle using compressed air for actuating the brakes shall be equipped with a safety device approved by the Department of Motor Vehicles which is designed to prevent the loss of air pressure if an air line breaks, or which upon loss of air pressure would automatically apply the brakes. Establishes effective dates of January 1, 1961, or eighteen months after certification of approval of such a device by the Department of Motor Vehicles, whichever is later, and for other vehicles to be January 1, 1960, or six months following certification of approval, whichever is later. Chapter 2189.

Bad Bills

AB 269 (Francis). Provided mandatory chemical tests of vehicle drivers for intoxication. As one of many such bills, referred to interim committee for study.

AB 1962 (Johnson). Among other things, makes it a misdemeanor for the owner or authorized agents of the owner of any vehicle transporting explosives to drive or to permit the driving of such vehicles or for the driver to drive such vehicle upon any public highway not designated in regulations adopted by the state Fire Marshal as a route for

the transportation of explosives, except under certain circumstances. Chapter 1671.

SB 256 (Grunsky). Provided that a bail forfeiture constitutes a conviction for the purpose of maximum penalties applicable to Vehicle Code misdemeanor violations. Died in Senate committee.

SB 257 (Grunsky). Provided for use of unmarked vehicles by California Highway Patrol. Died in Senate committee.

SB 293 (Grunsky). Created a presumption of intoxication upon chemical test readings in accordance with a statutory formula. Died in Senate committee.

Other Bills

AB 27 (Dahl). Establishes absolute speed limit of 65 miles per hour. Provides for authority to decrease 65-mile limit. Chapter 29.

AB 399 (Bradley). Provides that no pupil under the age of 15 years and six months or who is not enrolled in either grades 10, 11 or 12 shall receive automobile driver training after July 1, 1960. Chapter 1864.

AB 468 (Biddick). Permits a county to prohibit, by ordinance, the use of any street, road or highway by any commercial vehicle exceeding a maximum gross weight of 14,000 pounds, if, by accepted engineering standards, the street, road or highway cannot support such vehicle. Chapter 1732.

AB 1043 (MacBride). Provided for the licensing of auto wreckers. Passed the Assembly, died in Senate committee.

AB 1360-65 inclusive and AB 1367 (Charles H. Wilson). Revises and generally raises air brake standards. Chapters 419, 454, 420, 740, 455, 509 and 510 respectively.

AB 1676 (Charles H. Wilson). Authorizes Department of Motor Vehicles to refuse to renew a vehicle salesman's license on the same grounds as would justify a refusal to issue such a license, and provides for a hearing on demand of the applicant subsequent to such refusal. Authorizes the Department to issue temporary and probationary vehicle salesmen's licenses. Chapter 1668.

AB 1712 (Björstrand). Eliminates the exception to the prohibition against driving at such a slow speed as to impede traffic, which applies to trucks and truck and trailer combinations. Authorizes the Department of Public Works to establish minimum

vehicle speed zones on the basis of engineering and traffic surveys. Chapter 1304.

AB 1836 (Busterud). Provides that all automobile bodily injury liability insurance policies shall include provisions for protection of an insured against bodily injuries caused by an uninsured motorist. Allows insurer and insured, by supplemental agreement, to waive application of the uninsured motorist provision if they both so desire. Chapter 817.

AB 2528 (Francis). Makes it a misdemeanor for any person to submit a false bid for the repair of a damaged automobile, or other damaged property with the intent that the bid be used to lead an automobile liability insurer to believe that some other, lower, bid was made in open competition, or that the policy provisions governing bids for the repair of insured property have been complied with in good faith. Chapter 1907.

AB 2541 (Crawford). Provides that a maximum speed of 50 rather than 45, miles per hour shall apply to trucks and truck tractors having three or more axles, or having a trailer or semi-trailer, when on highways of four lanes or more. Chapter 2134.

AB 2706 (MacBride). Provided for the Commission of the Department of California Highway Patrol to require inspections of commercial vehicles at least twice a year, with provisions for official inspection stations which would issue an official inspection sticker. Died in Assembly committee. A similar bill, **SB 1351 (Richards)**, died in Senate committee.

AB 2807 (Miller). Prohibited any person licensed as a manufacturer, transporter, or dealer from engaging in any act connected with the sale or exchange, or offering for sale or exchange, of any vehicle on Sunday. Passed the Assembly, and died in Senate committee.

SB 53 (McCarthy). Requires the Department of Public Works as to state highways, and local authorities as to local highways, to place and maintain official signs directing slow moving traffic to use the right hand traffic lane, except when passing another vehicle, or making a left turn. Chapter 1747.

SB 103 (Gibson). Provides for the construction and financing of separation of grade projects by cities, counties, and separation of grade districts, and permits such authorities, with the approval of the voters, to pledge future state highway user tax and motor vehicle fuel license tax allocations for these projects. Also permits a pledge by a city, with

approval of the voters, of such revenues to district separation of grade projects in districts of which the city is a part. Requires adoption of SCA 1. Chapter 1748.

SB 829 (Collier). Requires vehicle brakes, together with the component parts thereof, to be maintained in good condition and good working order, rather than requiring vehicle brakes to be maintained in good working order. Chapter 675. See also **AB 2232**.

SB 830 (Collier). Raised vehicle air and vacuum brake equipment standards. Pocket-vetoed by the Governor.

SB 1143 (Collier). Provides that officers and employees of safety sections of the Public Utilities Commission shall, in the performance of their official duties, have free access to any part of any train, vessel, or other vehicle of common carriers. Chapter 1033.

SB 1408 (Collier). Authorizes California Highway Patrol to stop and inspect any commercial vehicle to determine whether or not the provisions of the Vehicle Code are being complied with. Chapter 1441.

SB 1464 (Brown). Prohibits operation of public or private ambulance unless either the operator or an attendant on duty possesses a valid first aid certificate. Chapter 1530.

SCA 1 (Gibson). Permits the use of revenues from motor vehicle fuel taxes and motor registration license fees for the payment of local bonds issued to finance grade separation projects. Chapter 256.

OUTDOOR ADVERTISING

Bad Bills

SB 75 (McCarthy). Major outdoor advertising regulatory bill of the session. As introduced, prohibited advertising displays within five hundred feet of freeways and scenic highways, and all such displays when designed to be viewed by persons travelling on such freeways and highways, unless a permit is secured from the Director of Public Works. Exempted advertising displays in incorporated areas, in commercially and industrially zoned areas, and those on the same premises as the activity being advertised. Authorized the issuance of permits for advertising displays within 12 miles of the advertised activity which meet requirements relating to size, spacing

and subject matter. Required permit application to be accompanied by an affidavit of the county planning commission stating that no county zoning regulation would be violated. Provided for application, after one year, to existing advertising displays and advertising displays existing at the time of adoption of future freeways and scenic highways.

Amended on several occasions in committee to, among other things, confine application to scenic highways, removing freeways, liberalizing types of signs permitted, both as to location and relationship to businesses and the size of the outdoor ads and material contained thereon. Also amended to remove requirement that permit be accompanied by an affidavit of county planning commissions stating that the proposed advertising display would not be in violation of county zoning regulations.

As so amended, was sent to the Senate floor where it was stricken from the file, and thereby killed.

Following defeat, Senator McCarthy, as leading author of the measure, called a conference in Sacramento of proponents of outdoor advertising regulation. Announcement was made at that time that an effort will be made to qualify an initiative on the subject for the next general election.

SB 1483 (Murdy). As passed by the Senate, provided that the provisions of the Outdoor Advertising Act do not prohibit the enactment and enforcement of county ordinances regulating outdoor advertising displays, when the ordinances prescribe standards equal to or greater than the state regulations. Killed in Assembly committee.

Other Bills

SB 510 (Christensen). Increases fees for license to engage in the business of outdoor advertising; also raised permit fees for an advertising sign and advertising structure. Chapter 1580.

SB 696 (Burns). Provided for submission of application for outdoor advertising display permits to any county planning commission, if requested by them, for prior approval, as a compliance with the zoning regulations. Authorized displays in zoned areas only in districts where permitted under the applicable county land use or zoning ordinance. Placed certain restrictions on placement of displays in unzoned areas, other than business district as defined by the Vehicle Code. Died in Senate committee.

SB 1233 (McAteer). As passed by the Senate, provided that for purposes of the Outdoor Advertising Act, "advertising structure" includes advertising placed upon the ground by means of whitewash or chalk, and visible by virtue of the slope of the ground, provided that no advertising structure shall have an advertising surface closer than two feet to the ground. Died in Assembly committee.

PRINTING

Good Bills

(See also CONSTRUCTION AND CONSTRUCTION WORKERS and SCHOOLS.)

AB 2493 (Waldie). Permitted governing board of school district to require bidders on printing work to name subcontractors and specify amount of work performed by such subcontractors. Permitted such boards to reject bid of any bidder not approved for apprenticeship training in industry. Died in Assembly committee.

SB 841 (Fisher). Defined "public printing and binding" as all printing, binding and allied printing trades work done for a publication under contract, and paid for out of public funds, except publication of public notices in newspapers of general circulation. Provided that public printing and binding shall be done within the state whenever possible, except when out-of-state bids are 5% below the bids received from in-state bidders. Declared that all workmen so employed shall be paid the prevailing rate of per diem wages, including hourly employer contributions for health and welfare, pension, vacation and similar purposes, the determination of which, upon petition, is reviewed by the Director of Industrial Relations. Prescribed that each contractor and subcontractor must keep a record of each workman's name, occupation and per diem wage. Made violation of any provision of the bill a misdemeanor. Killed in Senate Committee on Governmental Efficiency.

Bad Bills

SB 325 (Gibson). Specified that the wage rate for employees of the state printing plant in Sacramento shall be based on an hourly wage paid to similar employees in the City and County of San Francisco rather than in the City of Sacramento, or if there is no similar and comparable employment in San Francisco, in other localities. Specified that payments to a health and welfare fund for such employees shall be equal to the payments made on behalf of employees in comparable employment in private business in the City and County of San Francisco, rather than in the City of Sacramento. Provided that payments to such health and welfare funds shall not be made to provide any benefits granted directly by the state. Died in Senate committee.

Other Bills

ACR 141 (Hawkins). Directs the joint committee on legislative organization to study and report to the 1960 regular session of the legislature on methods of economizing in legislative printing. Chapter 219.

SB 540 (Christensen). Deletes reference to the specific number of times notice to bidders on county contracts must be published, and incorporates publication provisions of sections 6062 and 6066

of the Government Code, governing the number of times the notices are to be published on county contracts. Chapter 713.

PRISON LABOR

Good Bills

AB 1967 (Charles H. Wilson). Provided that inmates of state institutions shall not be employed in the performance of personal services for the benefit of state officers or employees, except for household or domestic work connected with the institution. Died in Assembly committee.

Other Bills

AB 1203 (Bradley). As amended and enacted, provides that the wilful failure of a prisoner, employed or authorized to secure employment away from the place of confinement pursuant to the Work Furlough Rehabilitation Act, to return to the place of confinement after the expiration of any period during which he is authorized to be away from the place of confinement, is punishable in the same manner as now provided for escape from jail by a person formally charged with or convicted of a misdemeanor. Chapter 1463.

AB 2481 (Kilpatrick). Authorizes Director of Corrections to provide for manufacture of small articles of handiwork by prisoners in the state prisons from raw materials purchased by the prisoners from funds borrowed from the Inmate's Welfare Fund, as well as from the prisoners' own funds, and provides that the articles may be sold in public buildings, at fairs, or on property operated by non-profit associations, as well as in the prison itself. Chapter 1394.

AB 2627 (Kilpatrick). Authorizes board of supervisors to provide for work by county jail prisoners, confined under judgment of conviction for misdemeanors, on firebreaks, fire roads, and riding and hiking trails, as well as on facilities listed in existing law, and provides that such work may be provided "for the benefit of the public" rather than "for the benefit of the county". Chapter 1980.

SB 512 (Short). Provides that the name of the state prison at Soledad shall be "Correctional Training Facility," and authorizes Director of Corrections to designate all or part of this institution to be of the same type and have the same purpose as the Deuel Vocational Institution. Chapter 936.

SB 516 (Arnold). As amended and enacted, changes the name of the California Correctional Facility to the California Conservation Center, and revises statement of primary purpose of the institution. Authorizes the Director of Corrections to establish permanent, temporary and mobile camps to operate in connection with the Conservation Center within a newly created Division of Conservation in the Department of Corrections. Provides that this new Division which operates the California Conservation Center shall have charge of all other institutions in the Department and activities of persons in the custody of the Director relating to conservation work. Authorizes the Department to contract with political subdivisions of the state and local public agencies to furnish labor for conservation and disaster relief work, and specifically provides that inmates and wards may be assigned to perform public conservation projects, including but not limited to, forest fire prevention and control, forest and watershed management, recreational area development, fish and game management, soil conservation and forest watershed vegetation. Makes rules relating to compensation and discipline of inmates in camps established pursuant to Article 5, Chapter 5, Title 1, Part 3 of the Penal Code, applicable also to camps established pursuant to provisions of Code relating to the California Conservation Center. Provides also that Conservation Center shall be situated in the Lassen area, and that the Director shall establish one branch in the Tuolumne area, and another in the Mono area, as well as such additional branches as may be necessary. Chapter 1583.

PUBLIC HEALTH

Good Bills

AB 66 (McCollister). Required all chicken poultry meat and packages sold at retail to be marked or tagged to indicate the state in which grown, and the preservative drugs, if any, used to preserve the poultry. Refused passage on the Assembly floor by a vote of 32 to 40.

AB 413 (Chapel). Prohibits any person from operating any vehicle transporting radioactive materials unless at the time of such transportation, there is displayed upon each side and the rear of the exterior of the vehicle, a sign specifying "radioactive materials"; exempts the transportation of radioactive materials if so exempted by regulation

adopted by the state Fire Marshal. Authorizes state Fire Marshal to adopt reasonable regulations to promote safe transportation of radioactive material, but in no event may such regulations be more restrictive than those of the ICC. Chapter 1810.

AB 708 (George E. Brown). Prohibits sale of toys painted with poisonous paint. Chapter 899.

AB 879 (Kilpatrick). Prohibits operation of x-ray machines by other than licensed personnel. Chapter 362.

AB 1368 (Rumford). Requires state Department of Public Health, before February 1, 1960, to develop and publish standards for the quality of air in this state, so as to reflect the relationship between the intensity and composition of air pollution with the health, illness and death of human beings. Chapter 835.

AB 1403 (Johnson). Establishes in the office of the Governor the position of Coordinator of Atomic Energy Development and Radiation Protection for the purpose of coordinating the activities of state agencies relating to atomic energy development and radiation protection; does not hamper industrial safety authority of Division of Industrial Safety. Creates a departmental coordinating committee on atomic energy development and radiation protection to assist the coordinator. Establishes an advisory council on atomic energy development and radiation protection, with labor representation, to be appointed by the Governor to advise him on matters relative to atomic energy development and radiation protection. Makes it unlawful to manufacture, construct, produce, transfer, acquire, use or possess any materials or facilities for which a permit or license is required by the Federal Atomic Energy Act of 1954 without first obtaining such a permit or license. Requires any person possessing a source of radiation to register with the Department of Public Health. Chapter 1819.

AB 1404 (Johnson). Appropriates \$32,000 for administration of AB 1403 during current fiscal year. Chapter 1820.

AB 1555 (McCollister). Provides that only eggs grown and raised in the state may be sold as such. Chapter 836.

AB 2321 (Crown). Provided for the licensing of dental technicians. Died in Assembly committee.

AB 2813 (Garrigus). Prohibits sale or offering for sale poultry meat which contains added moisture in excess of 4% by weight, or in excess of such greater amount as may be established by regulations of the Department of Agriculture; makes violation a misdemeanor. Provides that the rules and regulations adopted by the Director of Agriculture in administration of the bill shall be, insofar as possible, similar to and consistent with regulations adopted by the U. S. Department of Agriculture. Chapter 2009.

AB 2904 (Meyers). Makes \$213,000 appropriation for studies and investigations of pollution in the Sacramento River and the San Francisco Bay Area, in accordance with a specified schedule. Chapter 1909.

AJR 4 (Rees). Requests Congress to authorize further appropriations for air pollution control. Chapter 44.

AJR 5 (Rees). Requests Congress to enact legislation amending the federal Air Pollution Control Law to expand its provisions. Chapter 45.

AJR 15 (Johnson). Memorializes Congress to pass legislation to clarify the jurisdiction of the state with regard to the protection of the health and safety of the public from radiation hazards incident to the possession and use of facilities or materials licensed by the Atomic Energy Commission under provisions of the Atomic Energy Act of 1954. Chapter 138.

SB 117 (Richards). Requires state Director of Public Health to determine by February 1, 1960 the maximum allowable standards of emission of exhaust contaminants from motor vehicles which are compatible with public health, including prevention of irritation of the senses; requires public hearings before adoption of standards and publication of such hearings. Chapter 200.

SB 137 (Byrne). Strengthens Poultry Inspection Law by broadening definition of "poultry meat" and "poultry plant," and makes various technical changes. Chapter 387.

SB 194 (Thompson). Creates a Cancer Advisory Council and provides for the regulation and control of the diagnosis, treatment and cure of cancer. Chapter 789.

SB 243 (Byrne). Permits plant quarantine officers at plant quarantine inspection stations to ascertain the origin, quantity, and kinds of meat and meat products transported into the state through such stations. Chapter 793.

SB 267 (Thompson). Appropriates \$39,000 for the administration of SB 194. Chapter 2021.

SB 391 (Thompson). Makes it unlawful to keep or display any perishable canned meats, canned meat products, and packaged processed fresh foods which will support the growth of pathogenic micro-organisms at a temperature exceeding 50° Fahrenheit; requires such packaged foods to be labeled conspicuously "perishable, keep refrigerated." In regard to the definition of adulterated foods, provides that striated muscle in chopped or ground beef or hamburger would be adulteration if it is not "voluntary" striated muscle. Chapter 1574.

SB 393 (Thompson). Expands definition of "meat or meat products" as used in the provisions regarding canneries, to include any poultry or poultry product not subject to inspection by the state Department of Agriculture, the U. S. Department of Agriculture, or an approved municipal inspection department or establishment. Chapter 1350.

SB 795 (Dolwig). Provided that present 50 per cent subvention to localities for community mental health services applied until the amount expended from local funds exceeded an amount equal to one-half cent on each \$100 assessed valuation; thereafter, provided that each city and county shall be paid 75 per cent of the amount expended from local funds in excess of one-half for each \$100 assessed valuation. Pocket-vetoed by the Governor.

SB 865 (Holmdahl). Permits municipal utility districts to fluoridate water if agreed to by the voters. Establishes procedure for vote. Chapter 1152.

SB 1298 (Stiern). Provides that persons engaged in the preparation of egg products for resale or manufacturing, who are not required to obtain a license for such preparation, shall register with the state Department of Public Health. Chapter 1434.

Bad Bills

AB 1463 (Bradley). Prohibited fluoridation of water. Died in Assembly inactive file.

AB 1627 (Rumford). Prohibited any person licensed

under the state Medical Practices Act from advertising prices, charges or fees, etc., for any community or commodities sold by such licensed person, or any service or service performed. Amendment provided, however, that provisions of bill did not apply to the furnishing of information regarding benefits available and charges therefor under the coverage of any hospital or medical service or insurance plan. Pocket-vetoed by the Governor.

AB 1833 (Chapel) Established a radiological safety agency with a technical council, and provided that no regulation of any state agency, including the state Division of Industrial Safety, regarding atomic energy, radioactive materials and radiation equipment shall become effective until approved by the technical council. Referred to interim committee for study by the Assembly.

AB 2029 (Grant). Weakened standards on venting of gas heaters. Referred to interim committee study by the Assembly.

AB 2077 (Winton). Authorized the Director of Agriculture to designate the minimum markup to be applicable to the retail sales price of poultry and poultry meat; prohibited the retail sale of poultry and poultry meat at less than actual cost plus such markup, and made such sale a misdemeanor. Refused passage on Assembly floor by a vote of 17 to 42.

AB 2237 (Lowrey). Removes retailers, hotels, restaurants and other eating places from licensing requirements for cold storage meat, and limits such requirements to importers and wholesalers. Chapter 1404.

SB 1245 (Donnelly). Defined "blood" in eggs as meaning only the presence of blood diffused into the white, rather than the presence also of blood rings, or blood veins due to embryo development. Defined inedible eggs as including eggs containing blood rings, or blood veins due to embryo development. Provided that eggs with shells cracked and exuding contents shall not be considered inedible unless otherwise unfit for human consumption. Pocket-vetoed by the Governor.

Other Bills

AB 11 (Levering). Deletes provision limiting temporary practice of physical therapy to those graduates of approved schools who take first examination for registration as physical therapists occurring after graduation. Chapter 10.

AB 34 (McCollister). Extends for four years, the exemption of New York dressed fowl from provisions requiring the marking, inspection and classi-

fying of poultry carcasses, and the marking of poultry meat containers. Chapter 130.

AB 181 (Rumford). Extends for two years the power of the Board of Nurse Examiners to issue temporary permits to practice nursing to applicants licensed in another state; also extends validity of such permits for two years. Chapter 91.

AB 583 (House). Provides that eggs with shells cracked to the extent of exuding contents are not inedible, unless the exuded portion is moldy, decomposed, putrid, or otherwise unfit for human consumption. Prohibits tolerances in grading of eggs for cracked eggs exuding contents to the outside surface. Makes it unlawful to sell C grade eggs to restaurants, institutions or labor camps. Chapter 443.

AB 992 (Rumford). Requires California State Board of Pharmacy to adopt rules of professional conduct for pharmacies; prohibits bill from being construed as authorizing the Board to adopt rules of professional conduct regarding price fixing or advertising of commodities. Chapter 449.

AB 993 (Rumford). Defines a pharmacy as including every store or shop where drugs are dispensed, or prescriptions compounded, or which advertises as a pharmacy, rather than as including every store, shop or other place where such activities occur. Chapter 272.

