

AMENDED IN SENATE MAY 24, 1955

AMENDED IN SENATE MAY 16, 1955

AMENDED IN ASSEMBLY APRIL 19, 1955

CALIFORNIA LEGISLATURE—1955

ASSEMBLY BILL

No. 510

Maloney and Gaffney

January 11, 1955

REFERRED TO COMMITTEE ON FINANCE AND INSURANCE

An act to amend Sections 4452, 4453, 4455, 4460, 4656 and 4702 of the Labor Code relating to workmen's compensation.

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

1 SECTION 1. Section 4452 of the Labor Code is amended to
2 read:

3 4452. Four times the average annual earnings shall be
4 taken at not less than ~~four thousand eight hundred two dol-~~
5 ~~lars and seventy-two cents (\$4,802.72)~~ four thousand
6 ~~hundred dollars and sixty-four cents (\$4,800.64)~~
7 than twelve thousand eight hundred dollars and
8 cents (\$12,800.32) in disability cases, and in
9 be taken at not less than the minimum
10 maximum limits as provided in Section 4453.

11 SEC. 2. Section 4453 of the Labor Code is amended to read:

12 4453. In computing average annual earnings for the pur-
13 poses of temporary disability indemnity, the average
14 weekly earnings shall be taken at not less than ~~twenty-three~~
15 ~~dollars and nine cents (\$23.09)~~ twenty-three dollars and eight
16 cents (\$23.08) nor more than fifty-three dollars and eighty-
17 cents (\$53.85). Between these limits the average weekly
18 earnings shall be taken at not less than ~~twenty-three~~
19 ~~dollars and nine cents (\$23.09)~~ twenty-three dollars and eight
cents (\$23.08) nor more than fifty-three dollars and eighty-
cents (\$53.85). Between these limits the average weekly

LABOR LEGISLATION

**REPORT ON
1955 REGULAR SESSION OF THE
CALIFORNIA LEGISLATURE**

January 3 to 21, and February 28 to June 8

1955



Issued by
CALIFORNIA STATE FEDERATION OF LABOR
C. J. HAGGERTY

Secretary and Legislative Representative

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REPORT ON LABOR LEGISLATION

1955 Regular Session of the California Legislature
January 3 to 21, and February 28 to June 8

FOREWORD BY THE SECRETARY

Far exceeding expectations in early January, organized labor emerged from the 1955 general session of the legislature with an array of impressive victories, including, for the first time in legislative history, advancements in all three phases of the California social insurance program—workmen's compensation, unemployment insurance, and unemployment disability insurance; defeat of all major efforts to emasculate and destroy these programs and to strike body blows at the trade union movement; and enactment of positive legislation to remove some of the abuses of the Jurisdictional Strike Act.

In terms of dollars, it is conservatively estimated that improvements in the social insurance program obtained by the Federation could bring to the workers of this state between 21 and 30 million dollars a year in added benefits.

This, in essence, is the story of the 1955 legislature, but behind this capsule summary lie months of intensive planning and negotiations in a session which may be likened to a 120-day bargaining session, during which one premature move at any time, either on the issues or in personal relationships, could have destroyed the whole Federation program, and unleashed a broadside attack on the labor movement by amendment of numerous skeleton bills lying dormant in various committees into traditional "hot cargo" and so-called "right to work" legislation.

In retrospect, a number of factors stand out as having contributed materially to the bargaining power and success of the Federation at the 1955 session, chief among which was the improved political position of labor in both the Assembly and the Senate as the result of LLPE action at the polls in 1954. Perhaps of even more immediate significance, however, was the position taken by the Federation in the speakership fight for organization of the Assembly, which gave labor more balanced committees in Industrial Relations and Finance and Insurance, as compared with previous years, and which enabled the Federation, especially in the field of social insurance, to take the initiative in pressing its positive program.

The prospects of more favorable treatment in these committees, however, by no means assured

acceptance of Federation program on the floor of the Assembly, and least of all in the Senate, where labor could count only two favorable votes respectively in the key Senate Labor and Social Welfare Committees, which handle all matters of primary importance to labor, and where five votes were necessary to gain passage of a measure to the floor. The advantage, rather, as the session proved, was in an early test of strength within an exceedingly tight bargaining situation which persisted throughout the session. And where the Federation program bogged down at various stages of the complicated legislative process, it can be frankly stated that the difference between its passage and defeat was Governor Knight, who frequently went far beyond his pre-election promises to organized labor to gain settlements favorable to the workman.

MAJOR DEVELOPMENTS

Unemployment Insurance

The improved unemployment insurance law makes the following liberal changes:

- (1) Boosts the maximum weekly benefit amount from \$30 to \$33; and
- (2) Provides for the above \$3.00 increase within a completely revised and vastly liberalized benefits schedule which assures greater protection and increased benefits not only for those who draw maximum benefits, but for the vast majority of trade union members and workers covered by the program.

Other changes increase the amount of wages which a covered worker must earn in his base year

to be eligible from \$300 to \$600; increase the disqualification period for claimants who without good cause refuse suitable employment, or who make fraudulent statements to obtain benefits, from a flexible one to five weeks to a flexible one to ten weeks; and make minor qualifying changes regarding the forfeiture of benefit rights upon conviction for fraudulent receipt of benefits so as to provide for a forfeiture period of 52 consecutive weeks, commencing with the date the fraudulent act occurred, instead of cancelling all wage credits in the calendar quarter of the fraudulent act and all prior calendar quarters.

The combined effect of the 1955 changes in unemployment insurance will be to increase net benefit payments by one to ten million dollars a year, depending upon the severity of unemployment in a particular year.

These effects are outlined in considerable detail under the unemployment insurance section of this report, both in regard to the long and short run, and in terms of claimants affected as well as dollars gained. Because of a few misunderstandings regarding the operation of the new eligibility provision in conjunction with the liberalized benefits structure, I particularly urge a careful reading of the whole section so as to remove any doubt which may exist as to the advancements made at the 1955 session in unemployment insurance.

In the opinion of your Secretary and the staff of the Federation, the unemployment insurance settlement represents one of the significant victories of the session.

Unemployment Disability Insurance

The gains made this year in unemployment disability insurance, in face of the aggressive bargaining position assumed by the private carriers because of the provision for so-called "voluntary plans" in the program, is particularly gratifying.

The new improved law makes the following advancements:

- (1) Increases the maximum weekly benefit amount from \$35 to \$40;
- (2) Permits part-total benefits in an amount when added to regular wages received by a disabled worker up to 100 percent of regular income, instead of 70 percent, so that only the individual who receives full wages from his employer is not

qualified for some weekly benefit under this provision; and

- (3) Removes the disqualifying 75 percent rule for claimants earning more than \$750 in base period earnings, thus bringing the law into conformity with the unemployment insurance law in this respect.

Other changes in the law (a) continue for two more years the suspension of the so-called adverse risk clause in regard to coverage of female workers in voluntary plans, pending completion of a study of this provision by the Department of Employment, and (b) remove the requirement that voluntary plans contribute to the administrative cost of the state plan.

The annual dollar increase in benefits under these changes is estimated at about \$11.8 million a year of moderately low claims like 1955 (\$5.8 million under the state plan, and about \$6 million under voluntary plans). Some 3,200 claimants presently ineligible will become eligible as a result of the suspension of the 75 percent rule for earnings over \$750.

Workmen's Compensation

Advancements in the workmen's compensation law will contribute a minimum of \$8.5 million a year to the \$30 million benefits package won at the 1955 session in social insurance legislation.

The liberalized provisions for the industrially injured include:

- (1) A boost in the maximum weekly benefit payment for temporary disability from \$35 to \$40, and for permanent disability from \$30 to \$35;
- (2) An increase in the minimum weekly benefit payment for an industrial injury, whether permanent or temporary, from \$9.75 to \$15; and
- (3) A complete revision and liberalization of the death benefit structure to provide a flat death benefit of \$12,500 to all totally dependent widows with children, and \$10,000 in all other total dependency cases, while allowing, in the case of partial dependencies, a benefit equal to four times the amount annually devoted to their support.

Labor Unions

The widespread misuse of the so-called state Jurisdictional Strike Act by vicious employers,

localized in the southland, who have seized upon the device of forming company unions to create artificial jurisdictional disputes and enjoin bona fide trade union activity, made remedial legislation at the 1955 session a "must."

With the active assistance of the Governor, who all but made such legislation a part of his legislative program, the Federation was able to overcome strong opposition on the Senate side to secure passage of a beneficial piece of legislation, which although considerably watered down from its original version, offers the necessary legal tools to stop most of the prevailing abuses.

In regard to traditional "hot cargo" and "compulsory open shop" legislation designed to destroy and render the trade union movement impotent by indirection, the Governor's firm and often repeated pledge to veto such legislation had the salutary effect of discouraging the introduction of this type of anti-labor measure. Although numerous skeleton bills easily amendable into full blown "hot cargo" and "right to work" legislation at the propitious moment were introduced, constant alertness and the caution exercised by the Federation in pushing its positive program precluded any major effort in this direction.

The only attempt to saddle labor with open shop legislation came when Assemblyman Levering attempted to amend a mild fair employment practices bill into a modified "right to work" measure on the floor of the Assembly. This abortive effort was easily defeated.

A number of far-reaching hostile bills stemming from the anti-labor probings of the Senate Interim Committee on Labor during 1954 absorbed a large portion of the Federation's defensive energies on the Senate side, but all were rejected.

OTHER LEGISLATION

Secondary to the major accomplishments of the Federation were several less publicized, but significant bills enacted into law. Included among these are measures to permit payments into health and welfare trust funds for group life and disability insurance by subdivisions of the state and municipalities; to remove the presumption of guilt in disciplinary proceedings against state employees; and to close loopholes in the contractor's licensing law regarding the so-called owner's exemption.

On the controversial civil rights front, the Federation joined other civic-minded groups to push FEPC legislation through the Assembly, and to force the Senate, which killed the legislation, to at least awaken to the issue. By way of precedent-setting, a fair employment practices policy declaration for teachers was actually signed into law.

Other pieces of Federation-backed legislation enacted include bills permitting unions and trust funds to self-insure in health and welfare; extension of child care centers for two more years; extension of the Labor Commissioner's collection procedures to health and welfare contributions required of employers under collective agreements; and expanded state construction programs.

Federation action in areas of special interest to AFL trade-union jurisdictions is listed fully in the body of THE SACRAMENTO STORY, together with other measures of general interest to the workers of California.

LABOR'S FRIENDS

As in previous issues of THE SACRAMENTO STORY, labor's friends and foes are indicated at the end of the report in the tabulation of roll call votes. It must be remembered, however, that since much of the legislative process is embodied in committee action, these tabulations are not inclusive.

Prior to the end of the year, therefore, and in ample time for study and use in the 1956 primaries, the Federation will publish a supplementary list of committee votes, although a complete recording will not be possible inasmuch as committee roll calls are not officially published and many issues are determined by voice votes.

It should be noted, furthermore, that there is a dearth of test votes on key social insurance issues in the 1955 floor votes tabulated in this report; likewise, in regard to direct trade union matters. In the Assembly there was only one test vote on workmen's compensation issues, and no tests whatsoever in unemployment insurance and unemployment disability insurance. The one test vote on "right to work," although significant, is somewhat misleading because of the desperation circumstances under which it was taken and the general dislike of attempts to "high-jack" bills. On the Senate side, there is a complete lack of roll calls in either of these areas, with the exception of one test on teachers' rights to join unions.

While these absences are regrettable, in a sense they are indicative of the successes achieved by the Federation at the 1955 session. In any political situation where a majority of votes is lacking on the floor, as was the case in both houses of the legislature, it is axiomatic that in most instances the process of advancement must be through the negotiation of favorable settlements prior to the advancement of bills to the floor. The test lies outside in the employment of floor and committee support and strength to the maximum advantage within the particular set of circumstances surrounding the measure at issue. The degree of Federation success obtained in this respect can be measured, I believe, by comparing the achievements in this report with the lack of test roll calls on the passage of bills which embody those advancements.

Nevertheless, the roll calls printed are indicative of the friends and foes of labor. We are grateful to the many legislators who voted for the working people during the session; and to those who steered the Federation program through the legislative maze and who fought with us in committee

actions where votes are usually not open to public view and scrutiny, we are especially indebted.

As for the Governor, his efforts on behalf of the workingman are clearly stated elsewhere in this report. The record speaks for itself.

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 at Sacramento. Legal advisor Charles P. Scully, President Thomas L. Pitts, and Vice President Harry Finks were invaluable. Without their untiring efforts, and the assistance of representatives of many of our affiliated unions, the mammoth legislative task of the Federation could not have been carried forward. I wish also to thank the members of the legislative committee—Vice Presidents Arthur F. Dougherty, chairman, Max J. Osslo, Harry Finks, Pat Somerset, Robert S. Ash, and Paul L. Reeves—all of whom gave unstintingly of their time to assist your Secretary.

Fraternally submitted,

C. J. HAGGERTY.

SUMMARY AND REPORT ON LEGISLATION

ALCOHOLIC BEVERAGES

The most significant action taken in this area was the approval, for submission to the voters at the 1956 general election, of a constitutional amendment repealing the existing "food in bars" requirement and providing for the issuance of separate types of licenses for eating establishments and taverns and other on-sale premises. Such action was taken in response to a call for clarification amendments by the Governor, who pointed out in a special message to the legislature that strict enforcement of the existing food requirement would put approximately 75 percent of the state's major hotels, cafes and taverns out of the liquor business. The proposed amendment, as embodied in SCA 2, is listed without classification at the bottom of this section inasmuch as the merits of the proposal will be passed upon by convention action prior to the 1956 election.

Measures affecting taxes of beer and liquor are reported under TAXES—SALES AND EXCISE.

Good Bills

AB 1668 (Coolidge). As amended and enacted into law, makes proof that a defendant licensee or his employee sought and obtained identification evidence issued by any governmental agency relative to the age of a minor, a defense to a criminal proceeding for suspension or revocation of a liquor license for sale of liquor to a person under 21 years of age. Former law restricted the type of documents acceptable as proof to driver's license and draft card. Chapter 627.

AB 1791 (Munnell). As amended and enacted into law, permits the Department of Alcoholic Beverage Control to refuse the renewal or transfer of liquor license if the applicant is delinquent in payment of unemployment insurance contributions, personal income or franchise taxes, as well as sales and use tax. Chapter 1848.

AB 3222 (Meyers). As amended, established a 16-member Alcoholic Beverage Control Advisory Board. Died in Assembly committee.

AB 3778 (Pattee). As amended and enacted, provides for issuance of "caterer's permit" to on-sale general licensee to authorize the sale of beer, wine, and distilled spirits for consumption at conventions, sporting events, trade exhibits, picnics, social gatherings and similar events where prem-

ises are not otherwise licensed. Makes on-sale licensee, under penalty of possible loss of license, responsible for violations of law at such events. Carries two-year expiration date. Chapter 1801.

Bad Bills

AB 28 (Chapel). As introduced, made it a misdemeanor for any person to sell or serve alcoholic beverages for consumption on the premises to any person accompanied by person under 21 years of age. As amended, penalty was changed to suspension or revocation of license, application restricted to premises where meals are not sold or served. Died in Assembly committee.

AB 29 (Chapel). As amended, made it a misdemeanor for any licensee to permit or encourage any employee, including bartenders, to solicit or *accept* drinks. Died in Assembly committee.

AB 1792 (Munnell). Redefined eating establishments and taverns so as to prohibit sale of alcoholic beverages in establishments which do not derive 50 percent of their receipts from the sale or service of food for consumption on the premises. Died in Assembly committee.

AB 2706 (Donald D. Doyle). Made it a felony punishable by imprisonment in a state prison, for any person to sell or serve alcoholic beverages to a minor who thereafter, as a result of having consumed the beverages, injures or kills himself or any other person. Also made such person liable for civil suit for damages for the death or injury. Died in Assembly committee.

ACA 48 (Morris). Proposed a constitutional amendment to give cities and counties power to veto the issuance or renewal of individual licenses, and the power to revoke and suspend licenses. Also provided for "local option" within any city, county, or county supervisorial district, and required renewal of liquor licenses annually. Died in Assembly committee.

Other Bills

SCA 2 (Desmond). As amended and adopted for submission to the voters, proposes a constitutional amendment repealing the present "food-in-bars" requirement, and permitting alcoholic beverages to be bought, sold, served etc., only on premises licensed as provided by the legislature. Specifically permits the legislature to provide for

the issuance of on-sale licenses, among others not enumerated, for the following types of premises: (1) bona fide public eating places as defined by the legislature; (2) public premises where food is prohibited from being sold or served except as may be permitted by the legislature incidental to the sale and service of alcoholic beverages, and where persons under 21 are prohibited from entering without lawful business; (3) public premises for the sale and service of beer alone; and (4) railroad dining and club cars, ships, airplanes, and bona fide clubs lawfully operating for one year or more, under such conditions as the legislature may impose. Adds a constitutional prohibition against sale, service, etc. of any alcoholic beverages to persons under 21 or purchase of such beverages by minors. Finally, gives the legislature the option of whether or not to provide for the issuance of the various types of licenses required by the Constitution to manufacture, produce, import, export, transport, wholesale, distribute, and sell alcoholic beverages. Filed with Secretary of State for assignment of position on ballot. Resolutions, Chapter 252.