AB 1253 (Hegland). Provides that the \$25 license fee for frozen food locker plant does not apply where the only service is that, for compensation, directly or indirectly, meat or meat products are cut, wrapped, and frozen in an establishment to be delivered for frozen storage by the ultimate consumer; requires that prior to delivery to the consumer, all meat shall be sharp frozen at a temperature of —10° Fahrenheit in still air, or 0° Fahrenheit in blast air, but provides that such sharp freezing requirement does not apply to the sale of retail cuts of meat. Chapter 1625.

AB 2440 (Cunningham). Makes the prescribing of dangerous drugs without either a prior examination of patient, or medical indication thereof, unprofessional conduct within the meaning of the Medical Practices Act. Chapter 1247.

AB 2662 (Rees; co-authored by Senator Richards). Prohibited the registration of new vehicles after January 1, 1961, and other vehicles after January 1, 1962, in the name of any person residing in an air pollution district,

unless there is filed with the Department of Motor Vehicles a certification that the exhaust system and muffler comply with standards of the Department of Public Health; established a motor vehicle exhaust laboratory for testing control devices; provided for establishment of inspection stations in air pollution control districts. Died in Senate committee after passage by Assembly.

AB 2725 (Busterud). Authorized state Board of Public Health to adopt and enforce rules and regulations regarding the sale of meat or meat preparations represented to be kosher; made violation of such rules and regulations a misdemeanor. Referred to interim committee for study by Assembly.

AB 2768 (Masterson). Provided for licensing of x-ray technicians by a board of x-ray technician examiners; prohibiting a person from practicing as an x-ray technician unless he has a license. Referred to interim committee for study by Assembly.

AB 2828 (Samuel R. Geddes). Permits construction and installation for operation of licensed blind persons, of snack bars and cafeterias, in addition to vending stands, in buildings owned or occupied by the state. Chapter 2014.

AB 2872 (Rumford). Similar to **AB 2662**, but in addition required state Director of Public Health to establish areas in the state in which he finds that the pollution of the atmosphere is detrimental to the public peace, health, safety and welfare, and which do not have an established and functioning air pollution control district. Passed Assembly, and died in Senate committee.

SB 338 (Burns). Provides state legislation within the Department of Public Health, for controlling the use of additives in food in intrastate commerce, to correspond to the 1958 Food Additives Amendment to the federal Food, Drug and Cosmetics Act. Chapter 1349.

SB 467 (Holmdahl). Changes name of "clinical laboratory technologist" and "clinical laboratory technician" to correspond with names used in other sections relating to such persons; provides that licenses issued pursuant to the law relating to clinical laboratory technology may be revoked or suspended for violating such law. Chapter 554.

SB 481 (Gibson). Revises fee schedule for issuance of license and renewal thereof relating to practice of nursing. Chapter 1578.

SB 644 (Cobey; co-authored by Assemblyman De Lotto and others). Creates San Joaquin Valley Air Pollution Control District, setting forth its organization, powers, and duties, all relating to the control of air pollution. Chapter 1915.

SB 732 (Thompson). Provides for the certification and regulation of psychiatric technicians by the Board of Vocational Nursing Examiners. Chapter 1851.

SB 812 (Gibson). Provides for the expiration of interim nursing permits upon failure to pass examination. Chapter 190.

SB 1239 (Gibson). Authorized physical therapy examining committee to waive examination for license if applicant is registered with the Board of Medical Examiners as a physical therapist, and has passed the examination required for such registration. Chapter 1218.

SB 1288 (O'Sullivan). Provides that cattle owned by the producer which are slaughtered for his consumption may be transported to any licensed frozen food locker plant to be skinned, split and quartered by the operators of such plant; provides that such skinning, splitting and quartering at the frozen food locker plant does not require a slaughterer's license, and that such frozen food locker shall not be subject to inspection service. Requires plant operator to maintain a record of every transaction involving uninspected meat for a period of five years, showing the name of the producer and the number of carcasses delivered by the producer. Chapter 1433.

SB 1384 (Richards). Provided for a tax on vehicles not equipped with anti-smog device after 1962. Sent to interim committee for study by Senate.

RAILROAD WORKERS

Good Bills

AB 1244 (Dills). Required as a condition to an authorization by the Public Utilities Commission for the discontinuance of operation of a railroad line in whole or in part, that the Commission require a fair arrangement to protect the interests of railroad employees affected. Died in Assembly committee.

AB 1689 (George E. Brown). Required railroad corporations to provide shelters over railroad repair tracks to protect employees from the elements. Died in Assembly committee.

AB 2608 (Beaver). Specified that a trainman will not be considered as having been off duty at any off-duty point other than his home terminal for the purpose of Labor Code provisions requiring such off duty, unless he is furnished, or provided with money to obtain a suit-

able place to rest and adequate meals. Died in Assembly committee.

AB 2686 (Z'berg). Required rail track motor cars to be equipped with a canopy or top to protect the occupants from the elements. Died in Assembly committee.

AB 2784 (George E. Brown). Required posting of approach signs with proper night time lighting in connection with railroad yard maintenance and repair job sites, and required use of other warning and safety precautions, making violations a misdemeanor. Required installation of locker rooms, toilet and drinking water facilities at or near job sites. Died in Assembly committee.

SB 856 (Short). Required railroads operating in the state, and maintaining repair shops in the state, to repair defective cars, locomotives or other mobile equipment at such shops, unless such equipment is closer to the out-of-state shop; prohibited a railroad from moving such defective equipment past a repair shop, but made an exception in the case of equipment moved for the purpose of retirement from service or scrapping. Died in Senate committee.

SB 857 (Miller). Provides that the Public Utilities Commission shall enforce the provisions of the Labor Code chapter relating to the operating personnel of railroads. Chapter 2187.

858 (Miller). Prohibited operation of passenger trains longer than 1,200 feet, and freight trains longer than 4,000 feet; permitted the Public Utilities Commission to make exceptions except under certain conditions. Died in Senate committee.

SB 904 (Short). Required cabooses to be equipped with interior lighting and electrical and other type markers. Passed the Senate and killed in Assembly committee.

SB 944 (Miller). As amended and passed by the legislature, requires diesel locomotives to have one engineer and one fireman. Makes provision of full crew sections of Labor Code inapplicable to diesel locomotive weighing 45 tons or less. Chapter 2188.

SB 1413 (Short). Required locomotives to be equipped with toilet facilities. Died in Senate committee.

SJR 5 (Collier). Protested the proposal of the Southern Pacific Company to curtail daily service of Shasta Daylight Train. Passed in Senate and died in Assembly committee.

Bad Bills

AB 1549 (Reagan). Specified that no baggage man is necessary on a train upon which baggage was hauled under seal. Died in Assembly committee.

SCHOOLS (Including Teachers)

The 1959 session of the legislature, in regard to legislation affecting the state school system and teachers, produced a number of substantial accomplishments, but at the same time left behind it a number of disappointments.

Major accomplishment of the session was the passage of **AB 1000**, providing for a \$26 million increase in state subventions in the face of an exceedingly tight budget situation. Although the measure was trimmed from the more than \$50 million increase recommended by the Department of Education (to correspond with appropriation allotments made in the Governor's budget), the enactment of the increase was a substantial achievement. Of equal significance is the distribution of the increased subventions primarily as equalization aid for needy districts, rather than across the board increases in basic aid for wealthy districts least in need of state subventions. **AB 1000** also retains adult education support at its present levels, despite the serious efforts which were made to cut state support for adult education.

Following passage of **AB 1000**, it was possible in the closing days of the session to increase the minimum salaries for teachers from the present

\$4,200 to \$4,500. This modest increase, although substantially below the \$5,200 supported by organized labor, is embodied in **AB 1008**.

These achievements and others listed below, however, were not sufficient to obscure a number of major disappointments of the session in regard to teacher protections and tenure rights. In this area of legislation, where teacher hopes had been built up by the liberal victory of the 1958 elections, the session was almost a complete failure. AFL-CIO Teachers Union-sponsored measures to extend teacher tenure rights to small districts, and to apply present protections for probationary teachers, now restricted to San Francisco, Los Angeles and San Diego, to all districts regardless of size

(embodied in **AB 807** and **SB 899** respectively), were rejected by the legislature, although the measures progressed further than in previous sessions. Again in this session, as in the past, at least part of the responsibility for their defeat must be placed on the doorstep of the administrator-dominated California Teachers Association, which made it one of its primary objectives during the session to block any legislation, regardless of its merits, that was sponsored by the AFL-CIO classroom teachers' organization. The defeat of these measures was a demonstration of the effectiveness of the combined CTA-administrator group lobby in influencing many so-called liberal legislators to vote against long overdue tenure and probationary teacher protection liberalization bills. The CTA itself, in fighting labor-sponsored measures, advanced its own compromise bills, which also got caught in the same trap laid by them with administrators for the AFL-CIO teacher-sponsored bills.

The combined lobby also succeeded in killing **AB 1162**, which merely declared state policy that teachers shall have the right to join an organization of their own choice without interference on the part of administrators and school board members.

Yet, despite these defeats, progress was made at least in pointing up to legislators the real difference that exists in the type of representation which teachers can expect, on the one hand, through so-called professional organizations, and on the other hand, through a professional union, composed of classroom teachers.

Good Bills

AB 51 (Pattee). Provided for state impact aid, in lieu of taxes, similar to federal impact aid to school districts. Died in Assembly committee.

AB 218 (Collier). Provides an assessment equalization formula for purposes of school apportionments. Prohibits school districts from obtaining an unjust amount of state aid by county under-assessing property. Chapter 1786. Another bill, **AB 2674** (see TAXES) approaches the problem by providing machinery for inter-county equalization of assessment practices.

AB 358 (Elliott). As introduced, provided for a 60-minute duty-free lunch period for teachers. As amended and passed by the Assembly, declares state policy to encourage school districts to provide for adequate duty-free lunch periods for teachers, and permits school districts to utilize recreation personnel or other suitable

persons to supervise pupils during lunch period. Killed in Senate committee.

AB 535 (Masterson). Provides that any teacher discharged and restored at a later date, after court action, shall be paid the amount he or she would have earned during the period of discharge, even if the teaching credential was not in force. Chapter 313.

AB 571 (Bee). Provides the \$300,000 needed to obtain state benefits under the federal National Defense Education Act of 1958. Effect will be, together with federal aid, to provide up to \$5 million for expansion of science, mathematics and language programs, for state research programs. Chapter 1286.

AB 807 (Masterson). As introduced, extended teachers' tenure law to all school districts uniformly. As amended and cleared by Assembly committee, dropped tenure law application to school districts with 250 A.D.A. instead of present 850 A.D.A. As an AFL teachers-sponsored bill, it ran into undercover opposition of CTA seeking enactment of its own bill, **AB 1992**, as well as the open attack of other administrator and school board groups. Passed the Assembly by a vote of 60 to 5, and killed in Senate committee. The CTA bill, **AB 1992**, was also dumped.

AB 1000 (Ernest E. Geddes). Major school apportionment law of the session providing for state subventions to school districts in the amount of \$636.5 million. Increases the state School Fund by \$7.73 per A.D.A., amounting to a \$26 million absolute increase in school apportionments over the amount provided by the 1957 session increase. Original bill provided for over \$50 million increase, but was cut back to the increases allowed in the Governor's budget.

Continues basic aid at \$125 per unit of A.D.A. and increases foundation programs for various school districts. Carries a provision, however, that any undistributed reserve left at the end of the budgetary year shall be distributed as basic aid up to a figure of \$5 per A.D.A., rather than as equalization aid as is presently the case. Bill continues adult education program at the present level of support. Chapter 1251.

AB 1008 (Ernest R. Geddes). As introduced, extended indefinitely the \$4,200 minimum teachers' salary attached to the 1957 session increase in state school apportionments. As such, passed the Assembly. Amended in the Senate, with Assembly concurrence, to increase minimum teachers' salary from

\$4,200 to \$4,500 on and after July 1, 1960. Chapter 1811.

AB 1009 (Ernest R. Geddes). Appropriates \$15,000 to the Department of Education for purpose of establishing a school library consultant service to advise local school districts in the establishment and improvement of libraries in elementary and secondary schools. Chapter 2052.

AB 1083 (Bane). Provides that a teacher who transfers at the end of a third probationary year from one district to another under the same administration shall receive tenure on commencement of fourth year. Chapter 1071.

AB 1113 (George E. Brown). Permits school districts to replace or repair property or prostheses of employees such as eyeglasses, hearing aids, dentures, watches or articles of clothing necessarily worn or carried, when such items are damaged in the line of duty without fault of the employee. Chapter 764.

AB 1162 (Waldie), As introduced, declared state policy that all school and state college employees shall be able to freely organize themselves and employ such organizations for collective bargaining or other mutual aid. Opposed by CTA and other administrative and school board organizations. Amended to provide simply, in a declaration of state policy, that school employees shall have the right to organize themselves into associations, organizations, or unions, of their own free choosing, freely and without improper interference, restraint or coercion by or on the part of supervisors and administrators and other persons or entities. Even as so amended, was opposed by CTA and other school organizations, and killed in Assembly committee.

AB 1328 (Ernest R. Geddes). Removes present prohibition against use or distribution in a school or making a part of the school library, of publications of a sectarian, partisan or denominational character. Provides that no publication of a sectarian, partisan or denominational character shall be distributed where used for sectarian, partisan or denominational purposes in any school, except that such prohibition shall not restrict the development and use of school library collections. Chapter 1816.

AB 1427 (O'Connell). Gave teachers a right to examine their personnel files. Killed in Assembly committee, even after author agreed to restrict measure to teachers who are dismissed.

AB 1457 (Elliott). Provides that tenure teacher who transfers to a district which is under the super-

vision of the same chief administrative officer or district superintendent, after being granted a leave of absence, shall acquire tenure in one year rather than three years. Chapter 650. See also **AB 807**, **AB 1083**, **AB 1992**, and **AB 2682**.

AB 1459 (Hanna). Provides that the resignation of a state college employee may be set aside if such resignation was given or obtained by reason of mistake, fraud, duress, undue influence or other reason indicating it was not done voluntarily, if the employee files a petition to set aside the resignation with the State Personnel Board within 30 days; requires board to conduct hearings and decide petition, following the same procedures governing resignations of state civil service. Chapter 1289.

AB 1480 (Ernest R. Geddes). Provides that a school board may authorize an advance of funds to cover necessary travelling expenses of employees. Chapter 456.

AB 1594 (Donahoe). Provides guarantee for continuance of prison education programs by allowing county boards to contract to provide prison education services, even where local school districts refuse to contract for the same. Chapter 1473.

AB 1595 (Donahoe). Authorizes school district to establish evening study halls to give underprivileged students a place to do their homework. Chapter 1297.

AB 1675 (Porter). Adds survivors' benefits to the State Teacher Retirement system. The bill is listed as "good" only because the CTA has thus far blocked Social Security coverage for teachers, providing for increased primary benefits as well as survivors' benefits, and because the narrow survivors' benefit addition to the state teachers' retirement system is better than nothing. See defeated **AB 2098**. Chapter 2060.

AB 1870 (Garrigus). Declared state policy regarding the number of pupils for each academic classroom to be 20 pupils as an optimum, and 30 as a maximum. Died in Assembly committee.

AB 1992 (Ernest R. Geddes). Extended teacher tenure law to districts with A.D.A. of 250 or more, rather than present 850 or more. Also carried weak CTA-supported proposal for probationary teacher protections, advanced by that organization to block passage of labor-supported **SB 899**, extending to all districts stronger protection provisions now applicable to San Francisco, Los Angeles and San Diego. Probationary provisions contained in **AB 1992** only gave dismissed employee the right to receive

from school board a written statement of reasons for dismissal, without requiring dismissal for cause only.

Measure was pushed by CTA to block SB 899, and as alternative to AB 807, sponsored by the AFL-CIO teachers. As such, passed the Assembly, but was amended in the Senate to delete the permanent tenure provisions while retaining the weak probationary protections. A last-minute Senate-House conference proposal to set tenure application at 650 A.D.A. failed, and the bill died in conference committee, carrying with it the defeat of probationary protections also.

AB 2017 (O'Connell). Regulates charges of school districts for use of facilities for entertainment or meetings. Chapter 1831.

AB 2037 (Gaffney). Authorizes deductions to be made from benefit checks of retired teachers for payment of premium in group health, accident and hospitalization insurance plans. Chapter 1543.

AB 2098 (George E. Brown). Provided for participation in federal OASDI program, in addition to participation in state Teachers Retirement System, of members of such system who are school district employees, on a district basis. Authorized division into separate coverage groups of members within districts with respect to those who desire coverage, and those who do not, and provided for referendum of employees on a division basis in each district. Died in Assembly committee. CTA opposed any OASDI coverage for teachers.

AB 2160 (Ernest R. Geddes). Improves job security and legal status of child care teachers. Chapter 1958.

AB 2299 (Garrigus). Provides that school district boards shall adopt rules and regulations authorizing teachers, principals and other certificated personnel to administer responsible corporal or other punishment to pupils when such action is deemed an appropriate corrective measure. Chapter 2130.

AB 2225 (Munnell). Allows leave to school district employees to appear in court as witnesses, to serve on a jury, or to respond to an official order of a governmental jurisdiction, with pay up to the amount of the difference between regular salary and jury or witness fee. Chapter 1327.

AB 2557 (Masterson). Required school districts to pay at least half the cost of teachers' retirement contributions. Died in Assembly committee.

AB 2566 (Britschgi). Provided that if school district allows payroll deductions for membership dues in professional organizations, it must extend same privilege to all members of all such organizations. Died in Assembly committee.

AB 2682 (Ernest R. Geddes). Provided that any teach-

er who has acquired permanent status in a school district shall not have to serve as a probationary employee for more than one year when employed by another school district, if immediately prior to such employment there has not been a lapse of three successive years of employment as a teacher. Eliminated requirement of any probationary period, if the subsequent employing district has the same governing board as the prior employing district. This AFL-CIO Teachers-sponsored bill was opposed by the combined CTA-administrator group lobby. Passed the Assembly but was defeated in Senate Rules Committee. See also AB 1457 and AB 1083.

AB 2798 (Elliott). Provided for transfer of teachers' accrued sick leave from one district to another in the same county with the teacher as he or she is transferred. Died in Assembly committee.

ACR 88 (Donahoe). Requests liaison committee of the State Board of Education and the Regents of the University of California to prepare a master plan of higher education. Chapter 200.

SB 2 (Dilworth) Revises Education Code. Chapter 2.

SB 643 (Rodda). Made it a misdemeanor for any person to insult or abuse any teacher in the presence of a school board member, as well as in the presence of the school or a pupil; increased the minimum fine from \$100 to \$500. Died in Senate committee.

SB 899 (Fisher). AFL-CIO Teachers sponsored measure: provided that probationary employees in all school districts, rather than those in school districts having an A.D.A. of 85,000 or more pupils (San Francisco, Los Angeles and San Diego), shall be dismissed for cause only. Gave every employee the right to a hearing to determine the cause of his dismissal. Opposed by combined CTA-administrative group lobby. Passed Senate by a vote of 21 to 13 and refused approval in Assembly committee, where the measure died. See also AB 1992.

SB 1031 (Miller). Required teacher to be used in the field of his subject matter of competence to retain teaching certificate. Died in Senate committee.

SB 1058 (Montgomery). Provided that any retired teacher may be employed as a teacher in evening schools or as a teacher of classes of adults, not to exceed 90 days a fiscal year, and might be paid not more than \$1,500 a fiscal year without affecting his status as a retired teacher. Pocket-vetoed by the Governor.

SB 1164 (Miller). Requires districts to account for expenditures on teachers' salaries as an item separate from all other district expenditures. Also contains a definition of "classroom teacher". An important AFL-CIO Teachers-sponsored bill which pointed up to legislators the large expenditures being made for "administration" as distinct from classroom activities. Chapter 1607.

Bad Bills

AB 368 (Hegland). Permitted school district to contract for services of private attorney in connection with any litigation it conducts, thus allowing school district to expend large sums of public money in employing private counsel, even though district attorney or county counsel is available.

AB 506 (Hegland). Permitted junior college district to employ assistant district superintendent regardless of number of pupils in attendance in district. Passed Assembly and died in Senate committee.

AB 1440 (Hegland). Provided the governing boards of school districts having an A.D.A. of 200,000 or more pupils, rather than 85,000 or more pupils, shall dismiss probationary teachers for cause only. Died in Assembly committee.

AB 2364 (Hegland). Provided for an elective State Board of Education. Died in Assembly committee.

AB 2460 (Porter). Extended probationary period for academic teaching and administrative employees of state colleges from three to seven years. Died in Assembly committee.

SB 365 (McBride). Gave school district board blanket authority to exempt from compulsory school attendance, any child, who for any reason, will no longer benefit from the continued attendance of school, subject to the right of parent to appeal decision to the county board of education. Died in Senate committee.

SB 1339 (Erhart). Among other things, increases from two to three years the prescribed years of service necessary to permit appointment of state college teacher for a term not to exceed four years. Chapter 1610.

Other Bills

AB 1720 (Hegland). Eliminates possibility that a state scholarship may be awarded to a person for more than four years. Chapter 747.

AB 1829 (Hegland). Provides that the governing board of a high school district may establish cooperative vocational courses, rather than cooperative course, in accordance with State Board of Education standards. Chapter 463.

AB 2436 (Petrus). Permits tax funds collected under the present law for carrying out child care center programs to be used for the purchase of land, buildings and equipment, or the construction or alteration of buildings for child care centers.

Permits future tax levies for such purposes. Chapter 2132.

AB 2589 (Bruce F. Allen). Removes prohibition against employment of aliens by state or county or city, as student assistants at a college or university which is supported wholly or in part by the state. Chapter 1400.

ACR 99 (Miller). Authorizes legislative counsel to appear as a friend of the court in State Board of Education v. Levit, Supreme Court of California, Sac. No. 7057, regarding power of legislature to block printing of science text books. Chapter 114.

SB 542 (McBride). Revises law regarding insubordinate and disorderly school children. Chapter 1202.

SB 624 (McBride). Authorizes vocational rehabilitation section of the Department of Employment to provide consultant services to community organizations in the establishment and operation of sheltered workshops for the physically and mentally disabled. Provides that vocational rehabilitation section may contract with qualified persons or firms for consultation in technical fields so that directors of workshops may be advised as to the desirability of undertakings and the methods of achieving objectives. Appropriates \$50,000, less federal funds available, for fiscal year 1959-60. Chapter 2030.

SB 672 (McBride). Permits State Board of Education to adopt rules and regulations governing the establishment and conduct of programs for preparing physically handicapped and mentally retarded minors enrolled in special day classes for suitable occupations, such programs to provide for physically handicapped and mentally retarded minors who are unable to profit from work experience education. Permits school districts and county superintendents of schools to contract with sheltered workshop and other work establishments approved for supervised occupational training of physically handicapped and mentally retarded minors, and reimburse such sheltered workshops and work establishments for expenses incurred in the training of such minors. Finally, requires the Department of Education to study problems and successes resulting from above programs, and report to the legislature. Chapter 1758.

SOCIAL INSURANCE PROGRAMS

(Unemployment Insurance, Unemployment Disability Insurance, and Workmen's Compensation)

The unprecedented success obtained at the 1959 session of the legislature in securing improvements in workers' social insurance programs is reviewed in the pages which follow, which list unemployment insurance, unemployment disability insurance and workmen's compensation measures which were enacted into law. Bills affecting each of the three basic programs are listed separately.

All told, benefit increases for workers in the three basic social insurance programs are estimated to range between \$75 and \$100 million a year. It should be noted that almost all of these increased benefits, which come close to doubling amounts secured at previous sessions, were pushed through the legislature despite the fact that it was necessary again this year to proceed by compromise in the negotiation of package proposals with employer and private carrier insurance groups.

Federation Measures Introduced

The Federation caused to be introduced a total of 86 measures in the field of workers' social insurance legislation: 33 unemployment insurance measures; 16 unemployment disability insurance measures; and 36 workmen's compensation proposals. Each program was carefully developed, based on intensive and documented research, and calculatedly advanced in a comprehensive approach to the liberalization of unemployment and disability insurance and workmen's compensation.

Early in the session, the Federation pressed for hearings on the bills in the lower house by the Assembly Committee on Finance and Insurance. It was the Federation's purpose to present each program in logical sequence, and to secure adoption or rejection of the Federation's proposals on their merits. The chairman of the committee rejected this course, however, and insisted that all measures on the three subjects be referred to separate subcommittees for the screening of proposals and referral back to full committee.

After the passage of a few months without any action, it became apparent that the purpose of the subcommittee referral was to force the negotiation of compromise agreements between labor and other interested parties in the three fields of social insurance. While it appeared totally unnecessary that this should be the case, in view of the virtual endorsement of labor's liberalization proposals by

the Democratic party platform, the Federation was nevertheless compelled to heed the committee's wishes. Following the completion of the negotiations, the Governor in turn endorsed the compromise proposals agreed to in the respective worker insurance programs. Undoubtedly, the ability of the Federation to secure far-reaching advancements through negotiations was in large part due to the fact that employer and insurance groups looked upon the 1959 legislature as a more liberal body than previous sessions. Nevertheless, as it developed in the case of unemployment insurance, at no time during the session was it a foregone conclusion that labor would emerge with such far-reaching liberalization proposals as those signed into law.

Unemployment Insurance

Major improvements enacted by the 1959 legislative session in the field of unemployment insurance are contained in *AB 590 and SB 945.

*AB 590 increases the maximum weekly jobless benefit amount from \$40 to \$55, increases from \$3 to \$12 the amount of allowable casual earnings for those drawing partial benefits, and makes a number of other changes which will increase employer contributions into the program as necessary to pay for the additional benefits. SB 945, on the other hand, provides for the extended duration of benefit payments for up to 13 additional weeks, whenever the unemployment rate in the state reaches 6 per cent. These advancements were won without the necessity of accepting any employer restrictive proposals for the first time in many years.

According to estimates of the Department of Employment, *AB 590 will increase jobless benefits by about \$43.4 million a year. Higher jobless

benefits will be realized under the new schedule of benefits by approximately 65 per cent of eligible claimants whose average weekly earnings in their high quarter are \$67 or more. The amount of increase for these eligible claimants will range anywhere from \$1 to \$15, depending upon their high quarter earnings. On the other hand, the boost in allowable casual earnings from \$3 to \$12 will result in benefit increases for all otherwise eligible and partially unemployed individuals, regardless of their base period earnings.

Department of Employment estimates in regard to **SB 945** indicate that in any quarter in which extended benefits become payable, jobless workers who have exhausted their benefits would receive a total of \$22.5 million during that quarter and the succeeding quarter of eligibility. It should be noted that extended benefits under **SB 945** would also be payable to claimants who after exhaustion of their basic benefits enter bona fide restraining programs, instead of remaining in the job market. This latter provision for retraining benefits establishes a new principle in unemployment insurance which recognizes the responsibility of the employer for sharing the cost of retraining individuals who are displaced by technological advancements in our industry. Also the 6 per cent level of unemployment that is necessary to trigger the payment of extended benefits is based not on the ratio of total unemployment to the total labor force of the state, but rather on the ratio of unemployment insurance claims filed to the level of covered employment. This method of determining unemployment levels will trigger extended benefits into operation considerably below a 6 per cent level of unemployment based on the ratio of total unemployment to the work force. For example, in 1958, extended duration benefits would have been payable under **SB 945** during two calendar quarters of that year. Extended duration benefits would also have been in operation during the first quarter of this year, even though the ratio of total unemployment to the work force during the quarter was less than 6 per cent.

Negotiated UI Program Modified

In reference to the advancements won in unemployment insurance at the 1959 session of the legislature, it should be noted, the provisions of ***AB 590**, as enacted, represent a modification of the original package program negotiated by the Federation with employer groups.

The negotiated program provided for a \$55 maximum weekly benefit, the same as the final version enacted, but through the addition of larger steps, which would have yielded some \$4.8 million less in benefits than the uniform \$30 step schedule finally enacted into law.

On the other hand, provision was made in the Federation's negotiated program for the extension of benefits to 660,000 employees of non-profit organizations and state, county and municipal governments, which would have provided for additional benefit payments in the amount of \$11.9 million a year, and a total increase in benefits of \$50.5 million, instead of the smaller amount of \$43.4 million that will be realized from ***AB 590** as passed by the legislature.

The revision of the package was undertaken late in the session amid agitation that increased benefits should be distributed throughout the schedule to all jobless workers instead of being restricted to those receiving a low level of wage-loss compensation because of the existing \$40 maximum benefit. While it is not possible to give everyone increases within the unemployment insurance schedule without disqualifying thousands of individuals and providing for wage-loss compensation of greater than 100 per cent at the lower end of the schedule, the agitation stirred was nevertheless based on firm ground to the extent that the schedule which the Federation was forced to sit down and negotiate was less liberal than the one originally proposed by the Federation to the 1959 session of the legislature. As introduced, ***AB 590** proposed the same uniform \$30 step schedule in the bill as passed by the legislature, but with a justifiable maximum of \$65 instead of the \$55 approved.

Democratic leaders, who had ignored their platform at the outset of the session by forcing labor into negotiations, seized upon the agitation as an opportunity to demonstrate their "liberal" dedication in a strange twist of party responsibility. ***AB 590** was referred back to committee, which in turn adopted the Federation's original \$30 step schedule, but with the \$55 cut-off instead of \$65. This "liberalization" added some \$4.8 million in benefits to the bill for presently covered employees at the expense of some \$11.9 million in increased benefits to public and non-profit employees who were removed from the negotiated program. This, in face of the fact that the state Democratic party

platform called for at least a \$65 maximum, plus the deleted coverage provisions.

Such a great show of "party responsibility" late in the session came close to losing the entire liberalization bill. ***AB 590** narrowly squeaked by the Senate Committee on Insurance and Financial Institutions, and was finally passed only a few days ahead of adjournment.

Among other significant bills enacted by the legislature affecting the unemployment insurance program were ***AB 1543**, permitting the payment of SUB benefits without reduction of state unemployment insurance benefits; **AB 2655** prohibiting disqualification because of compulsory retirement under a negotiated pension program; ***AB 433**, prohibiting the reduction or cessation of unemployment insurance benefits when the fund goes below a certain level; ***AB 476**, providing for unemployment insurance information pamphlets in Spanish; and still many others printed in larger type under the grouping of unemployment insurance measures.

Unemployment Disability Benefits

Improvements negotiated in California's unemployment disability insurance program are contained in ***AB 494**, which increases the maximum unemployment disability insurance benefit from \$50 to \$65 a week, representing an achievement of the Federation's proposal submitted to the 1959 session. In addition, the package proposal places the so-called extended liability fund on a substantially pay-as-you-go basis.

It is estimated by the Department of Employment that the disability liberalization measure will increase benefit payments from the state fund by approximately \$6.5 million a year. An amount approaching this figure will also be realized by workers covered by voluntary plans underwritten by private carriers, instead of the state fund.

The \$15 increase in the weekly benefit amount is accomplished by adding 15 steps to the present DI schedule, which increases uniformly by \$1 amounts in benefits for each additional \$25 of high quarter earnings. Under ***AB 494**, the \$65 maximum benefit will be payable to qualifying individuals with high quarter earnings of \$1,500 or more. This schedule, which is far more liberal than the unemployment insurance schedule, provides that everyone within the schedule will be compensated for at least 56 per cent of wage loss

when disabled by illness or accident not connected with employment.

Under the revised provisions in ***AB 494** for financing extended liability benefits (those benefits paid for disabilities which commence after a person is unemployed), the Department of Employment estimates that voluntary plan contributions by private carriers will be about doubled. At the present time the state disability fund is carrying most of the load for extended liability, because of legal restrictions on contributions of voluntary plans, for those workers who are paid out of the extended liability account, but who were covered under voluntary plans. ***AB 494** provides for the proration of extended liability benefits between voluntary plan carriers and the state plan under a new formula which will place the account on a substantially pay-as-you-go basis.

Workmen's Compensation

The vast improvements won by the Federation in the field of workmen's compensation are contained primarily in ***AB 1015** authored by Assemblyman Robert W. Crown, and co-authored by Senator Edwin J. Regan, who steered the measure through the Senate. This measure includes provisions in whole or in part of some ten separate Federation bills introduced at the 1959 session: ***AB 333, 422, 460, 461, 526, 732, 735, 744, 1384 and 1386.**

The main provisions of ***AB 1015**, summarized in considerable detail in the appropriate category of this section, combine substantial improvements in the basic weekly benefit amount, death benefits, and permanent disability life pensions with significant advancements in the liberalization of the waiting period, burial benefits, selectivity of doctor, covered expenses of workers in contested cases, and serious and wilful awards and employer penalties for failure to secure benefits. While it is not possible to attach a monetary figure to all these gains, it is nevertheless estimated that ***AB 1015** will produce increases for injured workers and their survivors of between \$16 and \$18 million a year, an amount far exceeding anything negotiated in previous sessions.

In addition to ***AB 1015**, a number of other measures were enacted into law, the most significant being ***AB 498**, which ensures an injured worker that he will not have deducted from his workmen's

compensation recovery any amount that he himself did not personally receive in a third-party action; *AB 423, which permits the Attorney General's office to compromise benefits payable from the subsequent injuries fund; and *AB 734, repealing the last loophole which ensures mandatory coverage for agricultural workers.

There follows a listing of the bills by grade, first unemployment insurance, then unemployment disability insurance, and finally, workmen's compensation.

Unemployment Insurance

Good Bills

Bills marked * were sponsored by the Federation

AB 77 (Hawkins). As introduced, extended coverage to regularly employed domestic workers in a home, college, club, fraternity or sorority. Amended to extend coverage to domestic service in private homes in cases where earnings exceed \$50 a calendar quarter. Refused approval in Assembly committee, after the author succeeded in preventing the bill from being referred to subcommittee.

***AB 137 (Thomas).** As introduced, extended permanently, partial unemployment insurance benefits for commercial fishermen. As such, the bill was dropped when companion measure ***SB 136 (Farr)** was enacted into law. Late in the session, however the bill was amended and used to provide assurance that commercial fishermen who are totally unemployed will receive benefits. Provides that for a commercial fisherman, a "totally unemployed individual" means an individual who, during a particular week, while still attached to his employer from the standpoint that there did not occur any severance of the employer-employee relationship, earned no wages and performed no services because his employer's boat was tied up for one or more of the following reasons: (1) inclement weather; (2) absence of fish in fishable waters; (3) lack of orders for fish from buyers; and (4) boat is laid up for repairs. Chapter 387. Companion measure to ***AB 137**, as amended, **SB 1213 (Short)**, was also passed, but vetoed in favor of ***AB 137**.

AB 174 (Burton). As introduced, extended unemployment insurance and disability insurance coverage to county and municipal employees at the election of either a majority of the employees, or the legislative body. As amended and passed by the legislature, provides that a governmental entity (defined to include political subdivisions or instru-

mentalities of the state, or instrumentalities of one or more political subdivisions or departments or units thereof, but not the state) may, when requested by a written petition signed by a majority of the employees (including those with civil service or tenure positions), elect to become covered under unemployment insurance and unemployment disability insurance for not less than two calendar years with respect to all of its employees, and may file its written election with the Director. Provides further that if the Director finds that a majority of the employees to be affected by the election to become an employer, have signed the petition, the governmental entity must, upon the written approval of the Director, become an employer, subject to unemployment insurance and unemployment disability insurance coverage. Provides that such coverage shall be on a cost basis to the governmental agency for unemployment insurance benefits. Chapter 473.

***AB 287 (Burton).** Extended full unemployment insurance and unemployment disability insurance coverage to employees of non-profit organizations. Died in Assembly committee. Provisions were amended into ***AB 590**, the unemployment insurance package proposal, but were later removed in Assembly committee before the bill reached the floor of the lower house.

AB 289 (George E. Brown). Extended elective unemployment insurance and unemployment disability insurance coverage to employees of a political subdivision who are engaged in proprietary functions not supported by taxation, even though they hold civil service or permanent tenure positions. Passed by Assembly, but died in Senate committee.

***AB 347 (Biddick).** Specified that an individual shall not be held ineligible for unemployment insurance benefits on the basis of unavailability for work, if the unavailability is caused by flood, fire, earthquake, pestilence, tornado, or other act of God, or because of his physical detention by another person. Died in Assembly committee. See **AB 1578**, passed.

***AB 348 (Biddick).** Eliminated provision which specified that for purposes of determining whether a person is unemployed for unemployment compensation purposes, compensation for personal services, whether performed as an employee or as an independent contractor, shall be deemed wages. Died in Assembly committee.

AB 416 (Rees). In connection with unemployment disability insurance and unemployment insurance, for purposes of benefit computation and the pro-ration of reserve charges against employers, requires employer reporting of wages above taxable

ceilings up to \$6,000 for calendar quarters beginning on and after April 1, 1959. Chapter 5.

***AB 433 (Bee).** Repeals section of Unemployment Insurance Code granting complete discretion in the Director of the Department of Employment to either reduce or terminate payment of benefits when, in his judgment, the unemployment insurance fund would in six months be unable to pay probable liabilities. Chapter 1731.

*** AB 434 (Bee).** Repealed Unemployment Insurance Code provision which conditions employer contributions in the payment of benefits on the existence of federal law which allows credit of such contribution against a federal tax on payment of wages by employers. Died in Assembly committee.

***AB 435 (Bee).** Eliminated requirement that unemployed person be able and available for work and make an effort to seek work in order to be eligible for unemployment insurance benefits. Died in Assembly committee.

***AB 476 (Elliott).** Provides that the Department of Employment shall print employee informational pamphlets in Spanish, as well as in English. Chapter 1446. Senate companion, ***SB 179 (Richards)**, was accordingly dropped.

***AB 480 (Elliott).** Provided that an individual will be disqualified for unemployment insurance benefits because of wilful misstatements only if made with intent to defraud. Died in Assembly committee. Senate companion, ***SB 181 (Richards)**, died in Senate committee.

***AB 504 (Thomas).** Liberalized eligibility and disqualification provision of Unemployment Insurance Code, as follows: abolished so-called 75 per cent rule; repealed "lag quarter" provision; eliminated 26 times weekly benefits ceiling on maximum benefit; and lowered the base pay eligibility requirement from \$600 to \$300. Died in Assembly committee.

***AB 505 (Thomas).** Repealed "lag quarter" restriction on qualification for benefits. Died in Assembly committee.

***AB 509 (O'Connell).** Reduced unemployment insurance disqualification for voluntary quits and discharges for misconduct from 5 to 2 weeks. Died in Assembly committee.

***AB 510 (O'Connell).** Removed marital disqualification provision in unemployment insurance. Died in Assembly committee.

***AB 511 (O'Connell).** Repealed trade dispute disqualification. Died in Assembly committee.

***AB 512 (O'Connell).** Prohibited disqualification for refusal of any work, rather than new work, where a trade dispute is in progress, where wages, hours and conditions are substandard, or where employment is conditioned

upon joining a company union. Died in Assembly committee.

***AB 587 (Munnell).** Increased maximum benefit duration period from 26 to 39 weeks. Died in Assembly committee. Provision for extension of benefits of 13 additional weeks during periods of high unemployment was, however, accomplished in **SB 945**, which was part of the 1959 unemployment insurance package agreement.

***AB 589 (Munnell).** Increased maximum weekly benefit from \$40 to \$65 in a uniform \$25 step schedule, patterned after the DI benefit schedule. Died in Assembly committee. An increase in the maximum from \$40 to \$55 was accomplished in ***AB 590**, by revising the schedule to provide for uniform \$30 steps up to the \$55 benefit.

***AB 590 (Munnell).** As introduced, increased the maximum weekly benefit amount from \$40 to \$65 in a revised schedule, providing for a uniform \$1 increase in benefits for every \$30 of high quarter earnings.

Following the refusal of the Assembly Committee on Finance and Insurance to take up the bill on its merits, the measure became the vehicle, together with **SB 945**, for the 1959 unemployment insurance compromise package, negotiated by the Federation with employer groups. As amended to embrace a part of this package: (1) extended both unemployment insurance and unemployment disability insurance coverage to some 600,000 public employees of state, county and municipal government, and to another 60,000 employees of non-profit organizations; (2) increased from \$3 to \$12 allowable casual earnings of partially unemployed individuals without reduction of unemployment insurance benefits; (3) increased the maximum weekly benefit amount from \$40 to \$55 by the addition of ten steps providing for a \$1 increase in benefits for each additional \$40 of high quarter earnings and five additional steps providing for a \$1 increase in benefits for every additional \$45 of high quarter earnings; (4) increased employer contributions to finance improved benefits by (a) increasing the maximum individual employer contribution from 2.7 per cent to 3 per cent, (b) increasing the taxable wage base for employer contributions from \$3,009 to \$3,600, (c) repealing the zero contribution rate in the so-called low-contribution schedule and providing for a minimum contribution of three-tenths of one percent, and (d) repealing the provision which limits chargebacks to individual employer accounts under merit rating to 18 times the weekly benefit amount paid a claimant in a benefit year.

As so amended, the bill was approved by the

Assembly Finance and Insurance Committee and sent to the Ways and Means Committee for financial clearance. In the Ways and Means Committee, upon objections raised that the \$55 benefit schedule did not provide increases for enough eligible claimants, the amended measure was referred back to the Assembly Finance and Insurance Committee, and, in turn, back to a subcommittee, which recommended that the coverage provisions for 660,000 public and non-profit employees be removed (a \$11.9 million a year cut in proposed increased benefits), and that the benefit schedule be somewhat liberalized to provide for the same \$55 maximum benefit in the negotiated program, but in a uniform \$30 step schedule as proposed in the original bill (a \$4.8 million per year increase in proposed benefits).

The recommendations of the subcommittee were approved by the Finance and Insurance Committee, and after financial clearance by Ways and Means, was passed by the Assembly by a roll call vote of 55 to 14, and finally by the Senate in the closing days of the session by a vote of 32 to 3.

Increased benefit payments under the new benefit schedule will be payable to all eligible individuals filing new claims on and after September 17, 1959. Chapter 2154.

***AB 738 (Hawkins).** Repealed so-called low employer contribution schedule, permitting zero contributions; revised so-called high schedule to increase lowest merit rate from two-tenths of one per cent to one per cent. Died in Assembly committee. Purpose accomplished in part in ***AB 590**, the 1959 package bill.

***AB 739 (Hawkins).** Repealed so-called merit rating in financing of unemployment insurance. Died in Assembly committee.

***AB 742 (Hawkins).** Repealed provision restricting charges to employer's individual merit account to 18 times the weekly benefit amount paid to a former employee. Provisions were amended into ***AB 590**, enacted into law, and ***AB 742** was dropped.

***AB 745 (Hawkins).** Increased taxable wage base for employer contributions from \$3,000 to \$3,600. Provisions amended into ***AB 590**, enacted into law, and ***AB 745** was dropped.

***AB 746 (Hawkins).** Increased taxable wage base for employer contributions from \$3,000 to \$4,600, and disability insurance tax base for employee contributions from \$3,600 to \$4,600. Died in Assembly committee. Partial increase in employer contribution tax base accomplished in ***AB 590**, enacted into law.

***AB 761 (Nisbet).** Removed disqualifications for per-

sons while receiving sick, vacation or dismissal pay. Died in Assembly committee. Senate companion, ***SB 184 (Richards)**, died in Senate committee.

***AB 762 (Nisbet).** Removed disqualification of person receiving holiday, vacation, dismissal and severance pay; provided that wages earned as an independent contractor when unemployed shall not be disqualifying. Died in Assembly committee. Senate companion, ***SB 183 (Richards)**, died in Senate committee.

***AB 818 (Hawkins).** Extended full coverage of unemployment insurance and unemployment disability insurance to public employees. Died in Assembly committee. Provisions were originally made part of the unemployment insurance compromise bill, ***AB 590**, but were later removed in Assembly committee.

***AB 819 (Hawkins).** Extended full unemployment insurance and unemployment disability insurance coverage to agricultural workers. Died in Assembly committee.

***AB 820 (Hawkins).** Provided for retroactive payment of benefits for waiting period, where unemployment extends beyond one week. Died in Assembly committee.

***AB 821 (Hawkins).** Extended full unemployment insurance and unemployment disability insurance coverage to domestic workers in private homes, and in local college, club or local chapter of a college fraternity or sorority. Died in Assembly committee.

***AB 822 (Hawkins).** Repealed so-called 75 per cent rule, which disqualifies seasonal workers. Died in Assembly committee.