SB 2010 (Desmond). Implements SCA 2 by defining "bona fide eating place," "public premise," etc., and makes related changes as to transferability and exchangeability of such licenses, etc. Becomes operative only if SCA 2 is adopted by the voters. Chapter 1779.

APPRENTICESHIP

Bills marked * were sponsored by the Federation

Good Bills

AB 37 (Elliott). As passed by the Assembly, required junior college principals to admit indentured apprentices. As amended in the Senate and enacted into law, permits the admission of apprentices who, in the principal's judgment, are capable of profiting from the instruction offered. Chapter 715.

AB 337 (Collier). As amended and enacted, exempts apprentices from classified service in school districts with merit systems for non-certificated employees, while permitting the personnel commission in such districts to classify as apprentice positions certain jobs requiring the learning and performance of duties which fall within a definite plan provided by the California Apprenticeship Council for a designated trade. Requires the apprenticeship training program of the school district to be approved by the Council. Prohibits an assignment from continuing beyond the period prescribed by the Council for the designated trade, and requires the selection of apprentices by competitive or qualifying examination with full allowance for credits for prior training in a regularly indentured apprenticeship program. Authorizes the establishment of standards for apprenticeship training, compensation rates for various levels of apprentices, and promotional examinations for adequately trained apprentices. Chapter 1114.

***AB 863 (Gaffney).** Increases the membership

of the California Apprenticeship Council by adding two additional representatives each from employer and employee organizations and one additional representative of the general public. Chapter 1137.

AB 1814 (Henderson). Removes the provision in the Labor Code that the person holding permanent civil service status as Assistant to the Director of Industrial Relations be Chief of the Division of Apprenticeship Standards and subject to the provisions of the State Civil Service Act. Chapter 1415.

BARBERS AND COSMETOLOGISTS

Bills marked * were sponsored by the Federation

Good Bills

AB 61 (Thomas J. Doyle). Originally a bad bill permitting applicants who are registered barbers and qualified to take the examination for a barber college instructor's certificate to act as instructors prior to issuance of instructor's certificate, for not more than 60 days from the date of filing of application. Amended into acceptable form by requiring such an instructor to be under the supervision of a registered instructor, and limiting the 60 days to consecutive working days. Chapter 197.

***AB 893 (Thomas J. Doyle).** Increased the minimum number of hours of instruction required for graduation from a barber's college from 1,000 to 1,500 hours. Dropped in favor of SB 1380.

***AB 894 (Thomas J. Doyle).** Required hairdresser and

cosmetician or cosmetologist to practice cosmetology under immediate supervision of a licensed hairdresser and cosmetician or cosmetologist manager-operator; prohibited licensed cosmetologists from managing a shop or engaging in independent practice during first year of license; provided for issuance of manager-operator certificate without examination upon completion of one year of actual shop experience under immediate supervision; required cosmetological establishment to be under immediate personal supervision of a licensed manager-operator. Died in Assembly committee.

AB 900 (Patterson). As amended and enacted, requires barber's license which has been suspended or revoked to be surrendered to the Board, and makes it a cause for disciplinary action for a licensee to violate or attempt to violate any provisions of the Business and Professions Code regulating barbers, or to aid and abet such violation. Chapter 1139.

AB 1662 (Meyers). As amended and enacted, makes it a cause for disciplinary action to sell in barber shops items other than cutlery, cosmetics and toilet articles used in the practice of barbering. Chapter 1174.

SB 617 (Desmond). As amended and enacted, makes it a misdemeanor for anyone to practice in any branch of cosmetology for compensation without a license. Chapter 501.

SB 1380 (Kraft). As amended and enacted, increases the minimum number of hours of instruction required for graduation from a barber college from 1,000 to 1,248 hours, to be completed within 12 instead of 6 months at the rate of not more than eight hours in any one working day. Chapter 691.

SB 1381 (Kraft). As amended and enacted, permits a person to take a refresher course to prepare for barbers' examination if he has met all prerequisites to taking such an examination, or those prerequisite to taking an examination for a certificate as a registered apprentice. Deletes provisions authorizing refresher courses upon proof of practice in another state or country for at least two years during the three-year period immediately preceding application, excluding time in military service, or upon proof that the applicant holds a valid certificate as a registered apprentice. Chapter 350.

SB 1382 (Kraft). As amended and enacted, requires the out-of-state certificate of an applicant for a California barber's license to be valid. Where out-of-state applicant comes from a state or coun-

try where no license is issued, requires an affidavit showing that the applicant practiced as a barber in said state or country for a period of two within the last five years immediately before making application for California license. Chapter 351.

SB 1383 (Kraft). Makes changes similar to **SB 1382** in regard to out-of-state applicants for the apprentice examination. Also reduces from 500 to 250 hours, the amount of additional study required of a person who fails to pass the apprentice examination before being eligible to take the examination again. Chapter 352.

Bad Bills

AB 20 (Thomas J. Doyle). Decreased certificate fee for barber college instructors from \$10 to \$1; made corresponding reductions for renewal and restoration fees. Died in Assembly committee.

AB 1496 (Grant). Permitted the sale of bottled soft drinks in barber shops. Passed Assembly by roll call vote of 44 to 25; died in Senate committee.

AB 3313 (Maloney). As amended and enacted, provides for the establishment and licensing of schools of electrology separate and apart from cosmetology schools. Chapter 1721.

AB 3605 (Brady). Required the State Board of Cosmetology, upon application of a person whose license has lapsed for five years after failure to renew, to issue such person a working permit valid for one year or until licensing examination is passed, whichever occurs first. Died in Assembly committee.

SB 347 (Desmond). Reduces from two years to one year the out-of-state practice qualification for taking the manicurist examination. Chapter 176.

SB 348 (Desmond). Permits permanent wavers to cleanse, dress, cut and brush hair, whether done in connection with waving of hair or separately. Chapter 1016.

SB 349 (Desmond). For purpose of satisfying the 1600 hours' training requirement in a school of cosmetology as a prerequisite to taking the examination for registration and license, provides that three months of out-of-state practice shall be considered the equivalent of 100 hours of training. Chapter 648.

SB 1709 (Desmond). Permitted any hairdresser and cosmetician or cosmetologist, instructor, electrologist, manicurist, or permanent waver, whose license expired for failure to renew it during period commencing September 25, 1941, and ending January 1, 1947, to have such license restored, without examination, upon payment of prescribed

fees, if application for restoration is made within 90 days after effective date of foregoing provisions. Died on Senate floor.

SB 1844 (Desmond). Similar to **SB 348**, but in addition, gave any person who holds a license as a permanent waver the right to operate a duly licensed establishment for permanent waving as broadly defined to include the cutting of hair and the performance of other acts, whether incidental to permanent waving or not. Pocket-vetoed by the Governor.

SB 1992 (Kraft). As amended and enacted, permits branch facilities of a barber college operated or maintained in the same central area as the main establishment to escape separate licensing provision for each separate location. Makes provision for issuance of permits to such branch facilities upon inspection and approval by the Board. Chapter 1892.

CHILD CARE CENTERS

Good Bills

AB 980 (Ernest R. Geddes). As passed by the Assembly, continued child care centers on a permanent basis and appropriated \$4,535,800 for state support through June 30, 1956; allowed admission of a child whose parent is attending school or receiving instruction under the state vocational rehabilitation program, providing the parent is otherwise qualified or pays the full cost of care; increased by \$55 the maximum family income allowable as the basis for determining eligibility of a child for admission when both parents are work-

ing; revised downward the fee payable for a child where there is one parent in the home who both supports and cares for the child and the total family income exceeds the maximum allowable for admission; placed an upper limit of three times the maximum qualifying income on the use of centers by parents, otherwise ineligible, who pay the full amount of the cost of care; revised the ratio of state support to fee support paid by parents, while retaining the two-to-one concept of sharing costs, and specifying the hourly amounts; made other changes relating to retirement provisions for employees of centers and the certification of employees.

As amended in Senate and enacted into law, extends child care centers for only two more years to a terminal date of June 30, 1957; cuts appropriation to \$4,412,300, and contains a provision requiring the Department of Education to report to the 1956 budget session of the legislature its estimate of additional funds necessary for continuance of the program to its terminal date, and its recommendations for the expansion or modification of the program. Makes further changes relating to prior service credits for retirement purposes and the payment of the costs of such prior service credit, while retaining other Assembly provisions. Chapter 1194.

SB 639 (Richards). As amended several times, conformed to **AB 980** (Ernest R. Geddes), but was amended in the Assembly in the closing hours of the session to make the extension of child care centers permanent. This amendment was rejected by a roll call vote of 12 Ayes to 18 Noes in the Senate, where the bill died.

CIVIL RIGHTS

See also SCHOOLS.

In this area of legislation, the focal point of controversy was fair employment practices legislation. The Federation threw its full support behind the California Committee for Fair Employment Practices along with other civic-minded groups in an all-out effort to secure passage of **AB 971**, an FEPC measure patterned after the successful New York law. The bill received a favorable recommendation from the Assembly Committee on Governmental Efficiency and Economy, but was re-referred to the Committee on Ways and Means, where it was refused passage on a question of policy rather than the mere \$100,000 appropriation which it carried. Following this reversal, the Assembly withdrew the bill from Ways and Means by a roll call vote

of 44 to 21, and succeeded in passing the measure by a second roll call vote of 48 to 27.

Pending Senate hearing of the bill in the Committee on Labor, an alternative proposal was sent to the Senate in **AB 2300**, which merely declared state policy against discrimination in employment, and permitted civil suits for damages against employers and unions found to have com-

mitted a discriminatory act. Both of these bills, together with **SB 1765**, a measure similar to **AB 971**, were tabled in one-two-three order by the Senate Committee on Labor. Only Senators Harold T. Johnson and Montgomery favored the bills.

Despite this defeat, significant progress was made at the 1955 session toward the eventual and inevitable passage of FEPC legislation by the approval of such a measure for the first time, in the Assembly, and the granting of at least a full hearing of the issue on the Senate side.

Overshadowing this progress, however, was the actual passage of **AB 970**, which declares state policy against discrimination in the employment of teachers. The bill was pushed through the Senate in the closing days of the session by the narrow margin of 21 to 13.

On the negative side, a number of so-called anti-subversive bills posing a direct threat to our cherished civil liberties were rejected by a legislature which reflected an apparent change in the climate of public opinion regarding such legislation.

Good Bills

AB 841 (Elliott). Repeals the initiative act of November 2, 1920, which restricted the property rights of aliens. Requires the approval of voters at the 1956 general election. Chapter 316.

AB 970 (Rumford). Declares state policy against discrimination in the hiring of teachers because of race, color, religious creed, nationality, or national origin. Chapter 1910.

AB 971 (Rumford). California Fair Employment Practices Act. As introduced, declared the opportunity to seek, obtain and hold employment without discrimination because of race, creed, color, national origin or ancestry, a civil right, and specified what constituted unlawful employment practices. Created a five-member FEPC to formulate policies and make recommendations to effectuate the purposes of the act. Authorized the commission to hold hearings and issue orders to correct discriminatory employment practices or prevent their occurrence. Made the commission's orders enforceable by District Court of Appeals and provided for judicial review of final orders.

As passed by the Assembly by a roll call vote of 48 to 27, the original provisions relating to enforcement and judicial review of the commission's orders were removed, and a substitute provision inserted merely subjecting final orders to judicial review in accordance with law. Tabled in Senate committee.

AB 1873 (Hawkins). Prohibits automobile insurers from refusing applications for liability

policies or from issuing less favorable policies because of race or color. Makes insurer liable for \$100 in damages plus attorney's fees for such violation and for additional amounts paid by applicant to secure insurance. Chapter 125.

AB 2070 (Maloney). Established a 16-member, non-partisan Civil Rights Study Commission to study and recommend legislation to protect civil rights and strengthen the internal security of the state. Died in Assembly committee.

AB 2300 (Hawkins). Provided that any employer or labor union, or agent of either, who denies a citizen his right to full and equal opportunity to obtain and hold employment on the basis of merit, except for reasons applicable alike to persons of every race, religion, color, ancestry or national origin, or any person who aids or incites such discrimination, shall be liable in damages for not less than \$100 nor more than \$500 in civil action brought by the person discriminated against.

On the floor of the Assembly, an attempt was made by Assemblyman Levering to amend the bill into a "compulsory open shop" measure by inserting after the declaratory provisions against discrimination because of race, color, etc., the words "or because of membership or non-membership in an organization." Levering amendments were defeated by roll call vote of 11 Ayes to 47 Noes, and the bill passed by roll call vote of 45 to 15. Tabled in Senate committee.

AB 2791 (McMillan). Appropriated \$250,000 to assist cities and counties in fostering civil peace through public agencies established to improve group relations, to provide for the training of state, city and county law enforcement officers in the prevention and control of intergroup conflicts, and for similar purposes. Died in Assembly committee.

AB 3109 (Bradley). Excluded churches from tax exemption loyalty declaration requirements. Refused passage on Assembly floor by roll call vote of 27 to 46.

AB 3557 (Morris). Created a nine-member State Commission on Political and Economic Equality with study and educational powers. Died in Assembly committee.

AB 3785 (Hawkins). Public Employment Equal Opportunities Act—prohibited discrimination in public employment, including public works; required anti-discrimination clause to be written into public works contracts; established penalties for violations. Died in Assembly committee.

SB 638 (Richards). Prohibited the designation of race, religion or national origin on applications for employment filed with or through any state agency, and forbade inquiries regarding such matters in interviews concerning employment. Died in Senate committee.

SB 1765 (Richards). Established a state Fair Employment Practices Commission with enforcement powers similar to **AB 971**. Tabled in Senate committee.

Bad Bills

AB 612 (Chapel). Permitted wiretap evidence, obtained

under authority of court order, to be used in the trial of certain felony cases. Died in Assembly committee after being sent to the floor with a favorable recommendation and re-referred to committee.

ACA 57 (Bonelli). As amended, proposed a constitutional amendment authorizing the City of Vernon to frame a

charter for its own government which would give voting rights to non-resident property owners in the city and to persons designated by corporations which own property in the City of Vernon. Refused adoption by roll call vote of 33 to 28 (two-thirds vote required). Reconsidered by vote of 56 to 3, and refused adoption for a second time by roll call vote of 30 to 30.

CONSTRUCTION

The major problem of providing institutional facilities sufficient to meet the needs of our growing state population in the face of mounting budgetary deficits was resolved in the adoption of the Governor's proposal for a \$200 million state bond issue, as embodied in **AB 1414**. The authorizing constitutional amendment, **ACA 17**, will appear on the 1956 general election ballot.

As a solution to the financial problems involved in alleviating the shortage of state office buildings, the legislature adopted the general policy of financing such structures either by revenue bonds or by the issuance of certificates of indebtedness to state agencies, as provided in **SB 482**. The construction of six office buildings in separate cities at a total cost of more than \$22.6 million is specifically authorized under such financial arrangements in **SB 483**. Both of these bills—the favorable construction provisions notwithstanding—are classified under Bad because of the financing provision for the issuance of certificates, which are made the legal investment of special or trust funds on deposit in the treasury, regardless of any provisions of existing law limiting the investment which may be made by such funds. Although the Federation was able to secure an amendment exempting the state Unemployment Disability Insurance Fund belonging to the workers, it is felt that the provision itself, in permitting a trust or special fund to be tied up for as long as 25 years, irrespective of the purpose of the fund or legal limitations, is bad on its face.

A similar attempt to raid trust funds, but specifically restricted to the use of Unemployment Disability funds for the construction of Department of Employment buildings, is reported under **UNEMPLOYMENT DISABILITY INSURANCE**.

In regard to legislation sponsored by the Federation benefiting construction workers, two bills were passed: ***AB 1157**, permitting political subdivisions of the state and municipalities to make contributions into trust funds for group life and disability insurance, and ***AB 1670**, tightening up on the contractor licensing provisions regarding the exemption of so-called owner-builders.

Unlisted in the summary which follows are numerous bills which at one time or another in their progress through the legislature contained bad provisions for the construction of public works by day labor instead of by contract, but which were corrected by Federation action prior to passage. Only a few bills which passed with bad contracting provisions are reported.

A separate bond issue for the construction of schools is reported under **SCHOOLS**, together with a new program for school construction on a lease-purchase basis.

Bills marked * were sponsored by the Federation

Good Bills

***AB 1081 (Samuel R. Geddes).** Prohibited state architects from referring to specific manufacturer's catalogs as specification standards of workmanship or types of construction, unless it is expressly provided that use of comparable items is permitted, provided they are approved equals. Dropped upon notification by Attorney General's office that present law sufficiently covers purpose of bill and that only compliance with present law is required.

***AB 1157 (Donald D. Doyle).** As amended and enacted, adds two sections to the Insurance Code to permit the political subdivisions of the state and any municipality to provide group life and disability insurance for their employees, and to make contributions into a fund established for such purpose, the same as any private employer. Chapter 1914.