AB 831 (Unruh). Increased salary of Unemployment Insurance Appeals Board referees. Passed by the legislature. Pocket vetoed by the Governor.

***AB 1209 (Petrus).** Provided \$5 additional benefit for dependent spouse, and \$2.50 for each additional dependent child under 18 years of age. Died in Assembly committee. Senate companion, ***SB 182 (Richards)**, died in Senate committee.

***AB 1330 (Petrus).** Froze base period wage credits for unemployment insurance in cases of individuals suffering mental or physical disability for a duration of not less than 60 days, nor longer than two calendar years. Died in Assembly committee.

***AB 1331 (Petrus).** Increased from \$3 to \$15 allowable casual earnings for partially unemployed individuals without reduction in benefits. Died in Assembly committee. Provisions of bill, however, were almost completely accomplished in ***AB 590**, enacted into law.

AB 1399 (Hawkins). Provides unemployment insurance and unemployment disability coverage for blind persons and other physically handicapped persons employed by the California Industries for the Blind. Chapter 1717.

***AB 1543 (Nisbet).** Provides for simultaneous payment of supplemental unemployment insurance

benefits negotiated under a collective bargaining agreement and state unemployment insurance benefits. Chapter 1077.

AB 1578 (Burton). Prohibits an otherwise eligible individual from being disqualified from unemployment insurance for any week, in which, for not exceeding two working days, he cannot reasonably be expected to work because (a) there has been death in the immediate family, and (b) he is unlawfully detained. Chapter 2153.

AB 2073 (Z'berg). Repealed seek work requirement for eligibility and substituted provision requiring that the unemployed individual seek work only in accordance with specific and reasonable instructions of state employment office. Died in Assembly committee.

AB 2655 (Waldie). Amends law to provide that an individual who is required to retire under the provisions of a collective bargaining agreement shall not be rendered ineligible for unemployment insurance benefits. Overturns recent Superior Court decision in the City and County of San Francisco. Chapter 1402.

***SB 136 (Farr).** Extends permanently, partial unemployment insurance benefits for commercial fishermen. Chapter 375.

SB 945 (Miller). As amended and enacted to embrace part of 1959 unemployment insurance package proposal, extends duration of unemployment insurance benefits for a maximum of 13 weeks whenever unemployment in the state reaches 6 per cent of the labor force, as determined by the ratio of unemployment insurance claims to covered employment.

Under provisions of the bill, the Director of the Department of Employment is required to determine quarterly whether or not the amount of unemployment exceeds 6 per cent statewide. Quarters exceeding 6 percent are declared extended duration quarters, and individuals who have exhausted their normal benefit rights and who otherwise are eligible for benefits and free from disqualification, will then be entitled to receive as additional benefits, payable from a special fund, up to 50 per cent of the amount of benefits they received during their basic period. A person entitled to receive a maximum of 26 weeks during his basic period, can thus receive up to a maximum of 13 additional weeks under **SB 945**, or any similar number of weeks equal to, but not to exceed 50 per cent of

the basic benefit paid an individual. Eligibility to receive such extended benefits is substantially the same as under the existing program. The individual is required to file an extended duration claim for benefits, and his eligibility is determined substantially in the same manner as in the determination of the basic benefit award. Prohibits benefits paid for extended duration from being charged to an individual employer's account, and provides instead a separate financing procedure, based on the counter-cyclical contributions by employers. Provides also that extended duration benefits may be paid to an individual who has exhausted his basic benefits and is not available for work, because he has entered a bona fide retraining program. Chapter 2035.

Bad Bills

AB 2176 (Samuel R. Geddes). Adds raising of rabbits to agricultural exemption from coverage. Chapter 865.

SB 495 (Christensen). Specified that otherwise confidential information obtained by the Department of Employment in administering the unemployment insurance law may be furnished to law enforcement officers to assist them in seeking the whereabouts of individuals in connection with criminal investigations. Died in Senate committee.

Other Bills

AB 415 (Rees). Department of Employment technical bill. Chapter 1729.

AB 1258 (Rees). Department-sponsored bill, providing enabling legislation, in compliance with prerequisites and requirements imposed by the Federal Employment Security Administrative Financing Act of 1954, to permit the legislature, by appropriation, to use excess funds derived from federal unemployment tax contributions which have been returned to the state, for the purposes of meeting the costs of administration of the unemployment insurance program as well as for benefit payment purposes. Specifies that such funds shall not be used for determining the balance in the unemployment fund for employers' tax purposes, and exempts such funds from provisions making continuous appropriation of amounts in the Unemployment Fund. Makes related changes. Chapter 1814.

AB 1701 (Pattee). Excludes from coverage, a professional athlete who is neither a citizen nor a

resident of the United States or any state when he comes to the state of California for occasional or incidental professional engagements. Chapter 746.

SB 17 (Collier). Established complex formula for provision of extended duration benefits. Bill was dropped and Senator Collier became a co-author of **SB 945**, with Senator Miller.

Unemployment Disability Insurance

Good Bills

Bills marked * were sponsored by the Federation

***AB 322 (Munnell).** Increased weekly benefit amount from \$50 to \$65 by adding 15 steps to the present \$25 step uniform schedule. Provisions were amended into ***AB 494**, enacted into law, and bill dropped. Senate companion, ***SB 213 (Short)**, died in Senate committee.

***AB 352 (George E. Brown).** Repealed the so-called adverse risk suspension relating to female count in voluntary plans. Died in Assembly committee.

***AB 353 (George E. Brown).** Provided dependency benefits in addition to basic weekly benefits, in the amount of \$5 for dependent spouse and \$2.50 for each additional dependent child under 18 years of age. Died in Assembly committee. Senate companion, ***SB 82 (Short)**, died in Senate committee.

AB 414 (Rees). Specifies that amounts deducted from employees' wages under a voluntary plan which remain after termination of the plan, because contributions were in excess of costs, shall be remitted to the State Disability Fund. Requires Director of Employment, upon an employer's failure to remit such excess funds, to assess the amount against the employer and specifies that the regular assessment and collection procedure shall apply to such assessment, except that interest shall not accrue until 30 days after notice of the assessment. Makes related technical qualifying changes. Bill was also used for cleanup changes contingent upon passage of various other bills affecting the Unemployment Insurance Code. Chapter 2156.

***AB 439 (Burton).** Eliminated provision reducing payment of disability benefits to the extent that such cash payments for temporary disability indemnity are received under workmen's compensation law. Died in Assembly committee.

***AB 441 (Burton).** Removed prohibition against payment of hospital benefits under unemployment disability insurance to a person serving the workmen's compensation waiting period. Died in Assembly committee.

***AB 442 (Burton).** Repealed provision that establishment of, or claim for, disability benefit period for unemployment disability insurance does not establish a benefit

year for unemployment insurance benefits, or a valid claim therefor. Died in Assembly committee.

***AB 445 (Burton).** Required payment to be made in disputed unemployment disability insurance coverage cases within 15 days, and prohibited the requirement of filing new forms for such purpose. Died in Assembly committee.

***AB 447 (Burton).** Made voluntary plans effective without consent of employer. Died in Assembly committee.

***AB 473 (Elliott).** Provided that individual will be disqualified for benefits for wilful misstatement only if made with intent to defraud. Died in Assembly committee. Senate companion, ***SB 180 (Richards)**, died in Senate committee.

***AB 474 (Elliott).** Transferred worker's contributions in unemployment compensation fund available for disability insurance to the disability fund. Established new formula for assessing charges for so-called extended liability benefits, requiring voluntary plans to pay their fair share of benefits charged to the extended liability account. Died in Assembly committee, but a modification of extended liability account procedures to place the account on a substantially pay-as-you-go basis was accomplished in ***AB 494**, enacted into law.

***AB 475 (Elliott).** Provided pregnancy benefits under program. Died in Assembly committee.

***AB 477 (Elliott).** Eliminates disability insurance disqualification based on disqualification from unemployment insurance benefits during a trade dispute. Died in Assembly committee.

***AB 478 (Elliott).** Eliminated provision that any section of the unemployment disability insurance law becomes inoperative if it is determined to be out of conformity with specified federal laws. Died in Assembly committee.

***AB 493 (Unruh).** Extended maximum benefits duration period from 26 to 39 weeks. Died in Assembly committee. Senate companion, ***SB 81 (Short)**, died in Senate committee.

***AB 494 (Unruh).** As introduced, provided for retroactive payment of waiting period benefits where disability exceeds 7 days. As amended and enacted, however, contains the unemployment disability insurance package proposal negotiated by the Federation with insurance groups, after the Assembly Ways and Means Committee refused to take up Federation bills on their merits until a compromise proposal had been worked out. Increases the maximum weekly benefits from \$50 to \$65 by the addition of 15 additional steps in a uniform \$25 step schedule, as originally proposed by the Federation in ***AB 322**. In addition, revises the extended liability account, charged with benefits paid for disabilities which occur while an individ-

ual is unemployed in non-subject employment, so as to place the account substantially on a pay-as-you-go basis. This is accomplished by crediting to the account the interest earned on the 1944-1945 employee contributions previously paid into the federal unemployment insurance fund from employee contributions to the unemployment insurance program, together with interest earned on the 1946 contributions by employees to the state disability insurance fund. After deducting such interest credits, the balance of the benefit payments are to be charged on a pro-ratio basis to the state and voluntary plans, depending upon the relationship of benefits paid commencing 1960 to the base period wages involved with respect to the payment of such benefits. For this purpose, increases the maximum assessment on a pro-ratio basis from three-hundredths of one percent to two-tenths of one percent of taxable wages to be paid into the account respectively by voluntary plans and state plan.

The increased benefits are payable for periods of disability commencing on and after January 1, 1960. Chapter 2155.

*AB 1075 (Unruh). Increased daily hospital benefit from \$12 to \$20, available for a period of 20 days. Died in Assembly committee. Senate companion, *SB 207 (Burns), died in Senate committee.

AB 1656 (Charles H. Wilson). Provides for the payment of hospital benefits to person confined to a hospital by court order, except where confinement is as a dipsomaniac, drug addict or sexual psychopath. Provides also that with respect to any eligible claimant who is hospitalized pursuant to a court order, or physician's or health officer's certificate, a statement from the superintendent or registrar of the hospital stating the date of such confinement, shall satisfy the requirements of a physician's certificate for eligibility for hospital benefits. Chapter 1541.

AB 1960 (Z'berg). Eliminates requirement that an individual obtain duplicate certificates from a physician where he is disabled industrially, and is, at the same time, entitled to partial payment of his disability benefits. Chapter 1196.

*SB 158 (Short). Identical to AB 1656. Pocket-vetoed by the Governor.

Bad Bills

AB 876 (Reagan). Provided that the duration of un-

employment disability benefits shall not exceed in value one-half of total base period earnings. Died in Assembly committee.

AB 939 (Levering). Disqualified individual from benefits, or reduced benefits accordingly, for persons receiving federal OASDI benefits or state old age assistance. Died in Assembly committee.

AB 1182 (Levering). Disqualified individual for unemployment insurance and required serving of disability insurance waiting period upon becoming disabled while unemployed. Died in Assembly committee.

AB 1706 (Reagan). Increased base period eligibility requirement from \$300 to \$600; inserted 75 per cent rule in disability insurance program. Died in Assembly committee.

AB 2158 (Masterson). Provided that actuarial equivalent of employee contribution for hospital benefits in the disability insurance program may be applied for integration with private, medical and hospital care plans. Died in Assembly committee.

Workmen's Compensation

Good Bills

Bills marked * were sponsored by the Federation

AB 76 (Hawkins). Extended mandatory coverage to domestic workers earning \$50 or more in cash a month. Escaped Assembly referral to subcommittee. Passed by the Assembly by a vote of 57 to 12, and killed in Senate committee.

AB 213 (O'Connell). Revises the "opposite member" and 40 per cent requirement in regard to subsequent injuries; reduces the 40 per cent subsequent injury requirement to 35 per cent and provides that such 35 per cent shall be determined apart from "adjustment for the occupation" as well as age; provides further that subsequent injury affecting an opposite member, when considered alone and without regard to or adjustment for the occupation or age of the employee, shall be 5 per cent or more of the total impairment. Makes the subsequent injury qualifying provisions permanent, and provides that all cases under the subsequent injuries provision shall be governed by the terms of the section as in effect on the date of the particular subsequent injury. Chapter 1034.

*AB 333 (Rees). Restricted to ten days the time employer shall have to nominate three additional competent physicians when employee requests change of physician; gave employee free choice of doctor if not notified of the names of the three physicians. Died in Assembly committee. Provisions of bill, with a fourteen-day instead of ten-day time period, were amended into *AB 1015, enacted into law.

***AB 334 (Rees).** Required every employer or insurer to notify the Industrial Accident Commission of any refusal to furnish or cessation of furnishing of benefits; required Commission to review each notice, and if necessary, to provide a hearing and order benefits to be provided or resumed. Died in Assembly committee.

***AB 423 (McCollister).** Provides, in regard to the subsequent injury fund, that the Attorney General may release by compromise any claims brought under the provisions of the subsequent injury article, subject to review of recommendation by the Department of Finance prior to filing with the I.A.C. Provides no such compromise and release agreement is valid unless approved by the Commission or panel thereof. Chapter 1730.

***AB 460 (O'Connell).** Increased from \$1,000 to \$10,000 the maximum amount payable as a 10 per cent penalty where the employer wilfully fails to secure payment of benefits. Died in Assembly committee. Provisions of the bill, without any ceiling on the 10 per cent penalty, were incorporated into ***AB 1015**, the package bill, enacted into law.

***AB 461 (O'Connell).** Removed the \$3,750 limitation on the increase in compensation recoverable for the serious and wilful misconduct of an employer. Died in Assembly committee. Provisions of the bill, with a \$7,500 ceiling on serious and wilful misconduct awards, plus up to \$250 for expenses in procuring the award, were amended into ***AB 1015**, the package bill enacted into law.

***AB 498 (Waldie).** As amended and enacted, corrects substantial defects in the application of the workmen's compensation law regarding third party suits. While ensuring that the injured employee will not receive double payment personally under both workmen's compensation and third party action, provides that, on the other hand, injured worker shall not have deducted from his workmen's compensation recovery any amount that he himself did not personally receive in the third party action. Chapter 1255.

***AB 515 (Masterson).** As passed by the Assembly, by a vote of 66 to 5, amended sections 3212 and 3212.5 in the Labor Code with respect to workmen's compensation rights of active law enforcement employees, such as fire fighters, police, etc. Provided that in cases of heart trouble, where the employee has served ten years or more as a full time fire fighter or law enforcement officer, the presumption shall be conclusive that the heart trouble arose out of and in the course of employment.

Amended further in the Senate to provide that hernia, heart trouble and pneumonia so developing and manifesting itself shall not be attributed to any disease existing prior to development or manifestation. Died on Senate floor.

***AB 526 (Masterson).** Provided for an award of attorney's fees to be paid by petitioner upon denial of a petition to reduce an award of a permanent disability rating which has become final. Died in Assembly committee. Senate companion, ***SB 371 (Shaw)**, died in Senate committee.

***AB 528 (Masterson).** Provides that no hernia, heart trouble or pneumonia manifesting itself in specified cases applicable to fire fighters, policemen and certain other employees, shall be attributed for purposes of workmen's compensation to any disease existing prior to such manifestation. Chapter 758.

***AB 728 (Masterson).** Increased from 5 to 10 years the period after injury within which proceedings for new and further disability may be commenced. Died in Assembly committee.

***AB 729 (Masterson).** Removed limitation against commencing workmen's compensation proceedings more than one year after the date of death, or more than 240 weeks after the date of injury. Died in Assembly committee.

***AB 731 (Crown).** Repealed present artificial limits on death benefits and converted death benefits to life pensions for surviving spouse, increased by 25 per cent for dependent minor children, until death or remarriage. Died in Assembly committee. Senate companion, ***SB 197 (Regan)**, died in Senate committee. A substantial increase in death benefits was won in ***AB 1015**, the package bill enacted into law.

***AB 732 (Crown).** Increased death benefit for surviving spouse from \$12,000 to \$15,000 and boosted the death benefit for surviving widow with dependent minor children from \$15,000 to \$30,000, while increasing the maximum for partial dependency from \$12,000 to \$15,000. Died in Assembly committee. Senate companion, ***SB 198 (Regan)**, died in Senate committee. Provisions of the bill in modified form were incorporated into ***AB 1015**, the package bill enacted into law.

***AB 733 (Crown).** Extended mandatory coverage to domestic workers without exception. Died in Assembly committee. See also **AB 76**.

***AB 734 (Crown).** Extends mandatory coverage to agricultural workers, removing the only remaining exception in the agricultural coverage provisions. Chapter 505.

***AB 735 (Crown).** Provided for retroactive payment of waiting period under workmen's compensation where industrial injury extends beyond seven days, and repealed waiting period altogether in cases involving hospitalization of injured worker. Died in Assembly committee. Senate companion, ***SB 195 (Regan)**, died in Senate committee. Portion of bill removing waiting period in hospitalization cases was amended into ***AB 1015**, the package bill enacted into law.

***AB 736 (Crown).** Provided for rehabilitation benefits

in addition to all other benefits, and required payment of such benefits during periods of rehabilitation training. Died in Assembly committee. Senate companion, ***SB 196 (Regan)**, died in Senate committee. See **SB 602 (McBride)** and **SB 673 (McBride)**, both enacted into law and listed under "Other Bills," along with **SB 1090 (McBride)**, which failed.

***AB 737 (Crown)**. Increased basic weekly benefit by \$5 for dependent wife and \$2.50 for each additional dependent. Died in Assembly committee. Senate companion, ***SB 200 (Regan)**, died in Senate committee.

***AB 740 (Hawkins)**. Vastly liberalized life payments for permanent disability ratings. Died in Assembly committee. A substantial portion of the liberalizing provisions of the bill were amended into ***AB 1015**, the package bill enacted into law.

***AB 741 (Hawkins)**. Increased amount of award for unreasonable delay or refusal to pay benefits by 50 per cent rather than 10 per cent. Died in Assembly committee.

***AB 743 (Hawkins)**. Repealed provision that maximum duration of aggregate payments for a single temporary disability is 240 weeks from the date of the injury. Died in Assembly committee. An amended version of the bill, providing for the 240 weeks within a five-year period, was amended into ***AB 1015**, the package proposal enacted into law.

***AB 744 (Hawkins)**. Provided that total temporary disability payments for a single injury shall not extend beyond 240 "compensable" weeks, rather than beyond 240 weeks from date of injury. Died in Assembly committee. Objective accomplished in ***AB 1015**, the package bill enacted into law.

***AB 751 (Masterson)**. Provided for addition of injured workers' attorneys' fees to the award for payment by the employer, rather than deduction from award. Died in Assembly committee.

***AB 864 (Rees)**. Required filing of benefit payments with I.A.C. semi-annually, and 100 per cent audit of claims by I.A.C. Died in Assembly committee.

***AB 865 (Rees)**. Provided for full freedom of choice of doctor by injured worker. Died in Assembly committee. Senate companion, ***SB 162 (Cobey)**, died in Senate committee. Modified form of free choice was incorporated in ***AB 1015**, the package bill enacted into law.

***AB 1015 (Crown; co-authored by Senator Regan)**. As introduced, increased minimum weekly benefit to \$20 and the maximum weekly benefit to \$70 for both temporary and permanent disability.

As amended and enacted, contains vast improvements in workmen's compensation program, as the major package proposal of the session:

(1) Increases the minimum weekly benefit for temporary disability and permanent disability from \$15 to \$20, and boosts the maximum for temporary

disability from \$50 to \$65 a week and for permanent disability from \$40 to \$52.50 a week.

(2) Liberalizes the death benefit structure by increasing the amount payable to a totally dependent wife with children from \$15,000 to \$20,500; the benefits payable to a totally dependent spouse without dependents from \$12,000 to \$17,500; the maximum amount payable for a partial dependency from \$12,000 to \$15,000.

(3) Provides that if a change of physician is not provided within 14 days after request, the injured worker shall have free choice in the selection of his own physician at the expense of the carrier or employer, with further provision that in any event, in a serious case, the injured employee shall be entitled to a consulting physician of his own choice at the expense of the employer, rather than being entitled to a consulting physician provided by the employer.

(4) Removes the waiting period for benefits when an industrial injury requires hospitalization.

(5) Increases the ceiling for separate recovery on serious and wilful misconduct cases from \$3,750 to \$7,500, and provides, in addition, for the awarding of costs and expenses not to exceed \$250.

(6) Removes the \$1,000 ceiling on the maximum amount payable as a 10 per cent penalty where an employer wilfully fails to secure payment of benefits.

(7) Boosts the burial benefit from \$400 to \$600.

(8) Substantially increases the life payments to permanently disabled workers with disabilities of 70 per cent or more by increasing the wage loss compensation in such cases as follows: from 10 per cent to 15 per cent for a 70 per cent permanent disability; from 20 per cent to 30 per cent for an 80 per cent disability; from 30 per cent to 45 per cent for a 90 per cent disability; and from 40 per cent to 60 per cent for 100 per cent disability.

(9) Provides that where a petition to reduce a permanent disability award which has become final is denied, the I.A.C. may order the petitioner to pay to the injured workmen all costs incurred with respect to x-rays, laboratory services, medical reports and medical testimony in connection with the proceedings.

(10) Provides for reimbursement to an injured

employee for expenses reasonably, actually and necessarily incurred for medical testimony to prove a contested claim, in addition to x-rays, laboratory fees, and medical reports; provides also that an injured employee shall be given reasonable expenses for transportation, meals, lodging, together with wage-loss compensation for each day of work lost when requested to submit to physical examination.

(11) Provides that an injured individual shall have five years in which to receive the maximum 240 weeks of temporary disability compensation for a single injury, thereby permitting small breaks in the continuation of payment without loss in total benefits.

(12) Sets up in detail the basis for recovery of a serious and wilful misconduct case where a safety order has been violated.

(13) Clarifies existing law so as to ensure that workmen's compensation remedy will be the basic exclusive remedy for an injured employee or his surviving dependents, insofar as his employer and fellow employees are concerned: sets up circumstances under which injured employee or his surviving dependents may take independent action against a fellow employee; provides that conduct which does not sustain an independent cause of action by a fellow employee may still be cause of action for recovery under serious and wilful misconduct provisions; establishes procedures dealing with offset and counter suits.