AB 1414 (Caldecott). State Construction Bond Act of 1955. Provides for a \$200 million general obligation bond issue, as proposed in **ACA 17** (Caldecott), to raise funds supplemental to regular budgetary appropriations for the financing of the Governor's 5-year state institutional building construction program. Earmarks \$60 million of the bond issue proceeds for expenditure for major

building construction, equipment and site acquisition for state colleges in existence at present or established at a later date. Chapter 1709.

***AB 1670 (Samuel R. Geddes).** As amended, narrows the exemption of an "owner-builder" from the contractor licensing provisions of the Business and Professions Code by providing that the exemption applies only if the dwelling is used for the occupancy of the owner-builder and not offered for sale. Provides that proof of sale or of offering for sale within one year after completion of the dwelling, shall be presumptive evidence that the dwelling was built for the purpose of sale. Under former law, the exemption applied so long as the dwelling was not offered for sale before completion, and in cases where the dwelling was built for rental purposes. Chapter 763.

AB 2074 (Donald Doyle). As amended, required the bids valued at over \$2,500 of sub-contractors listed in the bid of a general contractor on public works to be written and filed with a bid registration officer in the county where the public work was to be done, and established a detailed procedure for such registration; required such subcontractors submitting bids on public works to submit security of 10 percent in cash, cashier's check, certified check or bidder's bond, for the general contractor's benefit, and in addition, to post a labor, materials and performance bond; established penalties for violations of above provisions. Died in Senate committee.

AB 2596 (Hawkins). As amended and enacted, permits county boards of supervisors to construct, lease, etc., coliseums, sports arenas or pavilions or other buildings for holding sports events, spectacles and other public meetings, subject to the provision that the construction work be done by contract if valued over \$2,000, exclusive of materials and supplies. Chapter 327.

AB 3038 (Kilpatrick). As amended, provided for the licensing and regulation of small boat building, boat construction establishments, wholesalers, retail agencies, and master boat builders. Died in Assembly committee.

ACA 17 (Caldecott). As amended and adopted, authorizes the sale and issuance of \$200 million in state bonds to help finance the Governor's five-year state construction program as provided in the State Construction Program Bond Act of 1955 (**AB 1414—Caldecott**). Earmarks \$60 million of the \$200 million for state college construction. Filed with Secretary of State for placement on 1956 general election ballot. Resolutions, Chapter 239.

SB 121 (John F. McCarthy). Deleted escape provisions allowing the Director of Public Works to have public works done by day labor if the director deemed advertising or awarding of contract not in the best interests of the state. Died in Senate committee.

SB 484 (Busch). Required a public works general contractor to state in his bid that he proposes to perform all work except the portions for which subcontractors are listed in his bid. Died in Senate committee.

SB 1105 (Ed. C. Johnson). Originally a bad bill, exempting from the earthquake protection laws, any building within a labor camp used primarily as a dwelling for farm laborers and their families. As amended and enacted, is a good bill: permits the Division of Housing in the Department of Industrial Relations to enforce any provision of the earthquake protection laws which it finds has been or is being violated, providing the Division has given the enforcement agency written notice of the violation and the enforcement agency has failed to secure correction of the violation. Chapter 1775.

***SB 1253 (Robert I. McCarthy).** Companion to ***AB 1081**. Died in Senate committee.

SB 1491 (Sutton). As amended and enacted, changes maximum valuation of real estate which veteran may purchase under the Veterans' Farm and Home Purchase Act from \$12,500 to \$17,000 for a home, and from \$18,500 to \$30,000 for a farm. Chapter 1082.

***SB 1591 (Short).** Originally a private employment agency bill sponsored by the Division of Labor Law Enforcement, prohibiting such agencies from charging a fee in excess of 50 percent of the wages actually earned for the first month, or shorter period. Amended into a prevailing wage bill on public works, sponsored jointly by the Federation and the Associated General Contractors. As so amended, made the requirement of payment of prevailing wages applicable in any case where the work is paid for out of public funds and regardless of whether done under contract, so long as the value of the public work exceeded \$3,000; also included within the meaning of prevailing wage, all payments made to or for or on behalf of workmen, including lodging, meals and employer-paid contributions to health and welfare or pension funds or trustees. Died in Senate Committee.

Bad Bills

AB 646 (McFall). As amended, exempted school districts from the requirement of specifying the rate of per diem wages, etc., in call for bids, provided such rates are ascertained in accordance with the Labor Code and placed on file with the county superintendent of schools, and made available to the public. Also established procedure whereby an interested party could be placed on mailing list for receipt of wage rates so filed whenever the school district

publishes a notice calling for bids. Died in Assembly committee.

AB 2519 (Smith). Required notices advertising for bids on state and county public works to state that bids shall pertain to the performance of the entire project, thus prohibiting segregated bidding. Died in Assembly committee.

AB 2520 (Smith). Repealed provisions of the Government Code regulating subletting and subcontracting on public works. Died in Assembly committee.

AB 3435 (Masterson). As amended and enacted, permits county employing a competent engineer as road commissioner to elect to perform highway projects either by day labor or by letting contracts for the performance of such work under the provisions of the State Contract Act. Chapter 1387.

SB 482 (Breed). State Building Construction Act of 1955. As passed by the Senate, provided for the acquisition and construction of public buildings and appurtenant facilities by the State Public Works Board, when authorized by specific act of the legislature, for the use of, and rental to, state agencies; such buildings to be financed either by the issuance of certificates to state agencies or by revenue bonds secured solely by revenues, rentals or receipts received from the operation of buildings authorized by the legislature. Contained a bad provision making the certificates of indebtedness the legal investment for any state special or trust fund, *including the Unemployment Disability Insurance Fund*, notwithstanding any provision of law limiting the investment which may be made by such special or trust fund.

As passed by the Assembly and enacted, the bad provision permitting the issuance of certificates is retained, but the investment of unemployment disability insurance funds in such certificates is specifically excluded by a Federation amendment adopted in the Assembly. Chapter 1686. See also **SB 483 (Breed)**.

SB 483 (Breed). As amended and enacted, authorizes the State Public Works Board to construct state office buildings in the following cities, to be financed either by the issuance of certificates or revenue bonds under the provision of **SB 482**: Los Angeles (\$9,084,500); San Francisco (\$6,792,300); Fresno (\$3,025,300, plus \$150,000 for acquisition of site); Oakland (\$3,278,800); San Jose (\$1,369,100, plus \$200,000 for site acquisition);

San Diego (\$2,345,900, plus \$400,000 for site acquisition). Chapter 1687.

SB 697 (Cunningham). Removes the provision which makes it a misdemeanor for any person to conspire with another to violate any of the provisions of the Business and Professions Code chapter relating to the licensing and regulation of contractors. Chapter 293.

SB 741 (Cunningham). As amended, established a "lease-purchase" scheme for the construction of state office buildings in the cities listed in **SB 483** by giving the Director of Finance the authority, upon prior approval of the legislature and consent of any state agency having jurisdiction thereof, to lease state property for a term not to exceed 40 years, regardless of the use for which the property was acquired, on condition that the lessee agrees to construct a building for the use of the state during the 40 years, with the title to vest in the state at the expiration of the 40-year term. Appropriated funds on a continuing basis for the payment of rent by state agencies occupying space in such office buildings. Died in Senate committee.

SB 735 (Grunsky). As amended and enacted, permits the State Allocation Board, in connection with school district allocations, to receive and act upon the recommendations of a newly created Local Planning Advisory Commission, consisting of seven members appointed as follows: three by the president of the County Supervisors Association; three by the president of the League of California Cities; and one by the president of the California School Trustees Association. Chapter 1860.

SB 1106 (Ed. C. Johnson). As introduced, exempted from the earthquake protection laws any labor camp as defined in Section 2410 of the Labor Code.

As amended and enacted, is less objectionable: exempts only farm labor camp buildings in unincorporated areas used for human habitation, and of wood frame construction of less than two stories in height with a span between bearing walls not exceeding 24 feet, and containing no more than 1,000 square feet in any room. Chapter 1491.

SB 1714 (Desmond). As enacted, rewrites Community Service Districts law. Contains a bad provision which gives such a district the option of performing work of construction or operation under its own superintendence by day labor or contracting for the performance of such work. Chapter 1746.

ELECTIONS

Controversy regarding changes in the Elections Code centered primarily on the closing of well-recognized loopholes in the reporting of campaign expenditures and contributions. The key measure, eventually killed on the Senate side, was **AB 1548**, which required, under severe penalty, a complete and accurate reporting by candidates and committees, including committees such as Labor's League for Political Education, of campaign contributions and expenditures exceeding \$100 made directly or indirectly for the purpose of aiding or defeating the nomination or election of any candidate or group of candidates.

Although the Federation had no objections to the reporting of LLPE activities, and fully endorsed the beneficial principle of accurate accounting of expenditures and contributions, no official position was taken for or against the measure before the legislature, inasmuch as it contained several provisions which were not geared to the functioning of committees on a per capita basis, and which could have been interpreted to require rather extensive modification of LLPE operating procedures, despite claims of the sponsors to the contrary. For the convenience of reporting on the bill, therefore, rather than strict classification, the bill is listed under Bad.

The substitute measure enacted in **AB 1486**, while making some improvements regarding the reporting of committee expenditures, does little or nothing to remove the escape provisions in existing law.

In regard to the controversial question of cross-filing, an Assembly measure, **AB 92**, aimed at prohibiting cross-filing altogether now that it has been rendered somewhat less effective by the party designation requirement, failed to receive consideration. On the other hand, a Senate bill, **SB 803**, to make the state legislature non-partisan, managed to get through the Senate but was defeated in Assembly committee.

Also defeated was **ACA 45**, a constitutional amendment aimed at stifling liberal initiative proposals by requiring concurrent approval by the voters of a revenue measure to finance the cost of the initiative proposal.

Good Bills

AB 92 (Munnell). Prohibited cross-filing for partisan office in primary elections. Died in Assembly committee.

AB 424 (Weinberger). As amended and enacted,

establishes a procedure for voting by persons unable to go to the polls because of an illness or disability incurred after the closing date for absentee ballot application and resulting in hospitalization, or confinement in a hospital, sanatorium or nursing home. Chapter 1459.

AB 1753 (Unruh). Made it a misdemeanor for anyone to charge higher rates or rent for billboards, advertising space, radio and television time, office space, meeting halls, etc., when used for political purposes. Died in Assembly committee.

AB 2213 (Masterson). As introduced, required county clerk to appoint for every 1,000 persons in the county at least one registration clerk whose sole qualification shall be an ability to write legibly. Amended to provide a "sufficient number" of registration clerks to register persons eligible to vote, instead of one per 1,000, and passed by the Assembly. Died in Senate committee.

AB 2338 (Chapel). Provided for publication of a voters' handbook to be mailed to each voter prior to primary and general elections, such handbooks to contain, in primary elections, pictures and statements on behalf of candidates, and in general elections, statements of each party as to candidates for President and Vice President in presidential years, state party platforms, statements of candidates, and ballot pamphlet as presently provided. Established procedures for accumulation of material, financing the primary handbooks, and distribution of handbooks. Died in Assembly committee.

AJR 18 (Elliott). Memorialized Congress to consider the feasibility of enacting a uniform state closed direct primary law for the nomination of candidates for President and Vice President. Died in Assembly committee.

SB 606 (Richards). Required party of candidate for partisan office to be spelled out on the ballot. Died in Senate committee.

SB 610 (Richards). As introduced, removed authority of Secretary of State to determine the order in which ballot propositions shall appear on the ballot, and established the following statutory order: (a) initiative measures in the order in which they qualify; (b) referendum measures; (c) legislative proposals in the order in which they were adopted. Amended to place legislation proposals first, followed by initiatives and then referendum measures. Refused passage on floor of Senate by roll call vote of 17 to 18.

SB 1773 (Richards). Created a 16-member appointive Fair Elections Practices Study Commission, with provision for labor representation. Defined scope of studies, and

required commission to report annually to the Governor and the legislature, with recommendations to strengthen and improve the election laws. Died in Senate committee.

SCA 15 (Richards). As amended, provided that the number of Assembly seats shall be three times the number of congressional districts, instead of 80 as at present; required Assembly districts to be formed at each reapportionment so as not to contain a difference of more than 10 percent in population between them, in addition to being contiguous. In turn, required congressional districts to be made up of three Assembly districts which are compact and contiguous. Referred to interim committee for study.

Bad Bills

AB 333 (Hegland). Made it a misdemeanor for an employee to take time off with pay to vote under the provisions of the Elections Code, and wilfully fail or neglect to vote. Died in Assembly committee.

AB 1548 (Munnell). As passed by the Assembly by a roll call vote of 51 to 5, completely rewrote provisions of Elections Code regarding the reporting of campaign expenditures and contributions, to require campaign committees, defined to include committees such as the LLPE, and campaign treasurers appointed by a candidate, to file, under penalty of \$1,000 fine or six months in jail or both, and forfeiture of nomination or office in the case of successful candidates, a detailed and accurate statement, both before and after primary and general elections, reporting all campaign expenditures and contributions exceeding \$50, made directly or indirectly for the purpose of aiding or defeating the nomination or election of any candidate or group of candidates. Among other things, prohibited committees from making campaign expenditures for any identified candidate unless such candidate first has filed a written authorization with a designated election official, and required campaign literature to bear the name and address of the issuing person or committee. Contained other provisions not geared to committees functioning on a per capita basis, although clearly applicable to such committees, which raised serious technical problems as to compliance with the law, and which could have precluded continued operation on a per capita basis, especially during interim periods between elections. Killed in Senate committee after being amended to strike the forfeiture of office penalty for violations by successful candidates, as well as a number of other penalty provisions, and to increase the expenditure exemption from \$50 to \$100.

AB 3544 (Dolwig). Made office of Secretary of State a non-partisan office. Died in Assembly committee.

ACA 45 (Lanterman). As amended, required all initiative measures to be submitted to the legislature for study as to whether they required the expenditure of additional state money, and if so, to give an estimate of the amount, and whether the initiative contained sufficient financing provisions. Permitted the legislature, in cases where an initiative was found to cost more than \$500,000 without making provision for adequate financing, to enact a revenue bill for submission to the voters together with the

initiative measure. Prohibited either from becoming effective without the approval of both by the voters. Original version required enactment of revenue bill by the legislature for concurrent submission to the voters. Killed in Assembly committee.

SB 803 (Desmond). As amended and passed by the Senate by a roll call vote of 30 to 0, made state legislative offices non-partisan. Killed in Assembly committee.

SB 1393 (Kraft). As amended and passed by the Senate, established a procedure for the commencement of the canvassing of the vote in precincts prior to the closing of the polls, provided at least 20 percent of the registered voters in the precinct have cast their ballots. Died in Assembly committee.

Other Bills

AB 1486 (Conrad). As amended and enacted, requires campaign committees—defined to include a committee or group of persons organized for the purpose, or charged with the duty, of conducting the election campaign of any political party, or any candidate or group of candidates—to appoint treasurers who shall be responsible for giving a true account of receipts and disbursements, and who shall, the same as candidates, file campaign statements itemizing contributions received and expended on behalf of candidates. Makes other related changes, but fails to impose sufficient penalties for violations of the Code. An attempt on the Assembly floor to amend into the bill some of the basic provisions of **AB 1548**, including the stringent penalty provisions, failed by a roll call vote of 18 to 36. Chapter 1640.

ACA 12 (O'Connell). Lowered the voting age from 21 to 18. Died in Assembly committee along with a number of similar constitutional amendments, some of which, however, conditioned the reduction upon the passage of certain educational achievement tests.

SCA 34 (Burns). Increased the term of office of Assemblymen from 2 to 4 years, with half of seats expiring every two years. Refused adoption on floor of Senate by roll call vote of 21 to 11 (two-thirds vote required).

SCA 36 (John F. McCarthy). Increased term of office of state Senators from 4 to 6 years, with one-third of seats expiring every two years. Refused adoption on floor of Senate by roll call vote of 8 to 22.

EMPLOYMENT AGENCIES

Good Bills

AB 2129 (McMillan). Prohibited any private employment agency from charging a fee before an agreement for the commencement of work has been reached between the employer and applicant. Died in Assembly committee.

AB 3483 (Weinberger). As amended and passed by the

Assembly, revised Section 1647 of the Labor Code which gives the Labor Commissioner authority to hold hearings in controversies over the collection of fees, and which has been declared unconstitutional because of failure to provide for notice of hearing in a case presently on appeal to the California Supreme Court. Provided for a reasonable notice to each party of the time and place of hearing, and required the Labor Commissioner to dismiss the proceeding, upon the request of the agency, after the tenth day subsequent to the date of the hearing in cases where the applicant for employment makes no appearance in the proceeding, and the agency furnishes evidence which is prima facie proof that a fee is due. Gave agency the right in such dismissals to pursue its remedy in court. Killed in Senate committee.

SB 1591 (Short). As introduced, prohibited private employment agencies from charging a fee in excess of 50 percent of the wages actually earned for the first month, or a shorter period. Amended into a "prevailing rate" bill on public works (see CONSTRUCTION), and killed in Senate committee.

Bad Bills

AB 3622 (Dolwig). Prohibited a minor of 18 years of age or over from disaffirming an otherwise valid contract with a private employment agency if the minor accepts the position secured as a result of the contract. Died in Assembly committee.

AB 3623 (McCollister). Repealed sections of the Labor Code which require private employment agencies to return the applicant's fee in cases where the employment

lasts less than seven days, and to reimburse the applicant for his traveling expenses if required to travel more than 35 miles to apply for a job. Died in Assembly committee.

AB 3624 (McCollister). Deleted requirement that the fee charged an applicant, or paid or advanced by a prospective employer, and the cost of transportation be contained in the contract given to the applicant by the agency; with respect to listing of the type of employment in said contract, provided that employment is to be deemed permanent only if lasting beyond 30, rather than 90 days. Died in Assembly committee.

AB 3625 (McCollister). Prohibited any provision in the Labor Code chapter regulating private employment agencies from being construed to release an applicant from his obligation to pay an employment agency the scheduled fee for services rendered, where the applicant is subsequently employed by an employer after the agency has reviewed the applicant's qualifications with the employer and made arrangements for an interview between the employer and applicant, regardless of whether the employer refuses or fails to advise the agency of the details or classification of any particular position. Died in Assembly committee.

SB 1941 (Thompson). As amended, repealed present provisions of the Labor Code regulating private employment agencies under the jurisdiction of the Labor Commissioner, and provided for their regulation by a seven-member Board of Employment Placement Examiners in the Department of Professional and Vocational Standards, composed wholly of members of the industry. Repealed many of the protective provisions written into the law over the years to correct the abuses of private employment agencies. Referred to interim committee.

FARM LABOR

See also PRISON LABOR.

Activity in this area was focused primarily on **SB 1080**, a flagrant attempt by the reactionary Associated Farmers to control the appointment of a new chief of the farm placement service within the Department of Employment when the present chief retires, so as to assure a cheap supply of foreign contract and "wetback" labor. The bill received favorable consideration in the Senate, but was killed by the Federation in Assembly committee.

Measures extending the provisions of California's social insurance program to farm workers, all of which failed, are reported under **UNEMPLOYMENT** and **UNEMPLOYMENT DISABILITY INSURANCE** and **WORKMEN'S COMPENSATION**. A measure to exempt certain farm labor camp structures from the earthquake protection laws is reported under **CONSTRUCTION**.

Good Bills

AB 1895 (McFall). As introduced, provided that an employer who engages an unlicensed farm labor contractor

to perform services of a licensed farm labor contractor shall be deemed to be the employer of workers employed by such unlicensed farm labor contractor for enforcement purposes. Passed by the Assembly after amendment to exempt an employer who engages a farm labor contractor whose license has been revoked or suspended, if, at the time of such engagement the contractor exhibited a purportedly valid license. Died in Senate committee.

Bad Bills

SB 1080 (Abshire). As passed by the Senate, formally established within the Department of Employment a Division of Farm Placements, and required the provisions of the Unemployment Insurance Code pertaining to the maintenance of farm placement services to be administered by the Director of Employment through the Division. Placed the Division in charge of a Chief, and required that a vacancy occurring in such office be filled by the Director

by the appointment of a person nominated by the State Board of Agriculture, so as to assure control by farm groups, and thereby an abundance of cheap labor, after the person presently in charge of farm placement services retires. Killed in Assembly committee.

Other Bills

AB 2621 (Lyon). As passed by the Assembly, clarified exemption from Labor Code provisions regulating farm labor contractors of persons employed to perform labor contractor services within the scope of their regular employment by a third party, by defining "regular" to require the performance of services compatible with the furtherance of duties and to prohibit the receipt of a fee in addition to regular wages. Also related regular employment to the service performed in the capacity for which the individual was employed, rather than to the duration or frequency of the employment.

As passed by the Senate, provisions prohibiting receipt of fee and requiring performance of services compatible with the furtherance of duties were removed.

As amended in conference and enacted, the only substantive change made is the deletion of the word "regular" from the original language of the exemption so as to require court determination in each instance of controversy whether a person is regularly employed to perform labor contractor services by a third party and thereby exempt from licensing, or whether the person is an independent contractor and therefore subject to licensing. Chapter 1834.

FIRE FIGHTERS

See also WORKMEN'S COMPENSATION.

Bills marked * were sponsored by the Federation

Good Bills

***AB 861 (Gaffney).** Added Section 923.1 to Labor Code to prohibit the state, or any of its political subdivisions and agencies, or any municipality, from interfering with the right of fire fighters to join bona fide unions. Passed by the Assembly by roll call vote of 64 to 6 after prolonged debate on the floor, during which the Federation and fire fighter representatives succeeded in warding off pressure to amend a no-strike provision into the bill. Killed in Senate committee.

***AB 877 (Johnson).** Required fire fighters be given a leave of absence from active duty of not less than eight, instead of four, working shifts in each month of service. Died in Assembly committee.

SB 537 (Regan). Regarding local policemen and firemen members of the state employees' retirement system who die prior to retirement but after qualifying for retirement by age or length of service, provides for payment of a monthly allowance equal to one-half of the unmodified retirement allowance which would have been payable if the member had been retired as of the date of his death, to the surviving widow as long as she remains unmarried, and to children under 18 under certain conditions. Chapter 1025.

SB 540 (Regan). For purpose of establishing working hours of fire fighters, provided that no 24-hour period shall be deemed to consist of less than two working shifts, or periods of continuous duty, averaged on a weekly, monthly, or yearly basis. Died in Senate committee.

SB 546 (Regan). As amended and enacted, permits State Fire Marshall to periodically compile and publish laws relating to firemen and fire protection and control, and amendments thereto, for distribution at cost in accordance with a procedure developed by the Marshall. Chapter 419.

FISHING

Good Bills

AB 363 (Luckel). Repealed provision prohibiting after December 31, 1955, the sale of yellowfin and bluefin tuna weighing more than 150 pounds. Died in Assembly committee.

AB 1666 (Coolidge). Compromise bill agreed to by commercial fishermen and sportsmen and other interested parties, submitted by the Assembly Interim Committee on Fish and Game; relates to bag limits and length of season for yellowtail and anchovy, the extension of the Marine Research Committee on a modified basis, and continuation of the ban against packing sardines during summer season. Chapter 808.

AB 2485 (Belotti). Repealed the prohibition against the sale of (1) albacore weighing less than 9 pounds, (2) yellow and blue-fin tuna weighing less than 7½ pounds or more than 150 pounds, and (3) skipjack weighing less than 4 pounds. Died in Assembly committee.

AB 3443 (Masterson). Originally a bad bill, introduced at the request of the sportsmen, abolishing districts 12A and 12C and redefining district 12B so as to prohibit commercial fishing for shad in Grizzly and Honker Bays, while changing the commercial season on shad in district 12B from March 15-May 31 to April 15-May 31. Amended

satisfactorily to river fishermen in Assembly committee by adding 5 days to shad fishing in district 12B, and by redefining district 12B to open up certain sections of the Sacramento River to commercial fishing. Chapter 1795.

ACR 105 (Luckel). In order to assist tuna canning industry in its program to promote the consumption and distribution of canned tuna, requests all state agencies responsible for the purchase of food supplies for state institutions to purchase California-produced tuna in quantity while the supplies are ample and prices reasonable, especially during the period June 2 to June 11. Filed with Secretary of State. Resolutions, Chapter 173.

SB 1668 (Erhart). As amended and enacted,

prohibits the sale of albacore weighing less than 7 pounds, instead of 9 pounds. Chapter 696.

Bad Bills

AB 62 (Stanley). As passed by the Assembly by roll call vote of 42 to 17, created a Salt Water Fishing Committee within the Department of Fish and Game with power to regulate the taking of salt water fish. Amended in Senate committee to give such power to the Fish and Game Commission dominated by sportsmen. Referred to interim committee for study by Senate committee.

AB 3823 (Patterson). Introduced late in the session to give Fish and Game Commission absolute regulatory powers over commercial fishing. Referred to interim committee for study by Assembly committee.

SB 1093 (Sutton). Permitted salmon to be taken by nets in the portion of District 12 B lying in Suisun Bay only between September 1 and September 26. Died in Senate committee.

HOUSING

See also SCHOOLS.

The historical struggle with the real estate lobby over public housing in California failed to develop at the 1955 session to the extent in previous sessions. The real estate lobby's major bill, **AB 2768**, designed to provide the legal machinery for the liquidation, by forced sale, of all public housing projects in the state, failed to get out of committee, and instead was referred to interim committee for study.

Good Bills

AB 68 (Stanley). Prohibited installation of plumbing and electrical equipment in trailer coaches unless installations meet requirements of the Division of Housing developed in accordance with the Uniform Plumbing and National Electrical Codes. Died in Assembly committee.

AB 206 (Elliott). Prohibited approval of redevelopment plans calling for the destruction of housing facilities which are mostly rental units, unless the plan provides for construction of comparable facilities in sufficient number to house the displaced at comparable rental rates; gave displaced tenants priority in renting new facilities. Died in Assembly committee.

AB 1543 (Stewart). As amended and passed by the Assembly, extended the dwelling house provisions of the State Housing Act, presently confined to cities, to unincorporated "urbanized" areas so depicted by the 1950 U. S. Housing Census, excepting dwellings on land used primarily for agricultural purposes and labor camps. Died in Senate committee. A similar but much stronger bill, **AB 919 (Hawkins)**, extending the dwelling provisions of State Housing Act to all areas outside cities without exception, failed to get out of Assembly committee.

AB 2975 (Rees). Required all employment in public housing authorities, except executive director, to be sub-

ject to California Civil Service Act and regulations thereunder, deleting provision regarding the secretary serving at the pleasure of the housing authority commission; blanketed in incumbent personnel holding permanent positions for 12 consecutive months before July 1, 1955; required employees to be compensated at prevailing community rates. Died in Assembly committee.

AB 2976 (Rees). Similar to **AB 2975**, but provided for blanketing housing authority employees under the county or municipal civil service law, instead of California Civil Service Act. Died in Assembly committee.

AB 3269 (Stewart). As amended and enacted, establishes a procedure for the amendment of community redevelopment plans once they are adopted as may be necessary to conform such plans to the needs of the communities. Chapter 1761.

AB 3739 (McFall). Temporary Housing Projects Law; enables cities and counties to acquire temporary wartime federal housing projects and to operate and eventually dispose of them by demolition. Contains adequate provisions with regard to the rental of project units and contracting for services, privileges, works etc., in connection with the project. Adverse provisions permitting disposition of projects without destruction after

no longer needed for housing, and possibly removing applicability of Labor Code protections, were deleted by amendment in legislative process. Chapter 1246.

Bad Bills

AB 1658 (Holmes). Confined the provisions of the Health and Safety Code relating to trailer parks to unincorporated areas, and made them inapplicable in cities even though a city does not have a comparable ordinance or any regulation of trailer parks. Died in Assembly committee.

AB 2269 (Grant). Removed present provisions of the State Housing Act which require the venting of gas appliances in existing buildings. Referred to interim committee for study.

AB 2768 (Levering). As introduced, required the liquidation of public housing projects to corporations created for the purpose of holding title and permitting tenant ownership, whenever communities or municipalities by referendum, ordinance, or resolution order liquidation. Amended to limit liquidation to a corporation which includes participation by at least two-thirds of the tenants of the project as co-owners, each with the exclusive right to occupy one unit. As so amended was rejected in Assembly committee. In an attempt to revive the bill, amended again to require liquidation to a purchaser in which at least two-thirds of the tenants own a beneficial interest with exclusive right to one unit. Died in Assembly committee.

AB 2573 (Dahl). As introduced, prohibited the State Housing Act from being construed to prohibit the installation of an electric cooking appliance, sink and refrigerator unit in rooms used for sleeping.

As amended and enacted, contains provision permitting cities and counties to regulate or prohibit the installation, maintenance or use of such unit in any room other than a kitchen. Chapter 85.

SB 277 (Breed). Prohibited any county or city from requiring subdividers to dedicate any property, or to make payment in lieu thereof, for sites for public schools, public buildings, public parks, or for any other purpose other than for required street work and utilities. Died in Senate committee.

Other Bills

AB 108 (Hawkins). Extends for two years the life of Section 17708 of the Health and Safety Code, which permits the use of approved hot plates for cooking in hotel rooms. Chapter 863.

AB 2767 (Levering). As amended, permitted housing authorities to employ secretaries who may also serve as

executive directors. Limited term of employment of executive director to four years, with provision for extension of term another four years. Died in Senate committee.

AB 3107 (Stanley). Provided for formation of local Neighborhood Conservation Authorities, paralleling existing redevelopment agencies, for the purpose of eliminating and preventing blighted areas by the adoption and implementation of neighborhood conservation plans. This bill and similar overlapping bills, such as **AB 3271 (Stewart)** and **AB 3274 (Stewart)**, all apparently designed to take advantage of federal funds now available for neighborhood conservation in accordance with amendments to the federal housing act adopted by the 83rd Congress, which broadened the redevelopment and slum clearance program to include urban renewal and conservation, died in Assembly committee.

INDUSTRIAL SAFETY

Good Bills

AB 155 (Dickey). Authorized state and local health officers, when they believe the air of a workshop to be polluted and a danger to workers' health, to require responsible plant managers to submit a detailed analysis, certified by a registered engineer, of the pollutant being released. Died in Assembly committee.

AB 194 (Dahl). As amended and enacted, clarifies an existing ambiguity in the Motor Vehicle Act with respect to the transportation of workmen by truck or bus. Provides that no stops need be made at street railway tracks, spurs or industrial tracks within a business or residential district, at tracks where distinctive warning signs are displayed, and crossings where a traffic officer is on duty or where stop and go signals are in operation. Chapter 718.

AB 1549 (Henderson). Required any vehicle used to haul workers to be inspected by the Highway Patrol once a year for compliance with safety provisions of the Vehicle Code. Died in Assembly committee.

SB 627 (Montgomery). Required machinery and equipment displayed for sales purposes to industry at fairs and expositions to be equipped with safety devices in accordance with regulations of the Division of Industrial Safety. Died in Senate committee.

Other Bills

AB 3433 (Masterson). As amended and enacted, changes the inspection period of tanks by the Division of Industrial Safety from two to three years, and extends the period of time which the permit certifying the safety of such tanks shall continue in effect from two to three years. Chapter 1794.

INSURANCE (Including Health and Welfare)

The question of regulating health and welfare trust funds was one of the dominant issues in this area of legislation, although no regulatory legislation was enacted into law.

During the early part of the session, a number of regulatory bills to correct alleged abuses were introduced which, although not necessarily bad in purpose, contained many ill-advised provisions which would have seriously impaired the efficient and continued operation of many funds. In regard to these bills and the overall problem raised, the Federation assumed a position of confidence that the vast majority of funds are being operated in accordance with their designed purpose, but that so long as there was any doubt in the minds of the public or the beneficiaries, it was necessary and desirable to enact some kind of regulatory legislation at the 1955 session.

Accordingly, the Federation jointly sponsored with the insurance industry ***AB 2384**, which gave the Insurance Commissioner supervisory authority over health and welfare funds, and the necessary power to adopt reasonable regulations consistent with the needs found by the Commissioner to exist. The bill passed the Assembly without opposition, and was referred to the Senate Committee on Social Welfare, where it ran headlong into the opposition of powerful banking and employer interests which succeeded in killing the bill. At one point in the hearing, conservative Senator Murdy (R. Orange County) indicated that in his opinion there was no evidence of any abuses in the state of California, and that the legislation was unnecessary. Somewhat shocked by this sequence of events, the only conclusion to be drawn by the Federation and the public was that the interests associated with those who have shouted loudest about possible abuse of health and welfare funds did not wish to account to the public for their actions in this important field.

In regard to the kinds of voluntary health insurance available to the public, several bills sponsored by the California Medical Association to curb the operation of plans which provide comprehensive services for members rather than indemnification for hospital and medical care, were either defeated or satisfactorily amended.

In other areas, the Federation was successful in amending a bad bill which prohibited self-insurance by labor unions and trust funds into a highly favorable bill permitting unincorporated self-insurers to be issued certificates of authority.

A Federation-sponsored measure permitting state agencies and municipalities to make contributions into trust funds for group life and disability insurance is reported under STATE, COUNTY and MUNICIPAL EMPLOYEES.

See also PUBLIC HEALTH, CIVIL RIGHTS, UNEMPLOYMENT DISABILITY INSURANCE, and WORKMEN'S COMPENSATION.

Bills marked * were sponsored by the Federation

Good Bills

AB 1149 (Donald D. Doyle). As introduced, was a bad bill prohibiting self-insurance by a labor union or trust fund.

As amended and enacted, permits the Insurance Commissioner to issue certificates of authority to unincorporated insurers, including unions and trust funds. Chapter 1364.