The benefit provisions of *AB 1015 become effective with respect to injuries sustained after the effective date of the act, namely, September 17, 1959. Chapter 1189.

*AB 1039 (Hawkins). Increased the amount of award by 15 per cent when employer or insurer refuses a claim and liability is subsequently found to exist, in cases where I.A.C. finds that such refusal was not made in good faith, upon reasonable belief that a valid and bona fide defense to the claim existed. Died in Assembly committee.

*AB 1070 (Meyers). Repealed provisions dealing with extra-territorial coverage. Died in Assembly committee.

*AB 1071 (Meyers). Required I.A.C. to maintain an appropriate agency to educate and advise the public, the employers and workers with respect to workmen's compensation. Died in Assembly committee.

*AB 1072 (Meyers). Required employer to post insurer's name in place of employment, and file proof of such posting with Director of Industrial Relations. Died in Assembly committee.

* AB 1384 (Hanna). Provided that an employee required to submit to medical examination on the request of his employer, insurance carrier or the I.A.C. shall receive in addition to all other benefits, transportation and other expenses and reimbursement for any wage loss. Died in Assembly committee. Provisions of bill were amended into *AB 1015, the package bill enacted into law.

*AB 1385 (Hanna). Made expenses incurred by Attorney General in defending subsequent injuries fund cases obligations of the general fund rather than the subsequent injuries fund. Died in Assembly committee.

*AB 1386 (Hanna). Provided that an injured employee shall be entitled to reimbursement for expenses incurred for all testimony, as well as x-ray and laboratory fees or medical reports, required to successfully prove a contested workmen's compensation claim. Died in Assembly committee. Provision embraced in *AB 1015, the package bill enacted into law.

*AB 1388 (Hanna). Under \$100 penalty, provided that first payments must be made not later than 14 days after the date the employee leaves work as a result of injury, and report of said injury to his employer or managing agent. Died in Assembly committee.

*AB 1389 (Hanna). Required employer at any time prior to the filing of an application or petition with the I.A.C. to submit to his employee copies of physician's report within 10 days after receipt of the request made by the employee, and thereafter to submit all additional copies within five days after receipt. Died in Assembly committee.

AB 2272 (Burton). Provides that the period within which proceedings may be commenced for collection of death benefits is one year from the date of death, where the date of death is more than one year after the date of injury, and compensation benefits have been furnished. Chapter 1959.

AB 2382 (Rees). Includes firemen of county fire districts who are members of the state retirement system, and who sustain temporary disability, within the class of persons entitled to receive a leave of absence without loss of salary, in lieu of temporary disability payments. Chapter 1491.

AB 2718 (Unruh). Provided for the licensing of workmen's compensation insurance advisors by the Insurance Commissioner. Died in Assembly committee.

Bad Bills

AB 1136 (Reagan). Provided that in determination of permanent disability rating, subjective symptomatology not supported by manifest physical impairment shall be presumed to be non-disabling. Died in Assembly committee.

AB 1137 (Reagan). Provided that where allowance is made in permanent disability determination for impair-

ment of function consequent on subjective symptomatology, no additional percentage shall be allowed for such subjective symptomatology. Died in Assembly committee.

AB 1322 (Levering). Required that for an increased benefit to be paid on the death of an employee leaving a surviving widow and one or more dependent children, the widow must also be dependent. Died in Assembly committee.

AB 1372 (Thelin). Excluded as compensable injury any injury sustained due to an epileptic attack, or any heart attack or rupture or blockage of blood vessel caused or contributed to by any condition or occurrence of the employment, unless it is proven that such condition or occurrence was excessive and unusual and not part of the employee's work. Died in Assembly committee.

AB 1373 (Thelin). Restricted liberal interpretation of provisions of Workmen's Compensation Act by I.A.C. and courts. Died in Assembly committee.

AB 2092 (George A. Willson). Required a person presenting an award to the I.A.C. to pay the same fee on filing the document with the clerk of the Superior Court as is paid on any civil action or special proceedings. Died in Assembly committee.

SB 649 (Grunsky). Provided that the filing of a release or compromise agreement stays all proceedings and suspends all statutes of limitation under the Workmen's Compensation Act. Died in Senate committee.

SB 720 (Montgomery). Provided that the I.A.C. has continuing jurisdiction over all orders, decisions and awards for additional compensation for subsequent injuries with powers to rescind, alter or amend awards. Passed Senate and died in Assembly committee.

SB 721 (Montgomery). Provided a period of limitation within which proceedings shall be commenced for collection of additional compensation for subsequent injuries. Died in Senate committee.

Other Bills

AB 1044 (Z'berg). Deletes requirement that surety bonds to secure payment of claims by self-insurers be deposited with the State Treasurer, and requires such bonds to be deposited with the Director of Industrial Relations; prohibits withdrawal of securities deposited with the State Treasurer by a self-insuring employer except upon written order of the Director of Industrial Relations. Chapter 951.

AB 1259 (Rees). Provides that where a judgment has been rendered against a third party for an injury to an employee, the employer shall have no liability to reimburse or hold such third person harmless on such a judgment. Chapter 955.

AB 1806 (Rees). Extended to marshals, deputy marshals, and any inspector or investigator in a district attorney's office who is regularly employed and paid as such an inspector or investigator, the provisions of the Workmen's Compensation Law relating to pneumonia, heart trouble and hernia. Passed Assembly and refused approval on Senate floor.

SB 575 (Berry). Increases fees which I.A.C. may charge for documents. Chapter 1587.

SB 602 (McBride) co-authored by Assemblywoman Donahue). Required employers and insurers to report specified injuries and claims under Workmen's Compensation Law to the vocational rehabilitation section of the Department of Education for rehabilitation purposes.

SB 605 (Richards). Permitted a deputy commissioner, if he is acting as a member of the Commission, or as a member of the I.A.C. or a panel thereof, to render a decision following a petition for reconsideration; provided that decisions following a reconsideration shall be signed initially by its author, and separately by its controlling members constituting the majority.

SB 673 (McBride). Authorizes continuation of study begun in 1955 of vocational rehabilitation of industrially injured persons. Appropriates \$53,000 from general fund to Department of Education for the study, to be augmented by the amount of federal contributions. Chapter 2031.

SB 719 (Montgomery). Deletes provisions requiring I.A.C. to reimburse employer for subsequent injury payments made on awards for injuries due to silicosis, where an employer who is jointly liable is outside the jurisdiction of the Commission. Chapter 1208.

SB 943 (Farr). Provides coverage of heart trouble under workmen's compensation as specified for officers and employees in the Department of Corrections having custodial duties, and officers and employees in the Department of the Youth Authority having group supervisory duties, and each security officer employed at the Atascadero State Hospital. Chapter 1155.

SB 1090 (McBride). Commencing January 1, 1960, required an employer to refer a disabled employee to the vocational rehabilitation section of the Department of Education, if the disability of the employee was considered compensable under Workmen's Compensation Law, and was either permanent and resulted from certain specific causes, or was total, but temporary, and subsisted for an aggregate of 52 weeks within the two-year period following the date of injury. Required the em-

ployer, in addition, to pay the vocational rehabilitation section \$150 plus \$50 for each six months' period during which vocational rehabilitation is furnished to employee. Provided that such training may not be initiated more than three years following the date of injury, and may not be continued for more than two years. Made the foregoing provisions inapplicable except for an initial \$50 payment by the employer where the employer, under written agreement, either voluntarily provided vocational rehabilitation, or employed the injured employee continuously for a three-year period at regular wages in an established position. Permitted either party to terminate such an agreement at will, but provided for reduction in the employer's liability for the period during which such agreement was in effect. Permitted an employer to voluntarily undertake payment for vocational rehabilitation furnished to an employee with a compensable injury not falling within the category specified in the bill. Pro-

vided for a change in the employee's permanent disability rating, should he be rehabilitated in a new occupation as the result of rehabilitation benefits furnished by the Department or the employer, or resulting from three years' continuous employment under an agreement with the employer. Died in Senate committee. The bill was much weaker than the Federation-sponsored measure, *AB 736.

SB 1427 (Shaw). Upon adoption of a resolution by the governing body of a city, county, town or district, includes under workmen's compensation persons registered as active policemen and policewomen of any regularly organized police department, having physical recognition and support of the government of the city, county, town or district in which it is located. Chapter 1650.

SOCIAL WELFARE

Although the size of benefit increases enacted by the legislature in the categorical aid programs were confined to \$5 because of a tight budget situation, the fact that increases were provided for in the face of such a budget problem was in itself a significant accomplishment. The large number of good bills listed below as having been enacted into law are indicative of generally good progress made during the 1959 general session of the legislature in the field of social welfare legislation. Of particular significance was the extension of medical care payments under the state medical care program for public assistance recipients to the totally and permanently disabled.

Perhaps the greatest disappointment in the social welfare field was the failure of the legislature to extend the old age assistance program to aliens, as proposed in **AB 1**. Following defeat of this bill in the Senate, the Assembly amended the extension provisions into a Senate bill, but the measure failed when the upper house allowed the amended bill to die on calendar the last day of the session. Another disappointment was the failure of the legislature to liberalize the archaic relatives' responsibility provisions in the categorical aid programs. The only bill that got by the Senate was **SB 711**, providing for liberalization in the computation of responsible relatives' contributions, and it was dumped in the Assembly.

Good Bills

AB 1 (Bruce F. Allen). Extended old age assistance benefits to non-citizens who have resided continuously in the United States for twenty-five years at the time of making application, and who submit evidence that they are proceeding diligently within the limits of their ability to secure citizenship. Passed the Assembly by a vote of 54 to 19 and killed in Senate committee. Following defeat of bill, the essential provisions of **AB 1** were amended

into **SB 1069** by the Assembly. **SB 1069**, however, as so amended, died in the Senate on referral back for concurrence in Assembly amendments.

AB 103 (Hawkins). As passed by the Assembly, provided that the level of benefits of aid to the totally and permanently disabled shall average \$98 per month, with a standard for individual needs not to exceed \$106 a month. Passed the Assembly and died in Senate committee.

AB 105 (Hawkins). Provides that proceeds, including evidence of indebtedness, received by a recipient from the sale of real property shall be considered real property only for one year if retained to purchase home. Provides that proceeds received from a trust deed, promissory note or mortgage received in exchange for real property shall be considered real property for a period of time as they are used as payments on a new home. Chapter 1615.

AB 123 (Elliott). As introduced, increased maximum basic aid grants in categorical programs as follows: \$90 to \$110 per month to the aged; \$99 to \$120 per month for the blind; and \$106 to \$110 per month for the disabled. As amended and enacted, it is confined to old age assistance grants only. Increases old age assistance grant by \$5 to the level of \$95, and provides for a \$9 increase in

the maximum benefit for those who do not have outside income. Provides also for increases up to \$105 in basic grant whenever the federal government increases allocations. Chapter 2150.

AB 144 (George E. Brown). Repealed relatives' responsibility in old age assistance program. Died in Assembly committee.

AB 145 (George E. Brown). Prohibits county from withholding medical or hospital care from a person pending his giving security for reimbursement to the county, instead of pending the person's signature or execution of a document giving such security. Exempts from attachment by county for medical care granted, insurance policies in the amount of \$500 surrender value instead of \$250, and funds placed in trust for burial and burial space not to exceed \$500. Chapter 1443.

AB 288 (Hawkins). Extends coverage of medical care program for public assistance recipients to recipients of aid to the totally and permanently disabled. Chapter 337.

AB 760 (Elliott). Broadened coverage of aid to the totally and permanently disabled by removing requirement that applicant be bedfast or chair-bound, or in need of continuous care and supervision. Passed the Assembly, died in Senate committee.

AB 1284 (Garrigus). Exempted income up to \$200 a month of spouse of recipient of aid to the aged, for purposes of computing community property as it affects the qualification of the recipient. Passed the Assembly, died in Senate committee.

AB 1370 (Samuel R. Geddes). Prohibited county from taking a lien upon any property of a recipient of aid to the blind, for hospitalization, boarding or nursing home care, or homemaker and housekeeping services furnished to the recipient, instead of only upon personal property, personal effects and interment plots. Refused passage on Assembly floor by vote of 22 to 45.

AB 1417 (McMillan). Increases maximum state aid grant payable to an institution on behalf of a needy child confined in the institution from \$24 to \$50.63 a month, or so much as is necessary for the adequate care of the child. Chapter 1788.

AB 1535 (Gaffney). Increases aid to the needy blind by \$5 a month to \$104, and provides a \$9 increase for those who have no outside income. Specifies also that increased federal subventions shall accrue to recipients of aid. Chapter 1878.

AB 1536 (Gaffney). Provides the same increase for aid to the partially self-supporting blind resi-

dents as **AB 1535** provides for the needy blind. Chapter 1879.

AB 1625 (Chapel). Increased from \$1,000 to \$1,200 the basic exemption for net income of a recipient of aid to the partially self-supporting blind, derived from earnings and other specified sources. Pocket-vetoed by the Governor.

AB 1759 (Hawkins). Provided that the cost of county hospitalization shall not constitute a lien against the real property of a recipient of old age assistance. Died in Assembly committee.

AB 1882 (Thomas). Provides that lump sum income shall not be considered income for the purpose of determining eligibility for old age assistance until such lump sum amount, when added to property, equals the maximum property allowance. Does not apply to lump sum income received by the recipient which has accrued over a period of two or more months. Chapter 1192.

AB 1888 (Kennick). Required Department of Social Welfare to bring to the attention of the Social Welfare Board, appeals from applicants and recipients which show repeated conflicts in interpretations and regulations of the board, and to recommend qualifying changes to prevent future misinterpretations. Pocket-vetoed by the Governor.

AB 1901 (Kilpatrick). Requires county to keep application on file of ineligible applicant who will become eligible in 90 days, so that aid may be granted from the date of eligibility. Chapter 655.

AB 1902 (Kilpatrick). Applies the same changes as in **AB 1901** regarding applicants for aid to the aged to applicants for aid to the needy blind. Chapter 656.

AB 1931 (Luckel). Provides that recipients of categorical aid shall not lose residence due to absence of one year, because of illness or other good cause, where there is no intent to establish residence elsewhere. Chapter 1195.

AB 1994 (Ernest R. Geddes). Requires that notification given to recipient of the cancellation, suspension or revocation of aid to the aged shall be in writing and shall state the date thereof. Chapter 784.

AB 2014 (Rumford). Prohibits Social Welfare Department from adopting rules and regulations limiting the period of time required by recipient of old age assistance to pay for physicians' services,

medical needs or hospitalization not covered by the medical care program; eliminates present provision giving the Department authority to limit payment to 24 months. Prohibits Department from placing restriction on amount which may be expended for such services. Chapter 657.

AB 2233 (Ernest R. Geddes). Liberalized permanently and totally disabled assistance program. Passed Assembly, died in Senate committee.

AB 2282 (Burton). Prohibited Social Welfare Board from adopting rules or regulations or standards in conflict with legislative intent, and required submission of rules and regulations before adoption to the administrative advisor of the Social Welfare Department. Pocket-vetoed by Governor.

AB 2362 (Munnell). Transferred administration of the categorical aid programs to the Department of Social Welfare, while requiring county to pay its proportionate share of grants. Died in Assembly committee.

AB 2559 (Hawkins). Prohibited social workers from interfering or attempting to coerce recipients of aged, blind and disability aid from joining or refraining to join an organization of their choice. Pocket-vetoed by the Governor.

AJR 12 (Hawkins). Memorializes Congress to enact a national food allotment stamp plan as a means towards strengthening our national health and developing a more equitable distribution of available food, and to make such food available in addition to and not in place of any welfare assistance (financial or otherwise) granted needy persons. Chapter 104.

SB 711 (Richards). As introduced, repealed relatives' responsibility provisions of aid to the aged program. As amended and passed by the Senate, merely liberalized the relatives' responsibility provision in computation of contribution required by law. Died in Assembly.

SB 852 (Regan). Provides that enforcement of relatives' responsibility provisions of Old Age Security Law shall be by civil action and not by criminal prosecution; provides that relatives shall not be held criminally responsible for failure to contribute or return any required form. Chapter 1103.

SB 867 (Richards). Same as AB 103 and AB 123 combined. Chapter 2151.

SB 1069 (Arnold). As passed by the Senate, merely defined terms "casual income" and "inconsequential resources" as used in regard to applicants for aid to the aged. Amended in Assembly to provide a \$5 increase in old age assistance grant, and later, following the defeat of AB 1, providing old age assistance for non-citizens, the essential provisions of AB 1 were amended into SB 1069. Died in Senate after referral back to upper house by the Assembly for concurrence in Assembly amendments.

Bad Bills

AB 3 (Conrad). Gave county a claim with a priority of judgment against the estates of recipients of aid to the aged for aid granted. Died in Assembly committee.

AB 2431 (Mulford). Prohibited payment of aid on behalf of more than one illegitimate child in a needy family. Died in Assembly committee.

Senate Bills 1148 to 1154, inclusive and SB 1159 (Cobey). Placed restrictions on aid to needy children program. All bills were defeated.

Other Bills

AB 651 (Masterson). Deletes provision requiring an alien who applies for aid to the needy disabled to declare under oath that he desires to become a citizen. Requires alien, upon application, rather than annually, to submit evidence that he is pursuing diligently to qualify for citizenship. Chapter 136.

AB 2015 (Rumford). Provides that aged aid recipients shall not be required to obtain more than one estimate to establish the cost of medicine, appliance or device needed by recipient to meet physical or health needs where the Social Welfare Board has established a ceiling price on the item needed. Chapter 658.

SB 515 (Teale). Simplifies administration of medical care program for public assistance recipients, for stated purpose of giving them the full amount of medical care which can be obtained by the funds available. Chapter 2029.

SB 1057 (Teale). Requires that itemized bills for services under the medical care program for public assistance recipients be submitted not more than six months after the month in which the services were rendered. Chapter 1090.

STATE, COUNTY AND MUNICIPAL EMPLOYEES

The relatively large number of bills listed below represent only a small portion of the many bills considered by the legislature affecting public employees generally. Apart from a 5 per cent salary increase for state employees, contained in the state budget, perhaps the major accomplishment of the session was the enactment of **AB 2062**, which provides a liberal formula for the coordination of federal Old Age and Survivors' Disability Insurance benefits with the state employees' retirement system. The bill applies not only to state miscellaneous workers, but also to non-academic employees of the University of California and school district employees who are contracting members of the state system. Provision for coordination for state employees is contingent upon a majority vote to divide for coverage purposes.

Major disappointments on the other hand were perhaps three: (1) the refusal of the legislature to recognize the right of public employees to join bona fide unions and organizations of their own choice, (2) the rejection of corrective legislation which would restore to prevailing rates those workmen, mechanics and laborers in state service who, by the infamous June 1956 decision of the State Personnel Board, had their prevailing wage rates red-circled and their positions transferred to monthly range classes, and (3) the defeat of legislation to provide prepaid medical care for state employees under a program that would give state workers a wider choice than the one major plan available at the present time through the California State Employees Association.

The only bill to pass the legislature protecting the organizational rights of public employees was ***AB 618**, limited to fire fighters, and reported under that section. Two Federation-sponsored measures of general application were buried in the Assembly. These were ***AB 602** and ***AB 631**. Even in regard to proprietary functions of public agencies, where workers are already generally organized into bona fide unions, the legislature refused to budge from the reactionary positions taken by various public employer representatives, with the support of some of the company union public employee associations.

In regard to proprietary functions, the Federation sponsored ***AB 603** to extend organizing and collective bargaining rights to employees of municipal utility districts. This measure, however, was held back in favor of **AB 570**, a similar measure which the Federation worked hard for enactment. **AB 570** also had the advantage of being authored

by freshman Assemblymen George E. Brown, who himself is an expert in the field of public employment, and specifically, in the need for securing the right of public employees to organize into bona fide organizations. **AB 570** was passed by the Assembly by a narrow majority of 41 to 30, and on the Senate side won the approval of the Senate Committee on Local Government. Although only minimum expenditures ranging from zero to \$3,000 were involved in the bill, the measure was referred to the Senate Finance Committee, where it was killed by referral to interim committee for study.

Also in the field of proprietary functions, the Federation worked diligently to secure organizational and collective bargaining rights in a long series of bills creating county water development agencies with broad powers to develop hydro-electric facilities as a means of financing various flood control and irrigation projects. Although the Federation was successful in amending a number of these bills to provide the necessary organizational and collective bargaining rights for electrical workers, it was not possible to retain the amendments because of the refusal of authors to cross their county supervisors, who vehemently opposed the inclusion of protective provisions for employees in their county water agency bills. In all, there were more than a dozen such measures. They are reported under "Water and Power."

In regard to prevailing rates for state mechanics, workmen and laborers, the major bill was Federation-sponsored ***AB 318**. Approval was secured through the Assembly Committee on Industrial Relations, but it was dumped in the Ways and Means Committee on opposition of the State Personnel Board and the Department of Finance, even though experience since the infamous ruling of 1956 has proven that the state cannot retain competent tradesmen in permanent service without paying them the prevailing rates.

On the subject of prepaid medical care for state employees, legislative consideration focused on

AB 2699, providing a broad, liberal approach necessary to give state employees adequate choice of medical care programs available, and **AB 2315**, designed to entrench the CSEA's existing indemnity program to the extent of even requiring differential contribution rates for non-members. Both bills unfortunately, because of the tight budget situation, went down the drain when they were referred to interim committee for further study.

In regard to Federation bills affecting state, county and municipal employees, of the rather large number introduced and listed below, only three managed to travel the legislative route. They are ***AB 189**, amending the Los Angeles Metropolitan Transit Authority Act, and two other bills ***AB 232** and ***AB 256**, affecting amendments to the County Employees Retirement System.

Good Bills

Bills marked * were sponsored by the Federation

***AB 189 (Charles H. Wilson)**. As amended and passed by the Assembly by a vote of 253 to 8, amends the Los Angeles Metropolitan Transit Authority Act to provide that, upon proper authorization pursuant to a collective bargaining agreement, deductions shall be made for payment of union dues, fees, assessments, contributions to health and welfare plans and retirement plans, and other deductions authorized by the employees; provides further, with respect to the basic organizational rights of employees, that there shall be freedom from interference by the employer, a limitation upon the participation in hearings by the employer; and an obligation on the part of the employer to engage in collective bargaining with respect to the basic items involved in the existing law. Passed Senate without opposition. Chapter 519.