***AB 2384 (Maloney).** As amended and passed by the Assembly by a roll call vote of 67 to 0, subjected health and welfare funds to supervision and investigation of the Insurance Commissioner; required all records of such funds to be open to investigation by the Commissioner in accordance with reasonable rules and regulations adopted by him after advance notice and public hearing pursuant to the Administrative Procedure Act; required the Commissioner to determine whether such funds are being expended and used only for authorized purposes. Killed in Senate committee.

AB 2471 (Kelly). As amended and enacted, permits group life policies to be issued to trust funds, unions etc., covering as few as 50 persons, instead of 100. Chapter 1832.

AB 2710 (Donald D. Doyle). As amended and passed, assured the Employees Mutual Benefit Association at the Crockett plant of the C & H Sugar Refinery that it could continue to pay disability benefits at current rates without having its certificate of exemption revoked. Pocket-vetoed by the Governor.

SB 306 (McBride). Prohibited the representation of "selected group disability insurance" as "group insurance" unless at the same time it is stated that such insurance is written under individual policies, and the right of the insurer to terminate is explained. Died in Senate committee.

Bad Bills

AB 55 (McCollister). Established a uniform definition of "disability" to be used in all laws of the state. Died in Assembly committee.

AB 1997 (McGee). Amended the section of the Corporations Code under which all nonprofit corporations other than the California Physicians' Service must organize, by adding a provision that such corporations may not be formed for the purpose of rendering the services of physicians, surgeons, dentists or lawyers. Bill was designed to overrule the decision of the Supreme Court of California in the Complete Service Bureau case upholding the legality of prepaid health plans, and would have forced all prepaid health plans organized as nonprofit corporations, with the exemption of the California Physicians' Service, to cease operation, thereby creating a monopoly by legislative fiat. Died in Assembly committee.

AB 2348 (McGee). Singled out prepaid health plans organized as nonprofit corporations and subjected them to the supervision of the Attorney General. Died in Assembly committee.

AB 3580 (Lanterman). Prohibited the distribution or payment of benefits under a health and welfare fund established by collective bargaining to any beneficiary except by the insurance carrier or the trustees of the fund; prohibited any beneficiary from being required to receive his benefits from or through a union; voided any contract provision to the contrary. Died in Assembly committee.

AB 3581 (Levering). Subjected health and welfare funds to the supervision, investigation, and actuarial control of the Insurance Commissioner. Gave Commissioner authority to determine the rate of contributions into funds and the amount of reserves that may be maintained. Died in Assembly committee.

Other bills containing adverse provisions which also died

in committee include the following: **AB 600 (Levering)**, **AB 1520 (Rees)**, and **SB 1720 (Desmond)**.

SB 1812 (Burns). Provided for licensing and detailed regulation by Insurance Commissioner of voluntary health service plans which provide services for members rather than indemnification for hospital and medical care. Established rigid standards, procedures, and reserve requirements which would have forced many prepaid health plans to cease operation. Died in Assembly committee.

Other Bills

AB 3025 (Grant). As enacted, exempts from the provisions of the Health and Safety Code relating to the licensing of clinic and dispensaries, establishments wholly owned and operated by one or more physicians, surgeons, dentists, etc., as an office for the practice of medicine, surgery, etc., regardless of the name used. Goes with **SB 2002**, which provides for the licensing of such groups by the Board of Medical Examiners under the Business and Professions Code, Chapter 807.

SB 2002 (Thompson). Introduced late in the session following the passage of **AB 3025**, above. While purporting to provide for the licensing of groups exempted in **AB 3025** by the doctor-controlled Board of Medical Examiners, the bill contained broad provisions clearly aimed at barring group practice by doctors under prepaid health plans providing services to members. Amended successfully to prohibit the bill from being construed to apply to establishments licensed under the Health and Safety Code as clinics and dispensaries. Chapter 1896.

LABOR CODE CHANGES—GENERAL

The outcome of legislation in this area was in general a stalemate. The principal Federation-sponsored measure, ***AB 658**, providing for a \$1.25 per hour minimum wage for both men and women, was killed by referral to interim committee for further study. On the other hand, the Federation was successful in stopping a series of bills sponsored by the Business and Professional Women, which, under the guise of making liberalizing amendments, would have actually destroyed many of the protections afforded women by provisions of the Labor Code secured over the years as a result of Federation action.

Bills marked * were sponsored by the Federation

Good Bills

***AB 658 (Elliott).** Established a statutory minimum wage of \$1.25 per hour for both men and women, in place of the present 75-cent minimum established by wage

orders of the Industrial Welfare Commission and applicable only to women and minors. Referred to interim committee for study.

AB 3045 (Munnell). Required Labor Commissioner regularly to inspect establishments which dispense food, meat, and other edible articles in order to determine whether such establishments are complying with provisions of the Labor Code. Died in Assembly committee.

AB 3190 (Henderson). As amended and enacted, makes it a misdemeanor for employers to fail to make payments into health and welfare funds when required to do so under collective bargaining

agreements; assures that all procedures available through the Labor Commissioner's office shall be applicable to health and welfare contributions the same as wages. Chapter 1570.

AB 3279 (O'Connell). Originally provided for the establishment of industry or occupational wage boards to set minimum wages, overtime rates etc., while establishing a statutory minimum of \$1.25. Amended to strike wage board provisions, broaden exemptions, and tie state minimum wage to federal minimum. Received favorable recommendation in Assembly Committee on Industrial Relations as amended, but was referred to Ways and Means Committee where it died.

AB 3357 (O'Connell). Established machinery for co-operative action between the state and the federal government, local governments, industry, labor and agriculture for the purpose of assuring full employment. Died in Assembly committee.

AJR 22 (O'Connell). Originally urged Congress to increase the federal minimum wage to \$1.25 per hour. As amended and adopted, merely requests Congress to increase the present minimum without specifying the amount. Filed with Secretary of State. Resolutions, Chapter 206.

SB 1677 (Way). Prohibited persons engaged in the business of logging or operating a saw mill, with certain exceptions, from commencing work in any pay period without first (1) having on hand or in the bank enough cash or securities to cover wages, or (2) depositing security bond with the Labor Commissioner. Died in Senate committee.

Bad Bills

AB 32 (Chapel). Prohibited the employment of men or women for more than 40 hours per week without paying time and one-half. The bill, however, was intended to go with **AB 33 (Chapel)**, which repealed existing restrictions on overtime work for women. Died in Assembly committee.

AB 33 (Chapel). Repealed provisions of Labor Code regulating the working hours of women. Died in Assembly committee.

AB 435 (Levering). In regard to penalty for wilful failure to pay a discharged or quitting employee, provided that an employer shall be deemed to have made immediate payment when wages are mailed at the worker's request, or are paid within 24 hours, if time is needed to determine the amount of wages due. Died in Assembly committee.

AB 498 (Chapel). As amended, completely rewrote "equal pay for equal work" law for women. Under the

guise of liberalizing and strengthening the law, prohibited differentials based on collective agreements, and differentials based on Labor Code restrictions on working conditions for women, such as weight lifting, which would have resulted in the closing of many occupations now open to women. At the same time, by removing wage differentials based on protections afforded women in the Labor Code, the bill opened wide the door for total destruction of those protections. Received favorable recommendation in Assembly Committee on Industrial Relations, but died in Committee on Ways and Means to which it was referred.

AB 3110 (Bradley). Exempted apartment house managers from women's eight-hour law. Died in Assembly committee.

SB 671 (Abshire). Destroyed the function of wage boards selected by the Industrial Welfare Commission to study and make recommendations in connection with the promulgation of minimum wage orders by the Commission. Died in Senate committee.

Other Bills

AB 1675 (Rumford). Amends women's eight-hour law to permit women pharmacists to work as much as 9 hours a day, 108 hours in any two consecutive weeks, and 12 days in any two consecutive weeks. Chapter 435.

AB 1676 (Rumford). Permits employers to work women pharmacists as permitted in **AB 1675**. Chapter 436.

AB 2336 (Levering). Extends for two more years the Defense Production Act of 1950, which authorizes the Governor, upon the application of an employer, to issue a defense production permit to employ women for longer hours than permitted by the Labor Code, also in types of work prohibited by law. Accepted by Federation upon showing of proof of need for extension. Chapter 1665.

AB 2365 (Chapel). Required every place of business to close at least one day a week; exempted hospitals, drug stores, doctor's offices, transportation facilities, hotels, public utilities, public eating places, or any other places where seven-days-per-week service or accommodations are required in the interest of public health, peace, safety, or welfare. Died in Assembly committee.

AB 2944 (Nielsen). Provided for the certification of welders. Died in Assembly committee.

LABOR UNIONS

The 1955 legislature distinguished itself from previous legislatures in this vital area by the absence in the early part of the session of bills introduced to saddle labor and render it impotent with traditional "hot cargo" and so-called "right to work" legislation.

Although the main reason for this absence was

the Governor's firm pledge to veto such legislation, the pledge in itself did not prevent the intro-

duction and placement in various committees of a number of skeleton bills for possible amendment into full-fledged "hot cargo" and "right to work" measures, should the propitious moment have arisen. The constant vigilance required to be maintained against such amendment served as an ever-present reminder to the Federation of its extremely precarious position in pushing its program of constructive advancement in this area of legislation.

The only attempt to strike at the body of the trade union movement through open shop legislation came in mid-May, when Assemblyman Harold K. Levering (R. Beverly Hills) attempted to amend a fair employment practices bill, **AB 2300**, providing for damage suits against discriminatory employment acts of employers and unions alike, into a modified "right to work" bill. This ignominious attempt to "high-jack" a bill, reported under **CIVIL RIGHTS**, was handily defeated by a roll call vote of 11 Ayes to 47 Noes.

Also defeated on the Assembly side were two damaging resolutions which urged Congress to give states overriding authority to regulate labor relations matters affecting interstate commerce, in accordance with the anti-labor programs of the National Association of Manufacturers and the Chamber of Commerce.

On the Senate side, the defensive efforts of the Federation were fully engaged in warding off the damaging effects of a series of proposals by Senator Abshire, **Senate Bills 1081 to 1085**, stemming from the extremely prejudiced investigation by the Senate Interim Committee on Labor, conducted during 1954, into the internal affairs of labor unions. The committee report, which was one of the most biased and distorted documents ever submitted to the legislature, revealed that the bills were based on obvious distortions of a few adverse findings among a mere handful of locals investigated out of the more than 3,500 locals which make up the labor movement in California. Yet the bills in substance would have permitted a few frustrated malcontents, such as may be found in any democratic organization, virtually to preclude the effective and efficient operation of a union local.

All of the damaging proposals in this hostile series of bills were handily defeated. The only one enacted into law was **SB 1082**, an insignificant bill relating to attempts at coercing employees from

appearing before legislative committees. The bill is classified separately at the end of this section because it is just as favorable to labor as possibly unfavorable.

Throughout these defensive battles, the Federation pressed forward with its positive program, concentrating its efforts primarily on securing the enactment of legislation to remove labor from the oppressive weight of the state's Jurisdictional Strike Act. Two Federation-sponsored measures toward this end were introduced: **AB 2120**, which repealed the Jurisdictional Strike Act, and **AB 2121**, which aimed at preventing its misuse by the formation of company unions for the purpose of creating artificial jurisdictional disputes.

The problem of getting such legislation past certain anti-labor segments in the Senate Labor Committee and the floor of the Senate forced the Federation to drop the repeal bill and further concentrate its efforts on **AB 2121**, which was enacted into law over almost insurmountable opposition in what proved to be the severest test of the session.

While the opposition forces were compelled to admit that there could be no justification for the law's misuse by the creation of artificial disputes for anti-labor purposes, the tactic adopted by the opposition was to attempt to kill the bill by the process of "acceptable amendment." Despite amendment five times in the Assembly, the Federation was able to fight off the most crippling amendments to gain passage of a strong measure through the lower house.

On the Senate side, however, the problem of getting the bill through the hostile Committee on Labor made it necessary to enter into prolonged negotiations with opposition forces. With the assistance of the Governor, whose active participation and support made negotiations possible, the bill was amended two more times and the remaining obstacles removed.

Although somewhat watered down from its original and Assembly form, **AB 2121**, as finally enacted, gives labor some of the essential legal weapons to prevent continued misuse of the Jurisdictional Strike Act.

Other aspects of the Federation program in this area fared less well. Three bills extending collective bargaining rights to public employees were either defeated in committee or killed on the

floor of the Assembly. Another Federation measure protecting the rights of firemen to join unions, reported under FIRE FIGHTERS, was killed in Senate committee.

An AFL Teachers' bill, supported by the Federation, prohibiting interference by supervisors and administrators with the right of teachers to join unions, is reported under TEACHERS.

Bills marked * were sponsored by the Federation

Good Bills

***AB 859 (Gaffney).** As introduced, required publicly owned utilities to bargain collectively with unions chosen by majority of employees in elections conducted by the State Conciliation Service, should question of representation arise.

As amended, merely provided for representation election where a question arises as to whether or not a union represents a majority of employees of any publicly owned utility for the purpose of presentation and adjustment of grievances relating to rules and working conditions. Dropped at the request of the sponsors of the Federation resolution upon which the bill was based.

***AB 860 (Gaffney).** As introduced, required district hospitals to bargain collectively with the designated representatives of its employees. Amended in Assembly Committee on Industrial Relations to prohibit bill from being construed to permit right to strike. Tabled on floor of Assembly by roll call vote of 41 to 26.

***AB 862 (Gaffney).** Extended to all public employees, provisions of Labor Code encouraging organization of labor unions for purpose of collective bargaining and mutual assistance. Made bargaining permissive rather than mandatory. Died in Assembly committee.

***AB 2120 (Munnell).** Repealed state Jurisdictional Strike Act. Died in Assembly committee.

***AB 2121 (Munnell).** As amended five times and passed by Assembly by roll call vote of 56 to 11, following defeat by 28 to 43 of crippling amendments proposed by Assemblyman Bradley (R. San Jose), contained the following provisions: (1) made a labor organization an indispensable part in a proceeding for an injunction against a jurisdictional strike, (2) strengthened the language as to what constituted a company union, while adding a presumption that a union formed after the commencement of a dispute was in fact a company union, (3) established the right of a union to sue for damages against an employer who controls a company union and to collect a minimum of \$5,000, or twofold the damages sustained, and (4) made it a misdemeanor for an employer to wilfully organize a company union for the purpose

of seeking an injunction or damages under the Act.

As amended twice more on the Senate side and enacted into law, accomplishes the following: (1) bars an employer guilty of forming a company union within one year of the commencement of a proceeding from obtaining injunctive relief under the Jurisdictional Strike Act, (2) clarifies a section of the law so as to place the burden of proof on the employer to show that no company union is involved, and (3) permits civil actions for damages against parties responsible for the formation of a company union. Chapter 1417.

SB 987 (Breed). As amended and enacted, authorizes and prescribes procedure for the formation of a public transit district in Alameda and Contra Costa Counties. Contains labor provisions giving collective bargaining rights to unions representing majority of employees in an appropriate unit; provides for voluntary arbitration of disputes and disposition of questions relating to size of bargaining unit and majority representation by the State Conciliation Service; prohibits denial of union membership on grounds of race, creed, color, etc.; makes provision for transfer of employees to comparable positions held in an acquired public utility, together with accumulated sick leave, seniority and vacation credits; and assures continuation of pension rights. Adverse provisions providing for compulsory arbitration and outlawing strike action were successfully amended out of the bill prior to passage. Chapter 1036.

Bad Bills

AB 2251 (Masterson). Established elaborate procedure for state seizure of public utilities during work stoppages without adequate provisions for protection of union rights. Died in Assembly committee.

AB 3119 (Levering). Required secret ballot in union elections where votes are cast for election of officers or on issue of whether to go on strike. Died in Assembly committee.

AJR 25 (Lyon). Urged Congress to give to the states power to regulate all phases of labor-management relations affecting interstate commerce, possibly excepting those matters which affect "the national health and safety." Was designed to give states the power to enact laws prohibiting the right to strike and picket in accordance with the anti-labor programs of the NAM and Chamber of Commerce by overturning decisions of the U.S. Supreme Court upholding the exclusive jurisdiction of the federal government in labor relations matters affecting interstate commerce. Died in Assembly committee.

AJR 34 (Lyon). Similar in purpose to **AJR 25**, but would have given states power to override all federal laws, instead of labor laws alone. Died in Assembly committee.

SB 1081 (Abshire). Opened any detail of a union's financial records to the public under the guise of assuring the availability of such records to the members, while at the same time giving superior courts full power to investigate and audit financial records, at the expense of the union, upon the demand of a single union member who merely thinks information is being withheld from him. Carried severe penalties for failure to keep exacting financial records or to make such records available to members at all times. Following first hearing of the bill, amendments were made to eliminate a provision which required union records to be exhibited at regular or special meetings upon demand of one-fourth of the members, and to scale down penalties. Died in Senate committee.

SB 1083 (Abshire). Permitted any three members of a local under international receivership to seek court action at the union's expense for the return of control to the local, or as an alternative, for a detailed accounting or audit of the books while under receivership. Amended to require a majority vote by membership of union before a court could order return of control to the local. Died in Senate committee.