***AB 232 (Dills)**. Amends County Employment Retirement Law to delete provisions which require a reduction in the retirement allowance to members who are retired for disability, and who are gainfully employed in occupations that are not in county service, or non-covered county service. Chapter 1160.

***AB 233 (Dills)**. Provided that alternate member shall sit and act in place of the seventh member of the County Employees Retirement Board in counties subject to fixed formula and safety member provisions, whenever there is before the board any matter concerning the rights, benefits, privileges or duties of safety members, under specified conditions. Died in Assembly committee.

***AB 256 (Dills)**. Amends the County Employment Retirement Law to provide that not to exceed one-half of the employee contributions to the county system shall be deducted from the salary of the members in those counties which pay officers and employees semi-monthly. Chapter 1161.

***AB 313 (Dills)**. As amended and passed by the Assembly, amended State Employees Retirement Law to delete provision which requires reduction in retirement allowance to member retired for industrial disability, who is gainfully employed in occupation not in state service. Killed in Senate committee.

***AB 318 (Z'berg)**. As introduced, provided that all state employees in construction, repair, maintenance work, shall receive not less than prevailing rates and benefits paid to persons employed in like work in private industry. Amended in the Assembly to specifically provide that state workmen, mechanics and laborers transferred to monthly range positions by the June 1956 decision of the Personnel Board, shall be reinstated in the former classifications on an hourly per diem basis. Required persons employed in such positions to receive prevailing rates, less extra fringe benefits paid by the state as compared to private employment. Killed in the Assembly Ways and Means Committee. Following defeat of ***AB 318**, the Assembly passed a simple House Resolution calling on the Personnel Board to reconsider its June 1956 decision and hold a new hearing on the matter. Senate companion, ***SB 344 (Rodda)**, died in Senate committee.

AB 372 (Donahoe). Permits county superintendent of schools to grant leaves of absence with or without pay to persons employed in non-certificated positions in the same manner and to the same extent as permitted of school district governing boards. Chapter 757.

AB 551 (Masterson). Removes the 15 working day limitation on the amount of annual vacation county officers and employees may receive. Chapter 314.

AB 552 (Masterson). Permits legislative bodies of cities, counties, and public agencies to authorize payment of all or such portion as it may elect of the premium for group health and accident insurance and medical and hospital service on the spouse and dependent minor children of the officers and employees subject to their jurisdictions, and for whom such insurance or service contract has been procured. Chapter 315.

AB 570 (George E. Brown). As introduced, provided that employees of public utility districts and publicly owned water and electrical utilities shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively, and to engage in other activities for the purpose of collective bargaining, or

other mutual aid or protection. Provided for submission of questions as to representation to State Conciliation Service for disposition. Provided for arbitration, upon agreement of the employing public agency and the labor organization, of disputes concerning wages, salaries, and working conditions.

As amended several times and passed by the Assembly, by a vote of 41 to 30, after defeat of motions to table the bill and re-refer the bill to committee, the bill was restricted to employees primarily engaged in the construction or operation of facilities used in the production or distribution of electrical energy power for sale to the ultimate consumer of public utility districts, municipal utility districts and publicly-owned electrical utilities.

On the Senate side, the measure received policy clearance from the Senate Committee on Local Government, but when it reached the floor it was referred to the Senate Finance Committee, even though it involved at most \$3,000 of implied state appropriation. Measure was dumped by the Finance Committee in the closing days of the session. Referred to interim committee for study. See also Federation-sponsored ***AB 603**.

***AB 602 (McMillan)**. As introduced, extended state policy in favor of the right to organize and collective bargaining to local government employees who are not uniformed. Amended in Assembly Industrial Relations Committee to provide that section 923 of the Labor Code, relating to the right of employees to organize for the purpose of affecting their conditions of employment and other mutual aid and protection, shall be applicable to and implemented by cities, counties and political subdivisions and agencies of the state dealing with organizations composed of employees other than policemen or deputy sheriffs. Such extension was qualified by a provision making the extension subject to the limitation of the constitution and laws of the state, and the provisions contained in the charter and applicable ordinances and regulations of cities, counties, political subdivisions and agencies.

As so amended, was sent to the floor where passage was blocked by the united opposition of cities, counties and other public agencies. Died in Assembly inactive file.

***AB 603 (McMillan)**. Permitted collective bargaining between employees and municipal utility districts, and provided for compulsory arbitration of disputes not settled by negotiations upon request of either party. Provided for disposition of representation questions by submission to the Department of Industrial Relations. Dropped in favor of **AB 570**, which was pushed hard by the Federation, but killed in Senate Finance committee.

AB 607 (George E. Brown). Omnibus bill providing for self-organization and collective bargaining rights of all public employees, with provision for submitting unresolved questions of representation to the state Conciliation Service for disposition. Provided further for arbitration, upon agreement of employing public agency, and labor organization, of disputes concerning wages, salaries and working conditions. Dropped by the author

in favor of other collective bargaining bills, i.e. ***AB 602**, ***AB 603**, ***AB 631** and **AB 570**. Sent to interim committee for study.

***AB 631 (McMillan)**. As introduced, merely declared that an employee shall not be denied the right to become or remain a member of a bona fide labor organization of his own choice, whether he is employed in private industry, or by the state or local public agency. Following defeat of ***AB 602** on the floor of the Assembly, the bill was amended and completely rewritten to carefully spell out public employees' right to self-organization, to form labor organizations, to present grievances and recommendations regarding wages, salaries, hours and working conditions to governing bodies, and to discuss the same, but without the right to strike. The amended version also specifically provided that the collective bargaining declaration in Labor Code section 923 was not being extended to public employees.

As so amended, the bill was heard in Assembly Industrial Relations Committee and sent to interim committee for study.

AB 759 (Burton). As introduced and sent to the floor of the Assembly, provided for collective bargaining between hospitals or institutions and their employees, with provisions for compulsory arbitration of disputes. On the floor of the Assembly, the bill was the subject of long debate and a series of weakening amendments, so that when it came up for passage, the bill applied only to private non-profit hospitals. As so amended, was refused passage by a vote of 33 to 42.

***AB 803 (Dills)**. Provided for voluntary retirement of patrol and warden member, forestry member, state miscellaneous member, local safety member who is a fireman, and local miscellaneous member, entitled to be credited with 25 years' service. Died in Assembly committee.

***AB 902 (Bane)**. As amended and enacted, permits state or any county political subdivision, incorporated city or town or other municipal corporation to make contributions into vacation allowance, sick leave and retirement funds on behalf of non-permanent laborers, workmen and mechanics, employed on an hourly or per diem basis. Provides that payment shall be in lieu of benefits such as vacation allowance, sick leave and retirement, which are granted directly by the agency in accordance with law. Specified also that employing agency may make payments only to plans which meet the following standards: (1) the plan has office located in California, (2) the fund connected with the plan is required to be audited at least annually by an independent licensed certificated public accountant, and (3) each trustee and administrator who handles funds is required to be bonded. Chapter 2051.

AB 1111 (George E. Brown). Provides that the legislative body of a county, city, municipal corporation, political subdivision, public district or other agency, may provide for the payment of the cost of replacing or repairing property or prostheses of an employee such as eyeglasses, hearing aids, etc., when such items are damaged in the line of duty without fault of the employee. Chapter 762.

***AB 1415 (Thomas).** As amended and sent to the Assembly Ways and Means Committee, provided that the State Personnel Board, at least every six calendar months, shall hold public meetings with representatives of labor organizations concerning the establishment of rules and regulations and the implementation of existing laws, rules and regulations concerning the employment of persons on an hourly or per diem basis, and in the state service generally. Killed in Assembly Ways and Means Committee.

***AB 1416 (Thomas).** Provided that salaries of all state employees shall be paid at least every two calendar weeks. Permitted salaries of persons in each class or position of state civil service to be paid twice each calendar month in equal payments of one-twenty-sixth of the total annual salary. Died in Assembly committee.

***AB 1420 (Z'berg).** Provided that the prevailing rates used in fixing salary limits of laborers, mechanics and workmen employed on an hourly or per diem basis, and who come within the state civil service, shall include payments to health and welfare, vacation, holiday, pension and similar funds or programs. Passed by the Assembly and killed in the Senate. Bill was later used for affecting an amendment to the county retirement system.

***AB 1467 (Thomas).** Required state civil service promotional examinations to be in writing, and that openings be filled by examinees in the order in which they pass the examination. Died in Assembly committee.

AB 1499 (George A. Willson). Permits school districts in Los Angeles County to pay non-certificated employees every two weeks. Chapter 695.

***AB 1552 (Meyers).** Increased vacations for county officers and employees from 15 to 30 full working days each year. Died in Assembly committee.

AB 1777 (Elliott). Authorizes reemployment, without examination, in specified classes of any non-certified school district, of an employee who was classified as permanent when he resigned. Provides that if such a person is re-employed as a permanent employee, the governing board must disregard his break in service and classify him as a permanent employee. Chapter 748.

AB 1873 (Meyers). Indirectly overruled the State Personnel Board's June 1956 decision by providing that the prevailing rate of wages paid laborers, workmen and

mechanics in the state service shall take into account the kind and nature of the work and the skills required. Died in Ways and Means Committee, as did ***AB 318**.

AB 1889 (George E. Brown; co-authored by Senator Rattigan). Authorized counties, cities and districts to reimburse employees for cost of repairing or replacing personal property damaged or lost in line of duty without fault of their own. Passed the Assembly and died in Senate committee.

AB 1891 (George E. Brown). Permits employee of local public agency which has divided retirement system to make a choice for combined Social Security and retirement plan even though he may have previously rejected Social Security or did not vote. Chapter 752.

AB 1892 (George E. Brown, co-authored by Senator Richards). Eliminates provision restricting benefits paid pursuant to article 13 of the 1937 County Employees Retirement Law to 75 per cent of the employee's final compensation under Social Security integration. Makes other changes. Chapter 1193.

AB 2062 (MacBride). Originally was a bad bill, adding survivor's benefits to state employees retirement system, as an alternative to liberal integration of OASDI with the state system, as proposed in **AB 2153** and **SB 704**.

As amended and enacted, incorporates provisions for OASDI coordination in **AB 2153** and **SB 704**. Provides for division of retirement system for those who want the coordinated system, if, in a referendum, the majority of the eligible members vote, and a majority of those voting favor the division. Effect would be that if division succeeds, those not wanting OASDI coordination on a one-sixtieth-one-ninetieth formula, without any upper limitation on benefits, would come under survivors' benefits within the state employees' retirement system for an additional contribution of \$2.00 per month, on a non-refundable basis. All new members to the system would be required to take the coordinated program, if division succeeds. Chapter 2066.

AB 2153 (Ernest R. Geddes). Provided one-sixtieth-one-ninetieth formula for coordination of state employees' retirement system with OASDI without upper limit on total benefits. Provisions amended into **AB 2062**, and bill dropped.

AB 2442 (Z'berg). Permitted specified refund to employees of public agency under contract with state employees' retirement system for the excess amount of

contribution paid to the state employees' retirement system during the period of integration with OASDI, preceding federal contributions first deducted from salaries and wages of such employees. Pocket-vetoed by the Governor.

AB 2699 (Samuel R. Geddes). Established broad, liberal program of medical and hospital care benefits for state employees. Gave employees choice of selection of coverage under any approved plan, including service and indemnity plans. Measure was favored over narrow program sponsored by the CSEA in **AB 2315** listed under "bad." Both bills were referred to interim committee for further study.

AB 2574 (Waldie). Provides for determination of the minimum retirement allowance of a member of a local system which has been integrated with the federal OASDI system to be made at the time of retirement of the member when he is fully insured under the federal system. Chapter 1677.

AB 2840 (Z'berg). Provides that the State Personnel Board may provide for sick leave without pay to employees who have exhausted their accumulated sick leave pay. Chapter 2141.

SB 704 (Stiern). Essentially the same as **AB 2153** providing for OASDI coordination with state employees' retirement system. Although this was the original measure introduced on the subject, the bill was held up in the Senate because of movement of Assembly measures. See **AB 2062**.

SB 1158 (Gibson). Authorizes recreation and park districts to enter into group hospital service contracts which provide hospital service for illness of employees as well as injuries. Chapter 1518.

SB 1328 (Stiern). As amended and passed, contains the provisions of **AB 2062**, confined to employees of school districts covered under the state retirement system by contract arrangement. Measure was passed to ensure division for such employees should **AB 2062** fail. With the signing of **AB 2062** into law, **SB 1328** becomes an implementing bill to assure division and OASDI coordination for those school district employees who desire such coverage in time to take advantage of retroactive coverage provision in federal law. Chapter 2067.

Bad Bills

AB 1231 (Ralph M. Brown). Further cut the 75 per cent limit on total benefits under coordinated federal OASDI with county employees' retirement system to 65 per cent of final compensation. Died in Assembly committee.

AB 1739 (McCollister). Among other things, specified that in stating the reasons for dismissing, suspending or reducing in rank or compensation any state officer or employee, the appointing power need not set forth the evidence upon which such reasons are based. Died in Assembly committee.

AB 2315 (Meyers). Provided that the state shall contribute \$5 toward the cost of providing medical and hospital care for state employees who are participants in one or more approved type plans. Blanketed in and entrenched the CSEA plan, putting it outside of standards required for the approval of other plans to participate in the program. Also provided for differential contribution rate for non-members of the CSEA for participation in their plan. Also would have prohibited various trades from applying the \$5 to a union-negotiated program. Federation supported **AB 2699**. Both bills were referred to interim committee for further study.

SB 1301 (Donnelly). Established employment category of career executive outside of state civil service. Died in Senate committee.

Other Bills

AB 974 (MacBride). Provided that an election given a contracting agency under the State Employees' Retirement Law to come under optional provisions of that law may be exercised separately with respect to its employees included in the federal OASDI program, and with respect to employees not included. Died in Senate committee.

AB 978 (MacBride). Suspends compulsory retirement of contracting agency members of state employee's retirement system to permit coverage under OASDI when it becomes available to them. Chapter 1037.

AB 979 (MacBride). Defines "member" for purposes of coverage under federal OASDI program to include non-members of the state employees' retirement system having option to become members, and makes provision for amendment of integration agreement to include such persons. Revises procedure, with respect to proceedings begun after the effective date of the Act, for public agencies to participate in federal OASDI program on a divided basis, as permitted by the federal act. Validates completed proceedings for division and coverage begun under procedures existing prior to the effective date of the act. Urgency measure. Chapter 777.

AB 1750 (Thomas). Authorizes instrumentalities created jointly by the state and other states, if like

authority granted by such other states, to enter into agreement with federal authorities for participation in federal OASDI program. Chapter 1670.

AB 1862 (Elliott). Makes provision for re-employment rights of non-certificated school employees inapplicable to person suspended because of lack of work or lack of funds. Chapter 1482.

AB 2327 (George A. Willson). Provides that an employee shall be deemed permanent when he has served for six months or 130 paid days, whichever is longer, rather than when he has served for six months, in regard to non-certificated school district employees. Permits personnel commission to exclude time employee was on leave of absence in determining permanent status. Chapter 1675.

AB 2841 (Z'berg). Provided that in a layoff of state civil service employees, the layoff need not be in a single classification, and that consideration should be given to all employees in comparable classes in the department or in the designated geographical, organizational, or functional unit of layoff. Provided that State Personnel Board shall review and determine the appropriateness of the classes designated for layoff. Pocket-vetoed by the Governor.

SB 1130 (Murdy). Permitted employment of persons over retirement age in counties having population of less than 235,000 as of the 1950 Census, upon determination by the retirement board, based on a medical examination the employee is not incapacitated for his duties. Pocket-vetoed by the Governor.

SB 1174 (Stiern). Suspends compulsory retirement for local miscellaneous contracting members of state employees' retirement system to permit coverage under coordinated OASDI program. Chapter 2069.

SB 1329 (Stiern). Clears way for modification of contribution rates on behalf of certain local employee contracting members of the state employees' retirement system upon coordination with and availability of federal OASDI benefits. Chapter 2068.

Assembly Bills 579, 2423, 2429, 2485, and 2487 (Donahoe and others). All these bills passed by the legislature make numerous and rather far-reaching revisions in the law relating to the unemployment of non-certificated school employees in classified positions. Chapters 1267, 1894, 1895, 1901, 1557.

STATE GOVERNMENT

Notable accomplishments were made by the 1959 legislature in the laws affecting operation of state government. Among constructive proposals advanced by the Brown Administration and enacted by the legislature, were **SB 33**, establishing in the Governor's office a Consumer Counsel charged with the responsibility of advancing the interest of consumers in state government both on an administrative and legislative level as well as through educational activities, and **SB 43**, creating a limited but necessary Economic Development Agency, to promote the orderly industrial development of the state, and help maintain full employment.

In supplemental action, the legislature also took a long step in the field of physical planning by creating an office of planning in the Department of Finance, charged with the responsibility for promoting regional planning, and to develop and keep up to date a state master plan to be known as the State Development Plan. The planning agency bill is embodied in **SB 597**. Although **SB 597**, like **SB 43**, has many shortcomings, it is understandable that this should be the case because of the difficulty of getting new programs established, which in the case of these two bills, was a major achievement.

No less of an achievement was the establishment of the office of Consumer Counsel. Although patterned after the successful experience of the office of Consumer Counsel established in New York under Governor Averill Harriman's administration, the California Consumer Counsel is the first in the United States to have a legislative base.

Good Bills

AB 450 (Bee). Deleted provision exempting key-driven calculators manufactured by American companies in branch plants located outside of the U. S. from the requirement that American-made products be used in public works. Died in Assembly committee.

Assembly Bills 1935-1955 (Ralph M. Brown). All require meetings and records of various state com-

missions and boards to be open to the public. Chapters 842-862.

AJR 32 (Bruce F. Allen). Ratifies the 14th Amendment to the Constitution of the United States, which had never been ratified by the State of California. Chapter 157.

SB 33 (Richards). Establishes in the office of the Governor, a Consumer Counsel, to advise the Governor on all matters affecting the interests of the people as consumers, and to recommend to him and the legislature, the enactment of legislation as deemed necessary to protect and promote such consumer interests; fixes Consumer Counsel's salary at \$15,000 per year, and permits Governor also to appoint, at fixed salaries, assistants and employees for the Consumer Counsel as deemed necessary. Specifically provides that the Consumer Counsel may appear before various commissions, departments and agencies to make representations and be heard on behalf of consumer interests, to cooperate and contract with public and private agencies for obtaining the statistical surveys, printing, economical information and other similar services; and to do such other acts as may be incidental to the exercise of the functions and powers of the Consumer Counsel. Requires each state agency, officer and employee to cooperate with the Consumer Counsel. Also provides that the Governor, by Executive Order, may create advisory committees to assist the Consumer Counsel and serve under the direction of the Consumer Counsel with no compensation except for expenses. Passed Senate by vote of 32 to 3 and Assembly by a vote of 47 to 25. Chapter 467.

SB 43 (Cobey). Establishes within the Department of Finance, a state Economic Development Agency, headed by a commissioner appointed by the Governor, subject to the fiscal controls and audits of Director of Finance, who shall furnish the personnel, equipment, supplies and housing, and housekeeping services necessary to the operation of the commissioner. Provides for appointment of technical advisory committees by the Governor to advise the commissioner, such committees not to exceed twenty members selected on the basis of their knowledgeability and interest in the field of industrial and economic development. Authorizes the Economic Development Agency to perform the following functions and activities: (a) gather and

analyze information from governmental and private sources for dissemination to industry, commerce and agriculture; (b) conduct studies of factors affecting development, growth and decline of economic activity in the state, with special attention to businesses suitable for expansion and factors that hinder expansion and cause failures; (c) promote location and development of new businesses, and for these purposes cooperate with public and private agencies; (d) conduct positive programs for promotion of industrial and agricultural development; (e) conduct studies on economic potentials of specific areas, and develop standard techniques and formats for such studies by local organizations; (f) advise all local communities to identify and overcome handicaps to economic development, and to realize the full advantage of local resources; (g) aid business concerns in their relationship with appropriate federal agencies, such as the Small Business Administration; (h) compile periodic census of business and industry in cooperation with other agencies; (i) conduct studies to improve work of the economic development agency; and (j) submit to the Governor and the legislature reports of its activities, and recommendations for executive and legislative action. Chapter 1911.

SB 304 (Shaw). Created in office of Governor a Coordinator of Atomic Activities, appointed by the Governor, to coordinate activities in the state relating to atomic energy and other forms of radiation, including cooperation with other states and the United States. Established also in Governor's office, a Committee on Atomic Activities, consisting of the Coordinator of Atomic Activities and the directors of the Departments of Public Health, Industrial Relations, Public Works, Water Resources, Insurance, Finance, Natural Resources, Public Utilities Commission, the Industrial Accident Commission, State Water Pollution Control Board, Personnel Board, Superintendent of Education, State Disaster Office, and the Attorney General, and other heads as the Governor shall appoint. Finally, provided for Governor appointment of Citizens Advisory Committee on Atomic Activities to advise him on problem of use of atomic energy, such committee to serve without compensation except for expenses, and to meet on call of the Governor. Pocket-vetoed by the Governor.

SB 597 (Farr, co-authored by Assemblyman Rees). Establishes Office of State Planning and Conservation in the Department of Finance of an ad-

visory nature to serve as a coordinating agency for the Governor, functioning through the Department of Finance, and an advisory agency to the legislature, with responsibility for (a) the preparation, maintenance and periodic revision of a comprehensive State Development Plan (physical development); (b) the coordination of public works programs undertaken by state agencies; (c) the provision of planning assistance to local, district and regional planning agencies, and to other public agencies upon request; and (d) the undertaking of such other physical planning and coordinating studies and activities as will implement the policies and intent of the legislature. Creates an advisory committee to the planning agency; spells out in detail the description and procedures to be followed in preparing the state development plan. Requires Office of State Planning to encourage regional planning, and permits office to extend planning assistance and advice respecting regional planning. Generally preserves, however, the independence and autonomy of local planning, wherever it may conflict with the State Development Plan. Classified as "good," because the bill represents a long step in the right direction, and should supplement AB 43. Chapter 1641.