SB 1084 (Abshire). Made any union officer or member who does not give employment priority to the first man up on a rotation list, irrespective of the skill requirement that may be involved in the assignment of work, liable for damages of an amount not less than \$100. Died in Senate committee.

SB 1085 (Abshire). Prohibited the Department of Employment, with regard to unemployment insurance, from accepting "seek work" certifications from a union which does not grant so-called "equal work opportunities" to all members, or whose by-laws and working rules prohibit members from soliciting their own work. Died in Senate committee.

Other Bills

SB 1082 (Abshire). Makes it a misdemeanor to coerce or attempt to coerce a person not to appear before a legislative committee or to deprive a person of employment because of such an appearance. Originally made such coercion a felony, but was amended under Federation pressure to a misdemeanor. Although the bill stems from the one-sided investigations of the Senate Interim Committee on Labor in 1954, it carries a two-edged sword which applies to employers as well as unions. Chapter 680.

MILK CONTROL

Good Bills

AB 2335 (Hansen). As amended and enacted, makes several changes in the controversial Milk

Control Act relating to the stabilization and marketing of milk and milk products. Among other things, provides that the setting of minimum wholesale and retail prices shall be based on "reasonably necessary" costs rather than "reasonable" costs of retailers in the marketing area; authorizes wholesale and retail price schedules to include provisions for quantity discounts to home-delivered milk as well as that bought in stores; allows the setting of higher prices when the Agriculture Department determines a marketing area needs to be stabilized. Chapter 1310.

Bad Bills

AB 1665 (Meyers). Amended the Milk Control Act to delete authority to fix minimum wholesale and retail prices for fluid milk and cream. Died in Assembly committee.

MOTOR VEHICLES

Good Bills

AB 51 (McCollister). As introduced, contained objectionable provisions: required operators' and chauffeurs' licenses to show whether licensee has ever been afflicted with diabetes or heart ailment. Amended into acceptable form by requiring the applicant to state whether he has been afflicted with diabetes or heart ailment, but made it permissive with the applicant as to whether the license, if granted, should show the affliction. Died in Senate committee.

AB 139 (Belotti). As amended and enacted, permits traffic officer to inspect vehicles suspected of not being safely loaded and to require reloading of same when necessary to render load safe. Chapter 74.

AB 192 (Dahl). Revises law regarding speed for motor trucks, truck tractors, and trailers from 40 to 45 miles per hour and makes it applicable to all such vehicles when driven alone or in any combination, except a motor truck, truck tractor or truck tractor with semitrailer having a gross weight of 25,000 pounds or less. Chapter 1622.

AB 954 (McMillan). As amended and enacted, requires parking lots in Los Angeles to post schedule of charges in readily ascertainable place; requires rates to be set on an hourly or half-hour basis and prohibits rates from being increased while a patron is using the lot; requires parking lot attendants who move vehicles to have either an operators' or chauffeurs' license. Chapter 1908.

AB 1175 (McGee). As amended and enacted, provides for the licensing and regulation of automobile wreckers. Chapter 1365.

AB 1333 (Fleury). Strengthened law regarding the regulation and licensing of itinerant merchants. Refused passage on Senate floor.

AB 1954 (Rees). As amended and enacted, permits taxicabs and local buses to stop in front of public or private driveways to load or unload passengers, and buses to stop on bridges where sidewalks are provided to load or unload passengers, if so authorized by local authorities. Prevents ordinance permitting such stopping from being effective as to state highways unless approved by Department of Public Works prior to adoption Chapter 1203.

AB 3742 (McFall). As amended and enacted, requires commercial vehicles for hire, carrying passengers or property, to display clearly on both sides the name or trade mark of the person under whose authority the vehicle is being operated. Exempts vehicles of passenger state corporations under jurisdiction of PUC having unladen weight of 6,000 pounds or less. Chapter 1798.

SB 1029 (Way). As amended and enacted, requires highway patrol scales used to enforce load weight limitations to be inspected and certified once a year by the Bureau of Weights and Measures of the Department of Agriculture. Chapter 1812.

Bad Bills

AB 53 McColister). Gave county supervisors authority to reduce weight limits on improved county highways by county ordinance under procedures applicable to unimproved county highways. Died in Assembly committee.

AB 656 (McMillan). As passed by the Assembly, provided for the licensing and regulation of private ambulances and ambulance services under conditions which would have established a monopoly for existing services. Died in Senate committee.

AB 759 (Henderson). Permitted evidence obtained from chemical analyses of bodily substances to be used in criminal prosecutions for driving while under the influence of alcohol. Established presumptions of guilt or innocence based on analyses and findings. Refused passage on Assembly floor and re-referred to committee, where it died.

AB 1144 (Donald D. Doyle). Originally a bad bill permitting counties to prohibit use of any highway by any commercial vehicle except those of passenger state corporations, such ordinance

to be effective with respect to state highways only after approval by Department of Public Works.

As amended and enacted, applies only to roads or highways in an unincorporated residential subdivision area and to trucks weighing in excess of 14,000 pounds, under conditions which carry standard exemptions and which require designation of alternate routes. Chapter 621.

AB 1591 (Hansen). Required cotton trailers used solely for hauling unbaled cotton to ginning plants to pay only one-fourth of registration and in lieu fees for operation. Died in Senate committee.

AB 1958 (Rees). Originally a watch bill providing for a \$2 instead of \$3 renewal fee for operators' and chauffeurs' licenses, and requiring an applicant who has never been so licensed in California or whose former California license expired more than 30 days earlier, to pay the \$3 fee.

Amended in Assembly committee into a bad bill, increasing the fee for the original application for an operators' or chauffeurs' license from \$3 to \$5, and increasing the renewal fee from \$2, back to \$3. As so amended, was passed by the Assembly and sent to interim committee for study on the Senate side.

AB 2020 (Levering). As amended, provided for semi-annual inspection of motor vehicles and their equipment by officially designated inspection stations. Referred to interim committee for study.

AB 2795 (Weinberger). Made provision regarding parking within 18 inches of right hand curb applicable to commercial vehicles when loading or unloading merchandise or passengers. Died in Assembly committee.

AB 3372 (Collier). Created presumption that alcoholic beverages are being consumed by all persons in motor vehicles from which alcoholic beverage containers have been dropped. Died in Assembly committee.

AB 3741 (McFall). Authorized state Public Utilities Commission to regulate safety of operations of all highway carriers instead of only petroleum contract carriers. Referred to interim committee for study.

SB 976 (Murdy). As amended, prohibited Public Utilities Commission from establishing or regulating rates for transportation of fresh and dried fruits and vegetables and livestock between points in California when moving in commerce with foreign nations or interstate commerce. Died in Senate committee.

SB 1347 (Dale C. Williams). Made it a misdemeanor for any person to ride with another person, knowing the latter is operating a vehicle on a public highway while under the influence of intoxicating liquor. Died in Senate committee.

SB 1895 (Collier). As amended, drastically narrowed jurisdiction of Public Utilities Commission to regulate highway carriers. Died in Senate committee.

SB 1905 (Collier). Required Public Utilities Commission to grant railroad same operating authority extended to truck lines after proof of necessity, and to provide that such railroad truck operation shall conform with regulations for operation of other truck lines. Died in Senate committee.

Other Bills

AB 2023 (Hobbie). As introduced, repealed requirement of permits for caravanning vehicles, and increased from \$3 to \$6 service fee for original registration of vehicles previously registered outside the state.

As amended and passed by both houses, provided for above increase in registration fee, exempted from permit requirement for caravanning the transportation of any trailer coach irrespective of the purpose for which it was transported; and added a severability clause to continue in full force the other sections of the law in case any provision or application of the caravanning law was held invalid. Pocket-vetoed by the Governor.

PRINTING

Bad Bills

AB 1485 (Conrad). As amended, permitted indices of registration in all counties to be prepared by any duplicating device which produces letters and figures equal to or larger than eight-point type. Killed in Assembly committee.

AB 2396 (Hegland). Made provision, which requires school district boards to let contracts involving expenditure of more than \$1000 for materials or supplies to lowest bidder, inapplicable to books, workbooks and films. Died in Assembly committee.

AB 3158 (Fleury). Adversely amended provision requiring the publication of delinquent property tax lists and notices of tax sales once a week for three successive weeks in a newspaper of general circulation in the county. Died in Senate committee.

Other Bills

AB 767 (Fleury). As introduced, was a bad bill, permitting school district boards to purchase basic textbooks, supplementary texts, library books, and instruction materials in any amount without taking estimates or advertising for bids.

As amended and enacted, the exemption of basic textbooks is removed so as to make bill acceptable. Chapter 829.

PRISON LABOR

Bad Bills

AB 533 (Fleury). Continued indefinitely the war emergency provision which permits persons committed to the

Youth Authority to be employed in the production and manufacture of articles, etc., needed by the federal government or any of its agencies. Died in Assembly committee.

AB 2688 (Schrade). Extended authority of counties to require labor on public works by prisoners confined as a condition of probation, as well as those under final judgment of imprisonment, and by those confined in county adult detention facilities, instead of only jails. Died in Assembly committee.

SB 1000 (Cunningham). Established an elaborate scheme for use of state prisoners as agricultural workers without adequate protections against further depression of wage rates and displacement of domestic farm workers. Killed in Assembly committee.

SB 1001 (Cunningham). Permitted employment of women prisoners outside of prison through a system of "rehabilitation furloughs." Contained provisions inadequate for preventing exploitation of such prisoners or depression of working conditions. Died in Senate committee.

Other Bills

AB 1505 (Dolwig). As introduced, was a bad bill, permitting counties to require all persons confined in county jails, instead of only convicted criminals, to perform labor on county public works.

As amended into acceptable form and enacted, permits use on county public works of convicted criminals confined in industrial farms or road camps as well as county jails; also permits use on public works of persons confined in a county jail, industrial farm or road camp as a condition of probation after suspension of imposition of a sentence or suspension of execution of a sentence. Chapter 912.

SB 701 (Erhart). As introduced, was a bad bill, increasing from \$225,000 to \$350,000 the gross annual production base on a prison labor agricultural or industrial enterprise.

As amended into acceptable form and enacted, base dates are brought up to date so as to negate most of the increase. Chapter 659.

SB 708 (Erhart). As introduced was a bad bill, changing primary purpose of San Quentin from providing for the imprisonment of male first offenders to providing custody, care, industrial, vocational and other training of confined persons.

As amended into acceptable form and enacted, merely includes in purpose the imprisonment of males who are not first offenders. Chapter 502.

PUBLIC HEALTH

See also INSURANCE.

Good Bills

AB 146 (Rumford). As amended and enacted, makes provisions of state law conform with the provisions of new Federal Medical Facilities Survey and Construction Act of 1954 to permit allocation of additional federal and state funds for construction of certain types of hospital facilities; appropriates \$1,506,644. Chapter 1575.

AB 1159 (Donald D. Doyle). Community Mental Health Services Law. Established new program to encourage and financially assist local governments in the establishment and development of preventive, rehabilitative, and treatment services through new, locally administered community mental health programs. Appropriated \$233,550. Died in Senate committee.

AB 1993 (Miller). As amended and enacted, provides for the classification of poultry and rabbit meat, and prohibits packing or sale of such meats unless properly classified and marked. Chapter 1849.

AB 2275 (Rumford). Generally raised the sanitation requirements for food processing and water bottling establishments. Died in Assembly committee.

AB 2743 (O'Connell). Created a Commission on the Health Needs of California to study such needs and make recommendations.

Amended to restrict scope of study to voluntary group health plans, deleting authority to study hospital and mental health needs. Referred to interim committee for study.

AB 3208 (Unruh). Prohibited the packaging of perishable foods unless date of packaging is placed on label at time of packaging. Died in Assembly committee.

SB 6 (Coombs). As amended and enacted, makes it unlawful to sell for use as food any dead wild rabbit or canned wild rabbit, imported from outside the U. S., which does not indicate that it is wild rabbit on label of container. Chapter 733.

SB 16 (Dorsey). Provided that if any canned pet food is composed of burro meat or by-products of burro meat, such fact must be stated on label in same manner as other ingredients, under penalty of misdemeanor. Died in Senate committee.

SB 361 (Burns). As amended and enacted, makes unlawful (1) certain advertisements, uses of terms, or designations in connection with the sale of meat or meat products, (2) substitution in any sale of any inferior or cheaper cut of meat

without informing purchaser that such substitution is being made, (3) keeping or displaying canned meats or meat products at temperature exceeding 50 degrees Fahrenheit if label designates that they should be kept under refrigeration. Chapter 306.

SB 1266 (Robert I. McCarthy). Established warranty of fitness for human consumption in sale of bovine animal to slaughterer or meat food manufacturer, while excepting unfitness due to immaturity or emaciation; provided for refund to slaughterer if inspection proved otherwise. Referred to interim committee for study.

SB 1412 (Kraft). As amended, provides that (1) diseased animals as well as diseased animal products, and (2) pork or breakfast sausage with a fat content in excess of 50 percent, shall be deemed adulterated food under the Pure Foods Act. Also removes provision which allows the inclusion in ground beef or hamburger of substances approved by the State Department of Public Health without making such meat adulterated meat. Chapter 694.

SB 1413 (Kraft). Prohibits the slaughtering of horses in any establishment in which other uncooked meat is slaughtered; requires all uninspected horse meat offered for sale or sold to be properly labeled. Also raises the standards for denaturing or decharacterizing uninspected horse meat. Chapter 695.

SB 1414 (Kraft). Required application and issuance of license to operate a cold storage plant or refrigerating warehouse for each place of business, and provided for renewal of such licenses each year. Pocket-vetoed by the Governor.

SB 1416 (Kraft). Provides that records of frozen food locker plant operators which are available to Director of Agriculture shall also be available to State Department of Public Health; makes violations of any provisions a misdemeanor. Chapter 709.

SB 1555 (Murdy). As amended and enacted, adds new article to Agricultural Code to provide for licensing and regulation of poultry and rabbit slaughtering plants. Chapter 1843.

SB 1633 (Murdy). As amended and enacted, provides for the inspection of poultry meat plants by licensed poultry meat inspectors. Chapter 1844.

Bad Bills

AB 3405 (Chapel). Included tobacco and tobacco products within the definition of drugs in the Health and

Safety Code, thereby extending all the provisions of the Code regulating drugs to tobacco and tobacco products. Died in Assembly committee.

AB 3453 (Brady). Required the quantity of contents marked on pre-packaged commodities in retail stores to be the net amount of the commodity at the time when placed in the package or container, thereby making it impossible for weights and measures officials to protect the public against short weight practices in the case of prepackaged meats or any other commodity that loses weight. Died in Assembly committee.

SB 184 (Ed. C. Johnson). Provides that licensed slaughterers need pay for only the value

of an animal slaughtered without the permission of the owner; removes portion of "double value" penalty which goes to the Department of Agriculture fund for policing of slaughtering plants. Chapter 497.

SB 1739 (McBride). As amended, authorized cities and counties receiving state tuberculosis subsidy for tubercular patients in their care to seek reimbursement from such patient or legally responsible relative to the extent of financial ability for cost of hospitalization over and above amount of state subsidy payments for patient. Died in Senate committee.

SCHOOLS

The 1955 legislature's answer to the growing school shortage problem, insofar as state aid is concerned, was to continue the present minimum program of loans and grants to school districts from funds obtained by general obligation bond issues. A \$100 million state bond issue for this purpose was approved for submission to the voters at the 1956 general election in **SCA 11**.

Rather than increasing the amount of state assistance, the legislature passed **AB 3252**, which threw the burden of responsibility back to the individual school districts under an alternate plan authorizing the construction of school facilities under lease-purchase agreements negotiated between private enterprise and school districts. The measure was, however, pocket-vetoed by the Governor. Although this method may have resulted in an acceleration of the rate of construction in certain areas, the procedures adopted would have proven exceedingly expensive. For this reason, the bill is listed separately at the end of the section without classification.

A noteworthy innovation at the 1955 session was the establishment of a competitive scholarship program to give financial assistance to students who would otherwise be unable to attend college. The program is embodied in **AB 1546**.

Other measures of significance affecting school employees are reported under **TEACHERS AND OTHER SCHOOL EMPLOYEES**.

Good Bills

AB 782 (Lindsay). As amended and passed, authorized school districts to establish and maintain "hospital education programs" for tuberculosis and polio patients in hospitals and sanatoria. Pocket-vetoed by the Governor.

AB 810 (Maloney). Required every minor subject to continuation classes who cannot give satisfactory proof of regular employment to attend continuation classes re-

gardless of his previous employment status or possession of work permit. Died in Senate committee.

AB 1276 (Munnell). Changed state-aid apportionment basis from preceding year's average daily attendance to current year's a.d.a. Died in Assembly committee.

AB 1546 (Hegland). As amended and enacted, establishes a state competitive scholarship program for California high school graduates under 24 demonstrating need for financial assistance; provides for two scholarships for each state Assembly and Senatorial district, plus 400 at large in fiscal year 1956-57, increased to eight for each Assembly and Senatorial district, plus 1,600 by fiscal year 1959-60. Scholarships are for one academic year and renewable annually without an additional competitive examination, the maximum award being \$600 a year. Permits award winners to use scholarship in any collegiate institution offering a two-year junior college or four-year college course and accredited by the Western College Association. Creates a 9-member appointive State Scholarship Commission to administer the program and appropriates \$300,000. Chapter 1846.

AB 1602 (Bee). As passed by Assembly, authorized Department of Education, with the assistance of six-man advisory committee appointed by the Superintendent of Public Instruction, to make a study of special educational programs designed to meet the needs of gifted pupils. Died in Senate committee.

AB 2043 (Rumford). Fair Education Practices Bill. Prohibited discrimination in private and public institu-

tions based on race, color, etc; created an Office of Fair Education Practices with enforcement powers to administer law. Died in Assembly committee.

AB 3236 (Donald D. Doyle). As amended and enacted, provides for continuation of academic adult education classes in state institutions under Department of Corrections; authorizes Department to establish and maintain such classes itself or to contract with local school districts for same. Bad provision in the bill giving the Department full power over trade, industrial or vocational program, was deleted prior to passage. Chapter 1944.

ACA 7 (Henderson). As passed by Assembly, authorized \$100 million state bond issue for capital outlay for state colleges. Died in Senate committee. (See **ACA 17**, under CONSTRUCTION, for \$200 million bond issue for institutional construction, earmarking \$60 million for state colleges.)

SB 868 Thompson). Permits county superintendents to conduct programs and classes in outdoor science and conservation. Chapter 1530.

SB 1030 (McBride). As amended and enacted, authorizes Governor to enter into a compact with eleven western states and Alaska and Hawaii to promote cooperation in higher education in certain professional sciences, with priority going to the improvement of services and facilities of graduate and professional education in fields of dentistry, medicine, public health, and veterinary medicine. Creates Western Interstate Commission for such purpose. Chapter 1694.

SB 1031 (McBride). As amended, authorized Department of Education, with the assistance of five-member advisory committee appointed by the Superintendent of Public Instruction, to study ways and means of detecting and helping emotionally disturbed children. Died in Senate committee.

SCA 11 (Dilworth). Proposed \$100 million state bond issue for loans and grants to school districts for school house construction and purchase of equipment. Filed with Secretary of State for placement on 1956 general election ballot. Resolutions, Chapter 242.

Bad Bills

AB 329 (Hegland). Permitted solicitation of funds for charitable purposes from pupils in public schools under regulations prescribed by school board in accordance with specified standards. Died in Assembly committee.

AB 438 (Grant). As amended and enacted, authorizes Director of Education, with approval of

Director of Finance, to lease state college land to any nonprofit organization to construct buildings for use of students as housing or meeting places for student organizations. Chapter 1902.

AB 598 (Donald D. Doyle). Repealed chapter of Education Code permitting school districts to maintain classes for adults in which attendance is not counted for apportionment purposes. Died in Assembly committee.

AB 1368 (Donald D. Doyle). As amended and sent to floor of Assembly, created a State College Board of Education, appointed by Governor, to assume powers and duties of the State Board of Education, the Superintendent of Public Education, Department of Education, and Director of Education with regard to state colleges. Died on Assembly floor.

AB 2364 (Shell). Provides for state college tuition fee of \$180 per year for non-resident students, defined to include persons who have not been state residents for more than one year prior to opening of school semester. Chapter 1468.

AB 2629 (Lyon). Gave school district power to keep schools open on Lincoln's Birthday, Washington's Birthday, Admission Day and Armistice Day. Died in Assembly committee.

ACA 21 (Donald D. Doyle). Provided for a 10-member State Board of Education, each nominated by the Governor subject to approval of the voters and serving ten years in staggered terms. Provided for appointment of State Superintendent of Public Instruction by the Board as chief executive officer of the Board. Referred to interim committee for study.

ACA 23 (Donald D. Doyle). As passed by Assembly, provided that county superintendents of public schools shall be appointed by county boards of education, instead of elected by voters. Refused passage on Senate floor and re-referred to committee where it died.

SB 879 (Dilworth). Permitted school districts seeking state building aid to make separate application for purchase of laboratory and vocational equipment, whether or not such equipment is used in connection with a construction project; required full repayment of allocation within 20 years. Died in Senate committee.

SB 1002 (J. Howard Williams). Authorized district school boards, either through representatives or association representation, to lobby for or against legislation before Congress or the legislature; made lobbying cost a proper charge against school district funds. Died in Senate committee.

SB 1302 (Erhart). As amended and enacted, gives state colleges, with the approval of Directors of Education and Finance, the authority to lease state college property for any purpose which will not interfere with the requirements of the state colleges; exempts approval of Directors of

Education and Finance in certain types of transactions as either sees fit. Chapter 1339.

Other Bills

AB 3252 (Dolwig). Authorized school districts to enter 40-year lease-purchase agreements with private operators

for school facilities to be built on district property with payments to be made for use of buildings, on condition that title of the buildings and sites vest in the school district upon expiration of the agreement. Contained adequate provisions for determination and payment of prevailing wages. Pocket-vetoed by the Governor.

STATE, COUNTY AND MUNICIPAL EMPLOYEES

See also LABOR UNIONS.

Major Federation accomplishments in this area were the enactment into law of two bills, ***AB 1157**, permitting state subdivisions and municipalities to make contributions for group life and disability insurance, and ***AB 626**, removing the presumption of guilt in disciplinary proceedings against state employees.

Other Federation-sponsored bills, including ***AB 623**, providing for payment of time and one-half for overtime to state employees, were killed in the Committee on Ways and Means on a "finance" basis, after receiving policy approval in Assembly committee. Likewise killed was **AB 1442**, a compromise bill on overtime for state employees, sponsored by the California Employees Association, but unacceptable to the Federation.

In regard to the extension of social security to public employees, the 1955 legislature enacted **AB 2368**, an omnibus enabling bill which provides for referendums by retirement system coverage groups to determine the question of coverage for various public employee groups. Although the bill is generally acceptable, it is listed separately at the end of the section because it is cloaked in language looking forward to integration of social security with existing retirement systems, rather than extending coverage on a supplemental basis as favored by the AFL. The Federation, however, secured several amendments to clarify provisions authorizing separate referendums for local agencies, and to prevent the bill from being construed to preclude supplementation rather than integration of systems. Also listed separately with **AB 2368** is **SB 1268**, which authorizes a statewide referendum among state employees for the integration of social security with the state employees' retirement program.

A general five percent salary increase granted to state employees is embodied in the budget bill, **AB 700**.

Bills marked * were sponsored by the Federation

Good Bills

AB 326 (Morris). Broadens the definition of an

employee association for which employees of public agencies may authorize dues deductions to include an association made up of employees of the particular public agency and one or more public agencies whose payrolls are prepared by the same finance officer. Chapter 228.

AB 620 (Henderson). Provides salary increases for certain state officers. Chapter 1168.

***AB 623 (Henderson).** Provided for the compensation of state employees at time and one-half the regular rate of pay when required to work overtime. Received do-pass recommendation by Assembly Committee on Civil Service and State Personnel, but was killed in Committee on Ways and Means.

***AB 625 (Henderson).** Provided that state civil service employees required or permitted to work in a higher class which pays a higher rate shall be paid at such rate. Dropped in Assembly committee because of conflict with Section 1 of Article XXIV of state constitution, which requires appointments and promotions to be made exclusively under a general system based upon merit, efficiency and fitness as ascertained by competitive examination.

***AB 626 (Henderson).** Deletes the presumption that the statement of causes for discipline filed against a state civil service employee in a disciplinary proceeding is true. Chapter 568.

***AB 627 (Henderson).** Provided that state shall reimburse its employees for damage to uniform or clothing accessories required to be worn on job. Received do-pass recommendation from Assembly Committee on Civil Service and State Personnel, but was killed in Committee on Ways and Means by re-referral to Civil Service and State Personnel.

AB 916 (Hawkins). As amended and enacted, permits leaves of absence of at least six months without pay for state employees who become pregnant; requires name of employee, within six

months of separation, to be placed on reemployment list for former position in cases where employee refuses leave. Chapter 1223.

AB 1092 (Hawkins). As amended, required state officers and employees to be paid every two weeks, instead of once a month. Died in Assembly committee.

***AB 1157 (Donald D. Doyle).** As amended and enacted, adds two sections to the Insurance Code to permit political subdivisions of the state and any municipality to provide group life and disability insurance for their employees, and to make contributions into a fund established for such purpose, the same as private employers. Chapter 1914.

AB 1318 (Nielsen). Requires appointing power to give state employee prior written notice of transfer, setting forth clearly and concisely the reasons therefor. Chapter 1781.

AB 1319 (Nielsen). Deleted \$400 maximum limit on moving expense allowed when state civil service employee is required to change his place of residence. Died in Assembly committee.

AB 1424 (Nielsen). Authorizes payment of salary in excess of maximum limit in a state civil service class when the position has been allocated to a lower class or the rate of pay of the class is reduced, while providing that no further salary increase shall be made during the time the salary remains above the class maximum. Chapter 1371.

AB 1438 (Henderson). Permitted state employees and officers to authorize wage deductions for dues to any bona fide association comprised solely of state employees. Died in Senate committee.

AB 1439 (Henderson). Required state, in accordance with rules and regulations adopted by State Personnel Board, to furnish uniforms of state employees required to wear them. Died in Assembly committee.

AB 1674 (Henderson). As amended and passed by both houses, broadened the definition of a bona fide association for which employees of public agencies may authorize salary deductions for membership dues to include associations whose members are comprised exclusively of public employees but not necessarily from one public agency. Pocket-vetoed by the Governor.

AB 2370 (Fleury). As amended and enacted, exempts from state, county, municipal or district taxation, including inheritance taxes, benefit rights accrued or accruing to any person under the state employees' and state teachers' retirement systems. Chapter 1506.

AB 2961 (Kelly). Authorizes local agencies to establish pension trusts for its officers and em-

ployees for those who elect to accept benefits and have contributions deducted; permits agencies to make contributions for any portion of the premium and administration expenses. Chapter 924.

AB 3298 (Elliott). Declared it state policy not to refuse employment to any person solely because of age. Died in Assembly committee.

AB 3464 (Henderson). Authorized the payment of cash equivalent to accumulated sick leave to state employees employed more than six months when service is broken by resignation, retirement or disability not self-inflicted. Died in Assembly committee.

SB 630 (Miller). Declared employees of each county having a retirement system, who are not eligible to membership in such system, to be a separate coverage group which may apply for old age and survivors' insurance coverage. Pocket-vetoed by the Governor.

SB 778 (Gibson). As amended and enacted, liberalizes somewhat provision for payment of moving expenses of state employees required to move with a promotion, change of assignment, etc.; provides for travel, lodging and meal expenses as well as moving expenses, and establishes new limits on household goods that may be moved and number of days in which traveling, lodging and meals may be paid. Chapter 981.

SB 1396 (Kraft). Authorized leaves of absence without pay for not more than two years for state civil service employees accepting temporary positions with the U.S. for foreign service in technical cooperative program. Died in Senate committee.

Bad Bills

AB 1442 (Henderson). California State Employees Association compromise of overtime and rate of overtime pay for state employees: rewrote provisions relating to assignment of positions to work week groups and methods of computing overtime, giving Personnel Board authority to establish work week groups of varying lengths after considering the needs of state service and prevailing overtime compensation practices, and to provide for overtime compensation at a rate equal to, greater than, or less than regular pay, in accordance with specified criteria, including, but not limited to, prevailing practices of private industry. Died in Assembly Committee on Ways and Means after receiving do-pass recommendation by Committee on Civil Service and State Personnel.

AB 1464 (Fleury). As amended and enacted, generally clarifies provisions relating to state policy on length of work week, classification of positions into work week groups, and payment of overtime, while broadening considerably the authority of the State Personnel Board to deter-

mine the length of the work week for various classes and positions. Chapter 1787.

AB 1465 (Fleury). Provides that absence of state employee without leave for five, rather than 10, consecutive days constitutes automatic resignation; permits employee to apply for reinstatement within 90 days of separation, rather than 30 days, except that if he has been notified of automatic resignation, request for reinstatement must be made within 15 days of such notice. Chapter 1152.

AB 2363 (Shell). Removed Lincoln Day, Admission Day, Columbus Day, Armistice Day, and general election days from list of holidays for state employees; in place of election holidays, gave state employee two hours off, without loss of pay, to vote. Died in Assembly committee.

SB 1028 (Hulse). Removed provision for merit increases for state employees hired as laborers, workmen, and mechanics and paid on an hourly or per diem basis after taking into account prevailing rates in the localities in which such employees work. Killed in Assembly committee.

SB 1839 (Burns). Imposed restriction on political activities of state employees. Killed in Assembly committee.

Other Bills

AB 2368 (Fleury). Omnibus social security enabling act, providing for the extension of old age and survivors' insurance coverage to public employees covered by existing retirement systems on an integrated or supplemental basis, in accordance with 1954 amendments to the federal Social Security Act. Authorizes separate referendums on public agency-unit basis for employees covered by city and county retirement systems or by the state employees' retirement system under contractual arrangements, while providing for the consolidation of a referendum to include more than one public agency where the employees belong to the same retirement system. Provides for

special unit-wide referendum for all employees covered by San Francisco city and county employees' retirement system. Requires statewide referendum for state employees together with University of California employees covered by the state retirement system, and for school employees covered by the state teachers' retirement system, excepting school employees who also belong to a local retirement system, in which case such school employees, by federal regulation, are required to participate in both the statewide teachers' referendum and the local referendum. In regard to teachers and state employees, additional authorizing legislation is required before referendums may be conducted. Chapter 1441.

SB 882 (Sutton). Provides that a veterans' right to return to public employment after military service shall not extend to one who voluntarily requests extension of original term of enlistment, service, or tour of duty. Chapter 393.

SB 1268 (Robert I. McCarthy). As passed by Senate, prohibited extension of coverage of old age and survivors' insurance to public employees from impairing benefits under an existing retirement system.

As amended in Assembly and enacted, authorizes a statewide referendum among state employees and University employees covered by the state employees' retirement system for the purpose of determining whether old age and survivors' insurance should be extended to such employees on an integration basis, which would cause benefits apportioned to social security to be deducted from benefits under the state employees' retirement system, with the exception of survivors' benefits. Contains financial provisions which would preclude any increase in employee contributions, while saving the state several millions of dollars over the long run. Chapter 1440.

TAXES

Contrary to expectations at the beginning of the session, a major fight over the type of additional taxes which should be imposed to meet rising state deficits largely failed to materialize.

The \$1.5-plus billion budget submitted to the legislature for fiscal year 1955-56 carried an estimated general fund deficit of over \$100 million, with recommendations that such deficit be made up by using some \$30 million in anticipated carry-over surpluses in the general fund account, and making up the \$70 million difference by (1) increasing

state commissions on horse-racing betting pools and taking a 50 percent cut of excess net profits of track operations, (2) imposing a three-cent per pack sales tax on cigarettes and a 20 percent tax

on other tobaccos at the wholesale level, (3) increasing the excise tax on beer from two to four cents a gallon, and (4) increasing the hard liquor excise from 80 cents to \$1.50 per gallon. These proposals were embodied in **Assembly Bills 1364-65** and **1388-90**, inclusive, and Senate companions, reported as BAD bills, with the exception of the horse racing measures which are listed separately at the end of the section without classification.

The key measure was the regressive cigarette tax bill, **AB 1390**, designed to raise approximately \$50 to \$57 million in additional revenues.

The Federation took a positive position in regard to these proposals. While fully recognizing the need for additional state revenues to meet the cost of expanded state activity in well-defined areas of growth, the Federation clearly stated its opposition to any measure which attempted to obtain such increases through the imposition of additional consumer taxes on workers already carrying a disproportionately large share of the state tax burden as a result of the dominance of the regressive sales tax in our state tax structure. The Federation's position was, rather, that additional revenues should be derived through a complete revision of the tax structure in accordance with ability to pay.

The legislature refused, however, to face the issue squarely for the third year in a row, and merely skirted the growing tax problem for another year by giving the Governor blanket authority, at the insistence of the Senate, to use as much of the \$75 million "rainy-day" reserves as found necessary, when added to revenues, to balance the general fund account. Although the critical budget situation was eased slightly by an upward revision in the estimates of carry-over surpluses, and small cuts in the Governor's budget, these revisions were offset by some \$22 million in special appropriations signed into law.

The only part of the budget-balancing tax program enacted into law was the hard liquor tax increase to \$1.50 per gallon, as embodied in **AB 1388**, after rejection of proposals on both Assembly floor and in Senate committee to cut the increase to \$1.20 per gallon. Passage of one of the Governor's horse racing measures was secured in the Assembly, only to be tabled in Senate committee. The cigarette excise, amended to remove the tobacco tax provisions, failed to get off the ground, along with the beer tax increase.