SB 906 (Fisher). Repeals termination date on law creating local planning advisory committee in the Department of Finance. Chapter 941.

SJR 12 (Farr). Urges Congress to provide procedures for local authorities to study and comment on proposed federal projects in their areas. Chapter 168.

SCA 31 (Collier). Increases monthly compensation paid members of the legislature from \$500 to \$750. Chapter 252.

Bad Bills

AB 335 (Rees). Repealed preference for American-made materials in public purchases. Killed in Assembly committee.

AB 1896 (Rees). Provided for establishing of metropolitan multi-purpose service districts. Died in Assembly committee.

ACA 38 (Masterson). Reduced from two-thirds to 60 per cent the vote required for incurring indebtedness by cities and counties and school districts, but on the other hand, favored investment companies in the tightening-up on the sources of funds which may be available to cities and counties for capital outlay. Died in Assembly committee.

Other Bills

AB 163 (Dills). Permits purchase of Heidelberg Press by school districts for purely training purposes. Chapter 1254.

AB 1433 (Rees). Revises procedures for distribution of funds to district fairs. Chapter 2057.

AB 1448 (Crawford). Establishes standards for training of law enforcement officers. Chapter 1823.

AB 1468 (Marks). Proposed the creation of a state department of revenue and board of appeals in place of various scattered agencies administering state tax laws. Died in Assembly committee.

AB 1713 (Kilpatrick). Provides for succession to constitutional offices in event of war or enemy-caused disaster. Chapter 2061.

AB 1714 (Kilpatrick). Provides for succession to the office of Governor in the event of war or enemy-caused disaster. Chapter 2062.

AB 2190 (Coolidge). Combined the Divisions of Labor Law Enforcement and Industrial Welfare into one division within the Department of Industrial Relations. Died in Assembly committee.

SB 562 (Miller) Permits the Governor to appoint two civil service-exempt chief deputies for the Directors of the Departments of Finance, Public Works and Mental Hygiene, and not to exceed one chief deputy for the directors of the Departments of Social Welfare, Agriculture, Insurance, Employment, Motor Vehicles, and Water Resources. Provides such deputies shall serve at the pleasure of the director of the department to which he is appointed, at a salary fixed by the director in accordance with law. Makes the deputy responsible to director for assignment of duties and performance. Chapter 1843.

SB 948 (Gibson). Revises per diem expenses for members of various licensing boards, commissions or committees. Chapter 1645.

SB 1230 (Regan). Companion to AB 1433 relating to allocation of funds to district fairs. Pocket-vetoed by the Governor.

SB 1454 (Miller). Provides for reorganization of Recreation Commission. Continues Recreation Commission in existence within the Department of Natural Resources as an advisory commission, and creates the Division of Recreation in the Department. Commission becomes advisory in character. Chapter 1808.

TAXATION

While the Governor and the Democrats in control of the 1959 session of the legislature deserve full credit for their courage in pressing for the enactment of new taxes necessary to balance a substantial budget deficit in the provision of necessary state services, at the same time they cannot expect to escape the strong criticism they so justly deserve for imposing additional burdens on consumers who were already carrying two-thirds of the state's tax burden because of the domination of regressive sales taxes.

The success of Governor Brown in securing passage of the major portion of his tax program to balance the 1959-1960 budget was overshadowed from labor's point of view by the enactment of some additional \$64 million in consumer taxes. In this respect, the impressive demonstration of party responsibility behind the Governor's tax program was a display of party solidarity to violate the Democratic party mandate against the imposition of regressive consumer taxes.

Rather than approaching the tax problem from the point of view of correcting the present unfair distribution of the state's tax burden, and providing increased revenues in a revised structure based on the principle of ability-to-pay, the Governor instead pursued a truly expedient approach as his solution to the projected budget deficit of more than \$200 million.

More Consumer Taxes Advanced

This approach was characterized by a tax program designed to distribute the added tax burden as widely as possible between various interest groups so as to give the impression of fairness, while ignoring the present burden of dominant consumer taxes. Within this framework, the Brown Administration called upon the legislature to slap consumers for another \$70 million in sales taxes, in the form of a 3 cents per pack levy on cigarettes, a 15 per cent excise on the wholesale price of cigars and other tobacco products, and an increase in the beer excise from 2 cents to 7 cents per gallon.

These proposed consumer taxes, embodied in AB 1172 and AB 1171, respectively, were combined with other recommendations to (1) advance the payment date on the insurance gross premiums tax (AB 1170), (2) provide for a modest increase in state personal income taxes (AB 1177), (3) impose a small 2 per cent severance tax on oil and natural gas (AB 1174), (4) provide an inadequate increase in the inheritance and gift tax yields (AB 1176), (5) increase horse racing revenues (AB 1173), and (6)

boost bank and corporation taxes by a modest amount (AB 1175).

As proposed, the Administration's program was designed to yield \$202 million in fiscal year 1959-1960, and \$256.6 million in the first full year of operation (fiscal year 1960-1961). As enacted, in part, however, the Brown program was cut back by some \$39 million as a result of (1) outright rejection of the 2 per cent severance tax on petroleum products (\$23.2 million loss); (2) rejection by the Senate of the 15 per cent excise tax on cigars and other tobacco (\$8 million cut); (3) upper house revision of the beer excise to provide an increase of 2 cents to 4 cents a gallon instead of the Governor's proposed 2 cents to 7 cents per gallon, (\$6 million cut); and (4) reduction in the Senate of the proposed state take on horse racing, (a cutback of \$2 million).

It should be noted further in passing that there was no inclination whatsoever on the part of the legislature's leadership to avoid additional consumer taxation. On the contrary, when the opportunity arose on the floor of the Assembly to obtain more revenues on the basis of ability-to-pay, rather than regressive consumer taxation, these leaders flatly and vehemently opposed any tampering with the Governor's program which would have permitted the elimination of the proposed consumer taxes in their entirety. This opportunity came up when the Governor's modest income tax measure was on the lower house floor, and an amendment was proposed by Assemblyman Hawkins to increase the maximum tax rate from the 7 per cent recommended in the Governor's measure on incomes over \$15,000 to 15 per cent on incomes over \$35,000. The Hawkins amendment would have increased the yield of the Governor's income tax bill sufficiently to offset almost all of the taxes to be derived from the cigarette and beer tax proposals, and at the same time, would have permitted a good portion of the higher state taxes to be deducted in federal tax filing by the wealthy, who under the Brown measure were being allowed to escape their fair share

of increased income taxation. The Hawkins amendment received only 14 Aye votes.

How New Taxes Are Distributed

As passed, the new taxes imposed by the 1959 session of the legislature are distributed as follows: (1) \$60 million from the cigarette tax, (2) \$4 million in still more consumer taxes from the increase in the beer excise, (3) \$71.4 million from the revision of the state's personal income law, (4) \$8 million from increased inheritance tax, and gift tax revenues, (5) \$10.4 million from increased taxes on horseracing; (6) \$58.6 million from bank and corporation franchise tax changes, and (7) \$5 million from advancement of the insurance gross premiums tax payment date.

Good Bills

AB 81 (Thomas). Provides that vessels of more than 50 tons burden or 100 tons displacement, instead of any vessel of 1,000 tons burden, and the materials and parts held by the builder of the vessel at the construction site shall be exempt from property taxation, except for state purposes, while the vessel is under construction within the state. Chapter 283.

AB 825 (Chapel). Permitted deduction in computation of income tax payments of amount paid by responsible relatives required to contribute to the support of recipients under the old age security program. Died in Assembly committee.

AB 1074 (De Lotto). Provided for inter-county equalization of assessed valuations in accordance with the so-called Monterey agreement between the State Board of Equalization and county assessors without shifting any utility tax burdens on to other property owners. Also repealed Chapter 1466 of the Statutes of 1949, which, if ever permitted to go into effect, would shift a good portion of utility tax burdens onto homeowners. Passed Assembly by a vote of 41 to 38, but killed in Senate committee in favor of **AB 2674**, listed under the category of Other Bills.

AB 1326 (Z'berg). Exempted drugs from states sales tax. Died in Assembly committee.

AB 2548 (Samuel R. Geddes). Repealed state sales tax and also Bradley-Burns Uniform Local Sales Tax; provided for upward revision of the state income tax law to recoup lost revenues on an ability-to-pay basis. Died in Assembly committee.

AB 2671 (Hawkins). Embraced everything in the Governor's income tax proposal embodied in **AB 1177**, but provided for a much more progressive income tax rate schedule with a maximum rate of 15 per cent on taxable incomes over \$35,000, instead of the Governor's recom-

mended maximum of 7 per cent on taxable incomes over \$15,000. Died in Assembly committee. An amendment to accomplish the purpose of this bill, namely, to provide a 15 per cent maximum income tax rate instead of the inadequate 7 per cent recommended by the Governor, was offered on the floor of the Assembly when the Governor's measure was up for passage. The amendment, however, was rejected.

AB 2672 (Hawkins). Created study commission with labor representation to study state and local taxation, and make recommendations to the legislature. Died in Assembly committee.

AB 2681 (De Lotto). Required State Board of Equalization to adopt and issue to retailers a sales tax collection schedule to replace the present unofficial schedule used by retailers which gives almost all the breakage to retailers; in requiring the retailer to use the Board's schedule, provided also that the computation base shall be the aggregate sales price of the items sold, where more than one item is sold. Died in Assembly committee.

AB 2854 (Crown). Exempted from taxation personal property furnished to disabled persons for vocational rehabilitation purposes. Pocket-vetoed by the Governor.

SB 1112 (Shaw). Provided that all information and records of the county assessor relating to practices, procedures, methods and formulas of such assessor in regard to the assessment of property be open to the public for inspection. Died in Senate committee.

Bad Bills

AB 658 (Hegland). Authorized cities, counties and other local agencies to impose a privilege tax on public gas and electrical utilities equal to property taxes paid by private utilities. Died in Assembly committee.

AB 806 (Holmes). Exempted from motor vehicle registration and license fees, vegetable trailers used by farmers to transport vegetables on highways to packing sheds or other places where they are prepared for consumption. Pocket-vetoed by the Governor.

AB 1171 (MacBride). Governor's beer tax bill. As passed by the Assembly, by a vote of 43 to 34, increased the excise tax on beer from 2 cents to 7 cents per gallon; imposed a complimentary floor tax on beer possessed on July 1, 1959. Amended in the Senate to provide a lower increase of from 2 cents to 4 cents. Passed upper house by a vote of 28 to 8. Chapter 1125.

AB 1172 (MacBride). Governor's cigarette tax bill. As introduced and passed by the Assembly by a vote of 45 to 34, imposed a 3 cents per pack consumer tax on cigarettes and a 15 per cent excise on the wholesale price of other tobacco products. Provided for invoice method of administration.

On the Senate side amended to remove the 15 per cent tax on cigars and other tobacco products, and to provide for a "stamp tax" method of administration of the 3 cents per pack tax on cigarettes and also cigarillos. Senate amendments were rejected by the Assembly, and the bill was submitted to conference committee. As finally enacted, bill follows closely Senate version providing for a 3 cents per pack tax on cigarettes and cigarillos, and the "stamp" tax method of administration. Chapter 1040.

AB 1789 (Chapel). Imposed the equivalent of a consumer tax on the privilege of owning a vending machine, and required every vending machine to be licensed. Died in Assembly committee.

ACA 24 (Bruce F. Allen). Required assessor, in assessing properties owned and used exclusively for agricultural purposes, to consider no factors other than those relative to an agricultural use, even though the agricultural land may be held in a metropolitan area for speculative purposes. Died in Assembly committee.

AJR 7 (Levering). Urged Congress to propose to the people, or call a convention to amend the U. S. Constitution to abolish personal income, estate and gift taxes, to prohibit the U. S. government from engaging in "business in competition with its citizens," and to specify that the constitutions or laws of any state, or federal laws are not subject to foreign or domestic agreement which would abrogate the amendment. Died in Assembly committee.

SB 455 (O'Sullivan). Exempted from motor vehicle registration, as an implement of husbandry, trailers used to transport deciduous fruits, olives and nuts from a farm to a packing or processing plant; provided same exemption for grape gondola or trailer. Pocket-vetoed by the Governor.

SB 832 (Slattery). Broadened "implement of husbandry" definition for purposes of exemption from registration. Pocket-vetoed by the Governor.

SJR 18 (Berry). Requested Congress to consider increasing income tax exemptions, and to submit an amendment to the federal Constitution to limit the power of Congress with respect to federal taxing power, except in time of national emergency; declared that present rates of federal income taxation are oppressive and curtail incentive. Died in Senate committee.

Other Bills

AB 1170 (MacBride). Governor's bill advancing the payment date of the insurance gross premium tax, by providing for self-assessment and the filing of annual returns and the payment of taxes at the time of filing returns. Chapter 39.

AB 1173 (MacBride). Governor's horse racing tax

bill. As introduced and passed by the Assembly, increased horse racing license fees payable to the state as follows: from 4 per cent to 6 per cent on the first \$10 million handled in pari-mutuel pool; from 5 per cent to 7 per cent on next \$10 million; from 6 per cent to 8 per cent on next \$30 million; from 6 per cent to 8.5 per cent on next \$50 million; from 6 per cent to 9 per cent on all in excess. Reduced amount of commissions that horse racing licensee may retain on amount in excess of \$50 million from 7 per cent to 6.5 per cent on amount up to \$100 million, and from 7 per cent to 6 per cent on amount over \$100 million. Reduced breakage that licensee may retain from all up to the \$27 million to all up to \$25,000 and one-half from \$25,000 to \$100,000.

Amended on the Senate side to cut increased license fees by one percentage point; to change the breakage multiple from 5 cents to 10 cents, giving the race track licensee one-half of the breakage on the first \$24 million handled in the pari-mutuel pool, and the other half and all other breakage over \$24 million to the state; and revised commissions that horse racing licensee may retain by increasing the brackets for the applicable rates. Assembly concurred in Senate amendments. Chapter 1126.

AB 1174 (MacBride). As introduced, provided for 2 per cent severance tax on oil and natural gas. Amended to impose complimentary gas on imports. As amended, was defeated in Assembly Committee on Revenue and Taxation. An attempt to withdraw the bill failed, as did a later attempt to revive the measure by earmarking the revenues for increases in state college teachers' salaries and public assistance increases in the categorical aid program.

AB 1175 (MacBride). Increases franchise tax on general corporations from 4 per cent to 5.5 per cent with increase in minimum amount of tax from \$25 to \$100. Increases minimum amount of franchise tax payable to non-exempt corporations not otherwise taxed from \$25 to \$100. Increases maximum rate of tax on banks and financial corporations from 8 per cent to 11 per cent, and the minimum rate of tax on financial corporations from 4 per cent to 5.5 per cent with increases in minimum amount from \$25 to \$100. Increases corporation income tax rates and rates payable to otherwise exempt corporations under unrelated business income, from 4 per cent to 5.5 per cent. Finally, conforms state bank and corporation tax law to Eisenhower Administration amendments of 1955, so as to permit the rapid write-off for depreciation

of plant and equipment, which gives large corporations "costless" capital. Chapter 1127.

AB 1176 (MacBride). Governor's Inheritance Tax Bill. Increases inheritance tax and gift tax rates ranging from one to three percentage points on transfers to aunts, uncles and cousins, and from three to eight percentage points on transfers to strangers. Eliminates deduction for federal estate taxes. Chapter 1128.

AB 1177 (MacBride). Governor's Personal Income Tax Bill. Provides a modest increase in the state's income tax law by (a) increasing the maximum tax from 6 per cent on taxable incomes over \$25,000 to 7 per cent on taxable incomes over \$15,000, combined with a reduction in the tax steps from \$5,000 to \$2,500 within the maximum of the new schedule, (b) reducing the personal exemption for individuals and married couples by \$500, (c) raising the deduction for dependents from \$400 to \$600, and the standard deduction for those who itemize from 6 per cent to 10 per cent, and (d) conforming state law to federal law in the taxation of capital gains, and the provision of "rapid write-offs" for income-producing properties for depreciation purposes. In the process of consideration in the Assembly, a series of amendments were proposed to increase the maximum rate to 15 per cent instead of the 7 per cent proposed by the Governor. One such amendment proposed the 15 per cent maximum rate by continuing the steps in the Governor's schedule, so that the 15 per cent rate would be applied to all taxable incomes over \$35,000. This amendment, defeated by a vote of 63 to 14, was proposed by Assemblyman Hawkins, and would have increased the yield of the Governor's income tax bill sufficiently to eliminate the need for additional consumer taxes. Another amendment proposed by Assemblyman Masterson provided for a 15 per cent rate on taxable incomes over \$250,000, and was defeated by vote of 46 to 27. It also would have substantially increased the tax yield of the Governor's bill. Chapter 830.

AB 1414 (Dahl). Establishes a schedule for the reduction of the gross premiums insurance tax on premiums received upon policies or contracts

issued in connection with a pension plan or profit sharing plan that is exempt from taxation under the U.S. Internal Revenue laws. Schedule provides that present 2.35 per cent rate shall be reduced to 2.15 per cent in 1960, 1.95 per cent in 1961, 1.75 per cent in 1962, 1.55 per cent in 1963, 1.35 per cent in 1964, and 1 per cent in 1965, and each year thereafter. Chapter 2174.

AB 2674 (Coolidge). Provides for inter-county equalization of assessments in regard to property taxation. Repeals Chapter 1466 of the Statutes of 1949 which, if permitted to go into operation, would have shifted a part of the burden of utility taxation onto other property taxpayers, including homeowners. Bill provides for the disclosure of assessment practices which is claimed by some assessors to give utilities the information they need to initiate suits for the lowering of their tax rates, which would be an indirect means of accomplishing a shift in property taxes from utilities to homeowners and other property taxpayers. Chapter 1682.

ACA 29 (Pattee). Provides that in assessing real property consisting of one parcel of ten acres or more and used exclusively for non-profit recreational purposes, the county assessor shall consider no factors other than those relative to use; permits assessor, however, to take into consideration the existence of any mines, minerals and quarries on the property, including but not limited to oil, gas and other hydro-carbon substances. Chapter 239.

AJR 24 (Lowrey). Requests Congress to enact S. 910 regarding payments in lieu of taxes on federal property. Chapter 146.

SB 1476 (Beard). Provides for the withholding of personal income taxes from the wages or salaries of residents employed by other states, if such other states make provision for the withholding of personal income taxes from the wages and salaries of its employees residing in California. Chapter 1661.

SCR 60 (Beard). Provides for interim study of the feasibility of state legislation consolidating provisions relating to the registration of farm vehicles and implements of husbandry into one section of the Vehicle Code. Chapter 207.

WATER AND POWER

The approval of the Governor's \$1.75 billion water bond program by the legislature for submission to the vote of the people at the 1960 general election, although generally accepted as one of the major accomplishments of the 1959 session of the legislature, is considered by the Federation as one of the legislature's saddest performances insofar as it represents the equivalent of a blank check from the people to proceed with a water development program for which there are no legislative standards in any of the following vital fields of water development policy:

(1) policies for the pricing of irrigation, domestic and industrial, (2) policies under which hydro-electric power generated by units of the state shall be distributed, (3) policies to prevent speculation in land receiving irrigation water from the state, and (4) policies to prevent the unjust enrichment of giant landowners who hold over 63 per cent of the land in the potential service area of the proposed San Joaquin Valley-Southern California aqueduct, and who stand to be enriched by millions and millions of dollars.

As stated in the foreword to this report, every effort of the Federation to obtain the necessary protections for the people met with the opposition of both the Governor and his water leaders in the legislature.

In regard to the unjust enrichment aspect of the Governor's program specifically, the Federation participated in the development of detailed maps, depicting the ownership on the west and south sides of the San Joaquin Valley in the area extending from Los Banos south to Grapevine, including lands in Fresno, Kings and Kern counties, in the vicinity of the proposed San Joaquin Valley-Southern California aqueduct in the Feather River Project. These maps, consisting of a large map of the central valley, and thirty-six separate sectional maps within the plotted area, each with a colored bar chart showing the various concentrations of ownerships in oil companies, the Kern Land Company, Southern Pacific Company, Tejon Ranch (Los Angeles Times-Mirror Company and Chandler interests) and other holdings of over 1,000 acres per owner, were first made available to the Governor's office in hopes that the Administration itself would propose anti-enrichment protections for the taxpayers. Failing this, the Federation was instrumental in the development by the California Water and Power Users Association of a statement outlining the nature of the tremendous subsidies and enrichment potential of the Brown water program. This statement was sent to each member of the legislature

together with a colored bar chart showing the pattern of land ownership in the valley that matched the maps, which were displayed in the offices of Senators Miller, Teale, O'Sullivan and Arnold. No legislator could plead that he was left uninformed of the enrichment potential of the water legislation being proposed. On the contrary, the position assumed by the Administration and leaders in the Assembly and Senate was that injection of the issue, in the face of the north-south split, would destroy the possibility of securing approval of the Governor's compromise water program, embodied in **SB 1106**. It was argued that the 1959 legislature was neither the time nor the place to resolve the issue. The Governor himself, recognizing that a tremendous enrichment potential did in fact exist, urged that action be postponed until a later session, even though the history of water and power development in the state clearly demonstrates that it is virtually impossible to secure needed protections after a project has been approved and the preparations authorized.

Thus, when **SB 1106** came up for passage on the Senate floor, amendments offered by Senator O'Sullivan, one, to insert a 160-acre limitation provision patterned after federal reclamation law, and another, to insert a public agency preference clause regarding distribution of state-generated public power, were handily defeated by roll call votes of 25 to 10, and 21 to 16 respectively.

Prior to the consideration of **SB 1106** on the Assembly side, the Federation also presented its position for enrichment protections before the lower house Water Committee in the support of a separate bill, **AB 2861 (O'Connell)**. The measure, which also would have inserted the excess lands provision of reclamation law into the state Water Code, was referred to interim committee for study, along with **AB 2860 (O'Connell)**, providing for preference distribution of public power.

Again, when **SB 1106** came up for passage on the

Assembly floor, a modified acreage limitation provision offered by Assemblyman Lloyd Lowrey was refused adoption by a vote of 25 to 49. At one point in the course of debate, when it was pointed out that unjust enrichment protections were part of the Democratic party platform, one key legislator responded by saying "sometimes it is necessary to rise above principles."

While the Federation was unsuccessful in these efforts, it nevertheless succeeded in making the issue and bringing it to the attention of the public. This, in itself, was an accomplishment of no mean significance as **SB 1106**, embracing the \$1.75 billion bond program goes before the voters next year.

The bill listings that follow represent only a small portion of the large number of water measures introduced at the 1959 session. It is to be noted that almost all bills enacted which have the purpose of putting California into the water and power business, are listed as "Bad," if for no other reason than because organized labor believes it is wrong to put the cart before the horse, so to speak, and press for water development when the state has virtually no policies governing the distribution of the benefits of state development. Indeed, it is this lack of policy that has encouraged many of the landed monopolists in the state to push for state development as a means of escaping federal reclamation anti-monopoly, anti-speculation policies under federal development.

It is to be noted, also, that in the listing of "bad" bills are a number of measures which create county water agencies with broad powers, and which include the development of hydro-electric power as a means of financing water projects. These bills are so listed because of the refusal of the legislature to give public employees involved in such proprietary functions as power generation the right to organize for collective bargaining purposes. In each instance, Federation efforts to amend representation and collective bargaining rights into these bills were beaten down upon the simple request of county boards of supervisors behind the local agency bills.

Good Bills

AB 2860 (O'Connell). Inserted in state law a public agency preference provision regarding the distribution of publicly-generated power. Sent to interim committee

for study by Assembly committee for reporting back to the legislature at the 1960 budget session.

AB 2361 (O'Connell). Inserted in state law an excess lands provision (160-acre limitation) patterned after the federal anti-monopoly, anti-speculation provisions of federal reclamation law. Referred to interim committee for study, for reporting back to the legislature at the 1960 budget session.

AJR 23 (Z'berg). Urges Congress to enact legislation to provide for public rather than private construction and operation of the power facilities of the Trinity River Project. Chapter 232. Another resolution, **AJR 25 (Bruce F. Allen)**, similarly supporting federal development of power projects in opposition to the so-called PG&E partnership proposal, was passed by the Assembly, but killed in the Senate in preference to **AJR 23**.

House Resolution 293 (Z'berg). Requires Assembly interim committee study and reporting back to the Assembly by February 1960 on the following questions: (a) should public agencies be given a preference in the purchase of water and power, and if so, how shall such preference be exercised? (b) how shall projects costs be allocated to the various project beneficiaries? (c) shall the charge of irrigation water be subsidized either directly by the taxpayers or through increasing the charge for municipal and industrial water for power, or other services and commodities available from the projects? (d) on what basis shall water and power and other commodities and services available from the state be priced? (e) shall the state construct water and power transmission systems? (f) shall the state expand funds for development of recreation facilities at reservoirs created as a part of the state water plan? (g) shall the state establish a limit on the amount of water which shall be made available from state projects to irrigate land in order to prevent unjust enrichment? Adopted by the Assembly.

SB 1129 (Teale). Appropriates funds to the Department of Water Resources to study the possibility of taking excess low-cost, public power from the Bonneville Dam Administration for use in California. Chapter 1698.

SJR 4 (McAteer). Urges Congress to expedite without delay current studies of means of economically converting sea water to fresh water. Chapter 112.

Senate Resolution 175 (Teale). Requires Senate interim committee study of the same items enum-

erated in **House Resolution 293**, but contains a reporting back date for the 1961 general session. Adopted by the Senate.

Bad Bills

AB 55 (Sedgwick). Creates the Yuba County Water Agency with power to develop hydro-electric energy or sell falling water in partnership arrangement such as proposed by the PG&E on the Trinity, for the purpose of financing water development projects. Federation amendments to give employees representation and collective bargaining rights accepted by amendment for insertion on Senate side, but defeated in Senate committee because of author's failure to support them. Chapter 788.

AB 706 (Davis). Established procedure to govern the application, investigation, approval and repayment of loans made by the state for the construction and operation of local water development projects. Provided state assistance without policies on distribution of benefits. Pocket-vetoed by the Governor.

AB 989 (Davis). Creates Plumas County Flood Control and Water Conservation District, with power to generate hydro-electric power for financing of projects. Federation amendments to give employees representation and collective bargaining rights rejected. Chapter 2114.

AB 1062 (Bruce F. Allen). Creates California Water Fund, transferring tideland oil revenues in Investment Fund to the California Water Fund, and committing other revenues to water development without state policies governing state water development. Chapter 140.

AB 1063 (Bruce F. Allen). Adopts the so-called California water plan published by the Department of Water Resources as a guide for the orderly and coordinated control, protection, conservation, development and utilization of water resources of the state. Chapter 2053.

AB 1304 (Bruce F. Allen). Established uniform low charge for delivery of state water that involved tremendous subsidies without any state policy on the limitation of such subsidies, or enrichment generally. Died in Assembly committee.

AB 1592 (Davis). Creates Siskiyou County Flood Control and Water Conservation District with broad powers, including authority to develop hydro-electric energy for financing of water projects. Federation amendments to give employees repre-

sentation and collective bargaining rights rejected. Chapter 2121.

AB 1691 (Lunardi). Amends and broadens powers of Placer County Water Agency. Powers of agency include sale of flowing water in a partnership arrangement with private utility or development by the agency of power facilities. Federation amendments to give employees representation and collective bargaining rights rejected. Chapter 815.

AB 1847 (Lunardi). Creates Nevada County Water Agency with broad powers, including the development of hydro-electric energy. Federation amendments to give employees representation and collective bargaining rights inserted in bill and then deleted on opposition of county board of supervisors in the county of the agency. Chapter 2122.

AB 1863 (Davis). Creates Sierra County Flood Control and Water Conservation District with broad powers, including development of hydro-electric energy. Federation representation and collective bargaining rights amendments rejected. Chapter 2123.

AB 2118 (Davis). Creates Lassen-Modoc Counties Flood Control and Water Conservation District with broad powers, including generation of hydro-electric energy. Federation amendments to give employees representation and collective bargaining rights inserted in the Assembly and then deleted on the Senate side. Chapter 2127.

AB 2390 (Lunardi). Creates Yuba-Bear River Basin Authority, with broad powers, including development of hydro-electric energy. Federation amendment to give employees representation and collective bargaining rights rejected. Chapter 2131.

AB 2629 (Lunardi). Creates Amador County Water Agency with broad powers, including the development of hydro-electric energy. Federation amendments to give employees representation and collective bargaining rights rejected. Chapter 2137.

AB 2777 (Lunardi). Creates Eldorado County Water Agency with broad powers, including the development of hydro-electric energy. Federation amendments to give employees representation and collective bargaining rights rejected. Chapter 2139.

SB 425 (Grunsky). Amends the so-called Grunsky Act providing for state financial assistance for local water development projects, including state

loans up to \$4,000,000 per project. Contains no policy on the distribution of benefits covering state subsidies for local water development projects. Chapter 1752.

SB 471 (Cobey). Permits water storage districts to issue callable bonds. Specifically designed to permit water storage districts in service area of federal Isabella Dam on the Kern River to issue the so-called callable bonds as an alternative means of advancing lump sum payment to the U. S. government in order to obtain Isabella water without application of 160-acre limitation. Chapter 1137.

SB 494 (Christensen). Authorizes Humboldt County Flood Control District to generate and sell electric energy at wholesale rates at the bus bar. Federation amendments to give employees representation and collective bargaining rights rejected. Chapter 2027.

SB 999 (Teale). Creates Mariposa County Water Agency with broad powers, including generation of hydro-electric energy. Federation amendments to give employees representation and collective bargaining rights rejected. Chapter 2036.

SB 1106 (Burns). Governor's Water Bond program to be submitted to the voters at the 1960 general election; provides for bond issue of \$1.75 billion to be used by the Department of Resources for the development of water resources of the state. Federation-supported anti-enrichment protection amendments rejected both in the Senate and in the Assembly. Chapter 1762.

Other Bills

AB 1305 (Bruce F. Allen). As amended, established pricing policy for state-developed hydro-electric power, based on the price of competitive alternative power for the same type of service. Required preference distribution under provisions of state Central Valley Project Act. Died in committee.

AB 2058 (Porter). Authorizes Water Resources Department to transfer land acquired for construction of Central Valley Project to the United States for construction of a portion of the project, when there is a contract with the Department for such construction to be used jointly in connection with the federal project, and with the CVP. Chapter 2064.

SB 1326 and SB 1327 (Miller). Provide protections for the Sacramento-San Joaquin Delta in the export of surplus water south under the California water development program. Chapters 1765 and 1766.

MISCELLANEOUS

Good Bills

AB 500 (Unruh). Provides for regulation of retail installment sales to protect consumers. Bill is aimed at installment buying racketeers; requires a breakdown of the cash sale price, financing charges, total costs and due dates on credit sales involving \$50 or more. Maximum charges on installment buying permitted in the bill are designed to eliminate only outrageous charges, and do not disturb generally high service practices that prevail in the installment field. Permits charges up to 18 per cent a year on balances of less than \$1,000 a year on retail installment accounts. Measure, however, is a long step in the right direction. Chapter 201.

AB 1697 (O'Connell). Provided for democracy in corporations. Died in Assembly committee.

AB 1791 (Masterson). Repealed state Fair Trade Act. Died in Assembly committee.

AB 1844 (George E. Brown). Permitted any non-profit association formed for the mutual benefit and protection of credit union employees by bona fide employees of credit unions may use the word "credit" and "union" in the name or title designating any such association. Died in Assembly.

AB 2133 (O'Connell). Increases jurors' fees in San Francisco superior and municipal courts from \$5 to \$6. Provides that trial and grand jury members shall not be paid any travelling mileage fees. Chapter 1793.

AB 2316 (George A. Willson). Amended law regarding competency of jurors. Prohibited a person acting as a juror who during the preceding two years had actually served 10 days as a trial juror in counties of not less than 600,000, but provided that a juror should in any event complete his service in the trial of a case in which he might be actually engaged. Pocket-vetoed by the Governor.

AB 2794 (Hawkins). Prohibited operation of collection agencies. Died in Assembly committee.

AB 2797 (Hawkins). Provided that a person injured by false or misleading advertising may bring action for three times the actual amount of damages. Died in Assembly committee.

ACR 60 (McCollister). Requires study of all phases of vertical integration or contract farming by Assembly interim committee. Chapter 225.

ACR 113 (Bee). Requests Governor to appoint a

committee of fifteen persons representing public and private interests in music to encourage creative musical efforts on the West Coast. Designates the committee as the committee to encourage selection, performance and publication of music of merit by western composers. Chapter 174.

SB 1285 (Regan). Provides that collection agency licensing laws shall be administered through the Department of Professional and Vocational Standards, rather than through the Secretary of State. Chapter 2159.

SB 1386 (Richards). Prohibited transmission of subliminal radio and television messages. Referred to interim committee for study.

SB 1425 and SB 1426 (Holmdahl). Prohibited Public Utilities Commission from allowing regulated utilities to normalize taxes in the fixing of rates. Died in Senate committee.

SJR 20 (Richards). Requests Congress to consider the feasibility of enacting legislation prohibiting radio and television transmission of subliminal messages. Chapter 260.

Bad Bills

AB 1320 (Schrade). Prohibited night horse racing. Died in Assembly committee.

AB 1553 (Meyers). Proposed unfair cigarette sales act. Died in Assembly committee.

AB 1793 (Masterson). Provides that \$200 rather than \$100 is the amount of unpaid principal balance of any loan by a personal property broker under which 2½ per cent charges can be received and over which 2 per cent can be received. Chapter 487.

AB 2439 (Francis). Prohibited paid TV. Referred to interim committee for study.

AB 2628 (Britschgi). Increased permissible interest rates charged by individual loan companies. Pocket-vetoed by the Governor.

SB 813 (Gibson). As passed by the legislature, prohibited in effect strikes at race tracks by requiring all race track licensees to give at least 90 days notice that they do not want to engage in a horse race meeting. Pock-

et-vetoed by the Governor at the request of the Federation.

Other Bills

AB 687 (Masterson), AB 1698 (Winton), and SB 102 (Gibson). Regulate use of trading stamps. Chapters 2113, 2170, and 2169.

AB 720 (Davis). Transfers powers and duties of State Park Commission to Division of Beaches and Parks. Provides that the Commission shall continue to establish policy for the guidance of the Director of Natural Resources and the Chief of the Division of Beaches and Parks in the administration, protection and development of the State Park System. Chapter 2164.

AB 1422 (George E. Brown). Provided for licensing of interior decorators by an Interior Designers and Decorators Examining Committee within the State Board of Architectural Examiners. Amended to specifically exempt licensed retail furniture dealers and sales personnel. Referred to interim committee for study.

AB 1886 (Unruh). Revises, restates and repeals various provisions regarding the formation, regulation and powers of industrial loan companies; adds a new chapter and sections prescribing prohibited practices and penalties for directors, officers and employees of industrial loan companies. Makes other changes. Chapter 1954.

AB 2553 (Bruce F. Allen). Provided that the plaintiff in an action for violation of the Unfair Practices Act may recover three times the amount of his actual damages, rather than the actual amount of such damages. Permitted the plaintiff in such an action to recover reasonable attorneys' fees, together with the cost of suit. Referred to interim committee for study.

AB 2593 (Bruce F. Allen). Permits person in an action for damages for injuries received by reason of a violation of the law relating to restraints of trade, to recover reasonable attorney's fee and three times rather than twice the amount of damages. Chapter 2078.

AB 2715 (Hanna). Makes appropriation from General Fund for support of the Department of Justice for expenditures for investigation of alleged illegal trade practices and the prosecution thereof. Chapter 2083.

STATE OFFICERS AND MEMBERS OF THE 1959 LEGISLATURE

Governor—Edmund G. Brown, State Capitol, Sacramento
 Lieutenant Governor and President of the Senate—Glenn M. Anderson, Los Angeles
 President Pro Tempore of the Senate—Hugh M. Burns, Fresno
 Speaker of the Assembly—Ralph M. Brown, Modesto
 Speaker Pro Tempore of the Assembly—Carlos Bee, Hayward

SENATORS

Party	Dist.	City	Party	Dist.	City
Arnold, Stanley.....	D 1	Susanville	Holmdahl, John W.....	D 16	Oakland
Beard, John William (Bill)....	D 39	El Centro	Johnson, Ed. C.....	R 10	Marysville
Berry, Swift.....	R 9	Placerville	McAteer, Eugene.....	D 14	San Francisco
Brown, Charles.....	D 28	Shoshone	McBride, James J.....	D 33	Ventura
Burns, Hugh M.....	D 30	Fresno	McCarthy, John F. (Jack)....	R 13	San Rafael
Byrne, Paul L.....	R 6	Chico	Miller, George, Jr.....	D 17	Martinez
Cameron, Ronald G. (Ron)....	D 7	Auburn	Montgomery, Robert I.....	D 27	Hanford
Christensen, Carl L.....	D 3	Eureka	Murphy, John A., Jr.....	R 35	Santa Ana
Cobey, James A.....	D 24	Merced	O'Sullivan, Virgil.....	D 8	Williams
Collier, Randolph.....	R 2	Yreka	Rattigan, Joseph A.....	D 12	Santa Rosa
Coombs, Nathan F.....	R 11	Napa	Regan, Edwin J.....	D 5	Weaverville
Dilworth, Nelson S.....	R 37	Hemet	Richards, Richard.....	D 38	Los Angeles
Dolwig, Richard J.....	R 21	Redwood City	Rodda, Albert S.....	D 19	Sacramento
Donnelly, Hugh P.....	D 22	Turlock	Shaw, Stanford C.....	D 36	Ontario
Erhart, A. A.....	R 29	Pismo Beach	Short, Alan.....	D 20	Stockton
Farr, Fred S.....	D 25	Carmel	Slattery, Waverly Jack.....	D 4	Finley
Fisher, Hugo.....	D 40	San Diego	Stiern, Walter W.....	D 34	Bakersfield
Gibson, Luther E.....	D 15	Vallejo	Teale, Stephen P.....	D 26	West Point
Grunsky, Donald L.....	R 23	Watsonville	Thompson, John F.....	R 18	San Jose
Hollister, John J., Jr.....	D 31	Goleta	Williams, J. Howard.....	R 32	Porterville

ASSEMBLYMEN

Party	Dist.	City	Party	Dist.	City
Allen, Bruce F.....	R 29	Los Gatos	Holmes, James L.....	R 36	Santa Barbara
Allen, Don A., Sr.....	D 63	Los Angeles	House, Leverette D.....	D 76	Brawley
Backstrand, L. M. (Lee)....	R 71	Riverside	Johnson, Seth J.....	R 56	Los Angeles
Bane, Tom.....	D 42	Tujunga	Kennick, Joseph M.....	D 44	Long Beach
Beaver, Jack A.....	R 73	Redlands	Kilpatrick, Vernon.....	D 55	Lynwood
Bee, Carlos.....	D 13	Hayward	Lanternman, Frank.....	R 48	La Canada
Belotti, Frank P.....	R 1	Eureka	Levering, Harold K.....	R 60	Los Angeles
Biddick, William, Jr.....	D 12	Stockton	Lowrey, Lloyd W.....	D 3	Rumsey, Yolo Co.
Bradley, Clark L.....	R 28	San Jose	Luckel, Frank.....	R 78	San Diego
Britschgi, Carl A.....	R 26	Redwood City	Lunardi, Paul J.....	D 6	Roseville
Brown, George E., Jr.....	D 45	Monterey Park	MacBride, Thomas J.....	D 8	Sacramento
Brown, Ralph M.....	D 30	Modesto	Marks, Milton.....	R 21	San Francisco
Burke, Montivel A.....	R 53	San Marino	Masterson, S. C.....	D 11	El Sobrante
Burton, Phillip.....	D 20	San Francisco	McCollister, Richard H.....	R 7	Mill Valley
Busterud, John A.....	R 22	San Francisco	McMillan, Lester A.....	D 61	Los Angeles
Cameron, Ronald Brooks.....	D 50	Whittier	Meyers, Charles W.....	D 19	San Francisco
Chapel, Charles Edward.....	R 46	Inglewood	Miller, Allen.....	D 41	San Fernando
Collier, John L. E.....	R 54	Los Angeles	Mulford, Don.....	R 18	Oakland
Conrad, Charles J.....	R 57	Sherman Oaks	Munnell, William A.....	D 51	Montebello
Coolidge, Glenn E.....	R 27	Felton	Nisbet, Eugene G.....	D 72	Upland
Crawford, George G.....	R 79	San Diego	O'Connell, John A.....	D 23	San Francisco
Crown, Robert W.....	D 14	Alameda	Pattee, Alan G.....	R 34	Salinas
Cunningham, Rex M.....	D 37	Ventura	Petris, Nicholas C.....	D 15	Oakland
Cusanovich, Lou A.....	R 64	Van Nuys	Porter, Carley V.....	D 69	Compton
Dahl, Walter L.....	R 16	Oakland	Reagan, Bruce V.....	R 47	Pasadena
Davis, Pauline L.....	D 2	Portola	Rees, Thomas M.....	D 59	Los Angeles
DeLotto, Bert.....	D 32	Fresno	Rumford, William Byron.....	D 17	Berkeley
Dills, Clayton A.....	D 67	Gardena	Schrade, Jack.....	R 80	El Cajon
Donahoe, Dorothy M.....	D 38	Bakersfield	Sedgwick, Harold T.....	R 4	Oroville
Elliott, Edward E.....	D 40	Los Angeles	Shell, Joseph C.....	R 58	Los Angeles
Francis, Louis.....	R 25	San Mateo	Sumner, Bruce.....	R 74	Newport Beach
Frew, Myron H.....	D 35	Dinuba	Thelin, Howard J.....	R 43	Glendale
Gaffney, Edward M.....	D 24	San Francisco	Thomas, Vincent.....	D 68	San Pedro
Garrigus, Charles B.....	D 33	Reedley	Unruh, Jesse M.....	D 65	Los Angeles
Geddes, Ernest R.....	R 49	Claremont	Waldie, Jerome R.....	D 10	Antioch
Geddes, Samuel R.....	D 5	Napa	Williamson, John C.....	D 39	Bakersfield
Grant, William S.....	R 70	Long Beach	Willson, George A.....	D 52	Huntington Park
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Executive Council
California Labor Federation, AFL-CIO

PRESIDENT

THOMAS L. PITTS
1221 Security Title Insurance Bldg.
530 West 6th Street, Los Angeles 14

SECRETARY-TREASURER

C. J. HAGGERTY
810 David Hewes Building, 995 Market Street
San Francisco 3

GENERAL VICE PRESIDENTS

JOHN A. DESPOL
810 David Hewes Building, 995 Market Street
San Francisco 3

MANUEL DIAS
810 David Hewes Building, 995 Market Street
San Francisco 3

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(3C) GEORGE E. O'BRIEN
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P.O. Box 1399, Modesto

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450 Harrison Street, San Francisco 5

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AT LARGE VICE PRESIDENTS

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117 W. 9th Street, Room 917, Los Angeles 15

(B) DeWITT STONE
3624½ E. Slauson Ave., Maywood

(C) EDWARD T. SHEDLOCK
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6066 Northside Drive, Los Angeles 22

(E) JEROME POSNER
2501 S. Hill Street, Los Angeles 7

(F) E. A. KING
2624 W. 6th Street, Room 19, Los Angeles

(G) E. P. O'MALLEY
2100 W. Willow Street, Long Beach 10

(H) SAM B. EUBANKS
82 Market Street, Room 446, San Francisco

Tabulated Vote on 23 Senate Roll Calls

* Indicates a Federation Bill.

* Took office April 20, 1959.

Additional Assembly roll calls are
tabulated on the reverse
side of this sheet

**Tabulated Vote on 16 Assembly Roll Calls on Governor Brown's
Labor Bills—AB 419 and SB 209**

Black • Indicates a Good Vote. Red • Indicates a Bad Vote.
—Indicates Absent or not Voting.

[illegible]

Tabulated Vote on 39 Assembly Roll Calls

Black • Indicates a Good Vote. Red • Indicates a Bad Vote.
—Indicates Absent or not Voting.
* Indicates a Federation Bill.

[illegible]