Also defeated for the fourth consecutive session, was **SJR 8**, a modified version of the "millionaire's" tax amendment, proposing an unspecified ceiling on federal income, gift and inheritance taxes. Similar proposals introduced at past sessions called for a 25 percent maximum. Although the resolution received a "do pass" in committee, it was easily defeated on the floor of the Senate, with the Federation leading the battle.

Perhaps the most serious and only major defeat suffered by the workingman at the 1955 session was the passage of **AB 3111**, which permits counties to levy a one percent sales and use tax, with offset provisions for cities levying the same tax. The bill is designed to bring about a uniform statewide and use tax of four percent. The potential added tax burden is estimated at \$79 million a year, less the amount resulting from more efficient collection by the state.

In opposing the bill, the Federation recognized that its passage might have some beneficial effect in placing a legislative limit on local sales taxes, in addition to providing for more efficient collections, but it was also realized that these possible beneficial aspects were greatly outweighed by the fact that the measure extended the principle of the regressive sales tax, which was the main basis for opposition.

Good Bills

AB 11 (Luckel). Increased state personal income tax dependency deduction from \$400 to \$600. Died in Assembly committee.

AB 50 (McCollister). Exempts from state sales and use taxes, food sold to students and teachers by blind persons operating restaurants or vending stands in educational institutions. Chapter 1106.

AB 74 (Hawkins). Exempted drugs from state sales and use taxes. Died in Assembly committee.

AB 291 (Sankary). Exempted from state sales and use taxes, medicines and baby lotions, oils or other baby articles. Died in Assembly committee.

AB 931 (Sankary). Exempted from state sales and use taxes, food and meals served in restaurants and other establishments engaged in the furnishing of food. Died in Assembly committee.

AB 1315 (Hansen). Exempted candy and confectionery from state sales and use taxes. Died in Assembly committee.

AB 1547 (Munnell). Provided that filing of federal

income tax return will satisfy filing requirements of state personal income tax law. Died in Assembly committee.

AB 2299 (Hawkins). Exempted from property taxation, household and personal effects not for sale or commercial use. Died in Assembly committee.

AB 2551 (Hawkins). As amended, raised state personal income tax deduction for dependents from \$400 to \$800, and progressively increased tax rates for net incomes above \$10,000. Referred to interim committee for study.

AB 3203 (Unruh). Created a California Taxation Study Commission with provisions for labor representation, and required commission to report recommendations to 1957 general session of legislature. Died in Assembly committee.

AB 3445 (Masterson). Provided for a uniform 50 percent increase in personal income, insurance, and bank and corporation tax rates to balance the budget. Would have increased state revenues by about \$250 million a year. Died in Assembly committee.

AB 3738 (McFall). As amended, geared state personal income and bank and corporation tax rates to amount paid to federal government at various income levels in accordance with a progressive schedule. Died in Assembly committee.

Bad Bills

AB 3 (Casey). Broadens exemption of implements of husbandry from motor vehicle registration fees to include any vehicle used exclusively in conduct of agricultural operations, whether designed for agricultural use or not. Chapter 398.

AB 60 (Bonelli). Exempts from state sales and use taxes, sales of tangible personal property used to improve real property located outside the state. Chapter 126.

AB 614 (Lanterman). Earmarked "tideland" oil revenues as follows: 50 percent to counties of origin; 30 percent for beaches and parks; and 20 percent for general fund. Died in Assembly committee.

AB 762 (Luckel). Exempted from state gift tax, one-half of the value of separate property transferred from one spouse to the other, in addition to all other exemptions. Died in Assembly committee.

AB 1388 (Coolidge). Increases excise tax on distilled spirits from 80 cents to \$1.50 per gallon. Will increase revenues by about \$14 million a year. Chapter 959.

AB 1389 (Coolidge). Increased excise tax on beer from two cents to four cents a gallon. Died in Assembly committee.

Senate companion, **SB 585 (Breed)**, was tabled in Senate committee.

AB 1390 (Coolidge). As introduced, imposed a three-cent per package tax on cigarettes and a 20 percent tax on the wholesale price of other tobacco products. As amended, provided only for a three-cent cigarette tax. Died in Assembly committee.

Senate companion, **SB 581 (Breed)**, was tabled in Senate committee.

AB 2163 (Pattee). Amends gift tax law to permit, under certain circumstances, allowance of the \$4,000 annual exemption in respect to a gift of future interest to a minor. Chapter 383.

AB 2361 (Shell). As amended and enacted, exempts from sales and use taxes, tangible personal property purchased for use solely outside the state and delivered to agents or packers for export, and actually delivered to a port outside of U. S. Chapter 1505.

AB 2548 (Dills). Imposed an unspecified admission tax on all sporting events for which admission is charged. Died in Assembly committee.

AB 3111 (Bradley). So-called uniform local sales and use tax law: As amended and enacted, permits counties to levy a one percent sales and use tax in conformity with the three percent state sales and use tax, while allowing as an offset against such county tax, a comparable sales and use tax, up to one percent, levied by a city within the county. The one percent tax in both cities and counties is to be collected by the state, together with the state sales and use tax, and returned to the respective counties and cities in accordance with agreed methods of distributing the returns between counties and their respective cities. Net effect is to require all cities in levying counties to impose a one percent sales and use tax or lose the revenues to the county, thus leading to a uniform state sales and use tax of four percent. Chapter 1311.

AB 3429 (Brown). Imposed an unspecified gross receipts tax. Died in Assembly committee.

ACA 41 (Dolwig). As amended, proposed a constitutional amendment prohibiting cities and counties from levying a tax on net income, while specifying that such prohibition shall not be construed to prevent the levying of a gross receipts tax. Referred to interim committee for study.

ACA 60 (Patterson). Proposed a constitutional amendment, removing authority of state to raise 25 percent of appropriations by property taxation, and prohibiting state from levying any property taxes. Died in Assembly committee.

SB 77 (Thompson). Exempts from motor registration fees, any vehicle, implement or equipment used exclusively in the maintenance of cemetery grounds and only incidentally on highways. Chapter 1315.

SB 253 (Breed). Brought accounting definitions and terms of the state bank and corporation tax law into conformity with the so-called tax revision bill of the 83rd Congress. Would have reduced such taxes by about \$280,000 a year. Died in Senate committee.

SB 255 (Breed). Brought state bank and corporation tax law into conformity with the so-called tax revision bill of the 83rd Congress in regard to depreciation and depletion allowance. Would have slashed revenues by about \$7 million a year. Died in Senate committee.

SB 257 (Breed). Made numerous changes in the state personal income tax law regarding taxable income to conform state law to the so-called tax revision bill of the 83rd Congress. Would have reduced taxes primarily of middle and upper income groups by about \$2.4 million a year. Died in Senate committee.

SB 258 (Breed). Made additional changes in state personal income tax law favoring the wealthy so as to conform state law to federal act. Would have reduced revenues by about \$2 million annually. Died in Senate committee.

SB 457 (Dilworth). Authorized school districts to levy a sales tax on new homes, using proceeds to repay state for school building aid. Died in Senate committee.

SB 771 (Montgomery). Exempts all tip-bed type trailers used to haul implements of husbandry used by farmer-owners and portable honey extracting trailers from motor vehicle registration fees. Chapter 1861.

SB 992 (Burns). Repealed motor vehicle transportation license tax law. Died in Senate committee.

SB 1219 (Montgomery). Exempted from motor vehicle registration fee, wagons or vans used in hauling cotton from farm to cotton gin. Died in Senate committee.

SB 1807 (Burns). Incorporated capital gains provisions of so-called tax revision law of the 83rd Congress, with its many loopholes for the wealthy, into the state personal income and bank and corporation tax laws. Died in Senate committee.

SJR 8 (Desmond). Millionaire's tax amendment: As amended and sent to the floor of the Senate with a favorable recommendation, petitioned Congress to draft and submit to the legislatures of the states an amendment to the U. S. constitution imposing an unspecified ceiling on federal income, gift and inheritance taxes. Refused adoption on Senate floor by roll call vote of 6 to 26.

Other Bills

AB 1364 (Donald D. Doyle). As passed by the Assembly, increased state horse racing license fee by one percent of pari-mutuel betting pool. Tabled in Senate committee.

AB 1365 (Donald D. Doyle). Increased state horse racing license fee for meets with pari-mutuel pools in excess of \$40,000,000. Died in Assembly committee.

Senate companion, **SB 583 (Breed)**, was tabled in Senate committee.

AB 1366 (Donald D. Doyle). Levied a 50 percent surtax on net profits before taxes in excess of 20 percent of annual return on net investment in horse racing. Died in Assembly committee.

Senate companion, **SB 584 (Breed)**, was tabled in Senate committee.

SB 1024 (Hulse). Postpones for two more years, Chapter 1466 of Statutes of 1949, regarding the assessment and equalization of property for tax purposes. Chapter 256.

TEACHERS AND OTHER SCHOOL EMPLOYEES

See also SCHOOLS.

Tenure legislation and extension of social security coverage to teachers were two of the major areas of controversy regarding legislation affecting school employees.

The two key bills introduced to liberalize tenure laws were ***AB 2217** and **SB 1283**, sponsored by the Federation and the AFL American Federation of Teachers, respectively, which extended to all school districts the tenure law provisions for permanent teachers, and the Education Code section which prohibits the dismissal of probationary teachers except for cause. Both bills ran headlong into the opposition of the administrator-dominated California Teachers' Association, which joined the school board lobbyists and administrators to bring about their rejection. The CTA company union, on the other hand, was successful in securing the enactment of two damaging bills, **SB 1391** and **SB 1967**, to deny probationary teachers in Long Beach, San Diego and Oakland protection against arbitrary dismissal, and to make CTA Ethics Commission reports admissible as evidence in tenure court trials along with

testimony of commission members as so-called experts.

In regard to social security coverage, the primary issue was whether extension should be on a supplemental basis by school district referendums, or on an integration basis with the state teachers' retirement system by statewide referendum. The AFL Teachers' Union sponsored **SB 629**, to give school employees in each district the right to vote in separate referendums for supplementation. The measure gained the approval of the Senate but died on the Assembly side. The CTA, in opposition to the AFL position, supported integration of social security by statewide referendum, as embodied in **AB 2368**, the omnibus social security enabling bill adopted by the 1955 legislature and reported under STATE, COUNTY, AND MUNICIPAL EMPLOYEES. By failing to sponsor, in support of its position, required follow-up legislation which would authorize a statewide referendum and determine the actual basis for integration, the CTA, however, effectively precluded the extension of social security coverage to teachers for at least two years.

School administrators and reactionary legislators also received the support of the CTA in killing **SB 1280**, an AFL Teachers-sponsored bill supported by the Federation, increasing the minimum salary for teachers from \$3,400 to \$4,200 per year.

The true company union character of the CTA was brought out into the open during the closing days of the session in an all-out drive to kill **AB 2220**, another AFL Teachers' bill, pushed by the Federation, declaring the right of teachers to join unions or any other organization of their own choosing without interference on the part of administrators. The line of opposition taken by the CTA on the Senate floor was to attempt to kill the bill by berating labor unions in general and placing teachers on a "professional" pedestal above organized workers. Unfortunately, the bill was pocket-vetoed by the Governor.

In another vicious attempt to stop the organization of teachers into bona fide unions, the CTA sponsored and secured passage through both houses of **AB 1160**, which authorized a check-off for the CTA and its affiliated chapters to the exclusion of all other organizations. However, the bill was also pocket-vetoed by the Governor.

Among other significant legislation affecting

teachers, were two bills sponsored by the AFL teachers and enacted into law. One measure, **AB 970**, declares state policy against discrimination in the hiring of teachers on the basis of race, color or creed. Under the other bill, **AB 2873**, school districts are permitted to pay teachers their full salary while on sabbatical leave.

Bills marked * were sponsored by the Federation

Good Bills

AB 203 (Elliott). Prohibits school district governing boards from interfering with the right of school employees to participate, during their off-duty hours, in political activities not prohibited by the Education Code. Chapter 1112.

AB 297 (Donahoe). As passed by Assembly, required school districts to grant teachers from nine to 15 months leave of absence for pregnancy, with or without pay, in accordance with rules and regulations adopted by school boards.

As amended in Senate and enacted, such leave is made permissive with the school boards for such period of time as it may specify in accordance with its own rules and regulations. Chapter 1898.

AB 569 (Bee). As passed by legislature, authorized school boards, when teachers are granted a leave of absence, to provide for salary deductions not greater than amount paid substitute teacher. Vetoed by Governor.

AB 970 (Rumford). Declares state policy against discrimination in the hiring of teachers because of race, color, religious creed, nationality, or national origin. Chapter 1910.

AB 986 (Ernest R. Geddes). As introduced, required school districts to expend annually for teachers' salaries, not less than 70 percent of their foundation programs and 70 percent of growth apportionments, or 85 percent of basic state aid, state equalization aid, and apportionment for growth, whichever is the greater.

As amended and enacted, requires expenditures of not less than 65 percent of foundation programs and 65 percent of apportionments for growth for teachers' salaries. Chapter 994.

AB 1656 (Porter). Extends to non-certificated employees provision applicable to certificated employees which permits school boards to grant 10 days' sick leave with pay for each school year of service, and three days' leave with pay on death of member of immediate family, and such additional days as allowed by the board. Chapter 80.

***AB 2217 (Masterson).** As introduced, extended to all school districts, regardless of size, the provisions of teacher tenure law presently applicable only to districts with an average daily attendance of 850 or more.

As amended, extended tenure provisions to districts with a.d.a. of 350 or more. Referred to interim committee for study.

AB 2220 (Masterson). As introduced at request of AFL Teachers and passed by Assembly, declared as state policy that all school employees have a right to organize themselves into associations, organizations, or unions of their own choosing, freely and without interference, restraint or coercion by or on the part of supervisors and administrators, for the purpose of collective bargaining or other mutual aid or protection.

As passed by Senate and sent to Governor, merely declared right of teachers and other school employees to join associations, unions, etc., of their own choosing, without interference by supervisors or administrators, while specifically prohibiting interpretation of the bill so as to interfere with the policy of any city in respect to its own employees. Pocket-vetoed by Governor.

AB 2424 (Gaffney). Provides for transfer of sick leave, sabbatical and other leave rights accumulated when teacher transfers to another school district with any school or place of employment so transferred. Chapter 968.

AB 2804 (Donald D. Doyle). As amended and enacted, permits school districts to pay amount of salary withheld to employee whose salary was withheld because his certification document was not in force for salary period, if his credentials have been renewed within 90 days after end of such period. Urgency measure. Chapter 1673.

AB 2873 (Donald D. Doyle). AFL Teachers-sponsored bill: Permits school districts to pay one-half of the salary of teacher on sabbatical leave or any amount up to and including the full salary of teacher on leave. Chapter 1934.

AB 3051 (Elliott). As amended, authorized school boards to pay teachers in 10, 11, 12, 20, 22 or 24 rather than 10, 11, or 12 equal payments, instead of by school month. Died in Senate committee.

AB 3525 (Meyers). Required Director of Employment to maintain a service for placement of teachers in public and private schools, and authorized him to enter into agreements with public or private colleges and universities for the maintenance, staffing, and conduct of such placement functions. Died in Assembly committee.

SB 367 (Dilworth). Permits issuance of temporary county teaching certificates for purposes of authorizing salary payments to teachers whose credential applications are being processed by the Department of Education. Chapter 650.

SB 629 (Miller). AFL Teachers' social security bill: As amended and passed by Senate, provided for the extension of federal old age and survivors' insurance to school employees on a supplemental basis by referendum vote of such employees on a district-wide basis; authorized school boards to levy a special tax to pay district's share of cost of coverage. Died in Assembly committee. (See also **AB 2368**, under STATE, COUNTY AND MUNICIPAL EMPLOYEES, which establishes a state-wide referendum unit for determination of question of extension of coverage on an integrated basis with state teachers' retirement system. **AB 2368**, however, is merely enabling legislation and does not authorize a state-wide referendum.)

SB 1067 (Richards). Gives certificated personnel employed by county superintendent of schools, and paid from county school service funds, the same right to leaves of absence, sick leave, and bereavement leave as certificated personnel employed by school districts. Chapter 150.

SB 1280 (Miller). AFL Teachers' bill: Increased minimum salary of teachers from \$3,400 to \$4,200 per year. Referred to interim committee for study.

SB 1281 (Miller). AFL Teachers' bill: As amended, provided for transfer of accumulated sick leave, not to exceed 30 days, upon employment of a teacher within 24 months by a school district other than the district in which such leave was earned, provided such teacher was not dismissed for cause by former district employer. Died in Senate committee.

SB 1283 (Miller). AFL Teachers' bill: Prohibited any school district, instead of only districts with a.d.a. of 60,000 or more, from dismissing probationary teachers, except for cause. Died in Senate committee.

SB 1445 (Dilworth). As amended and enacted, increased teachers' retirement benefits to a level comparable to those of state employees, at an estimated cost of \$12.1 million a year, to be raised by increased contributions from teachers and an "over-ride" tax by local school districts. Chapter 1395.

SB 1446 (Short). As amended and enacted, authorizes the Director of Corrections, the same as the Directors of Youth Authority and Mental Hygiene, to grant persons employed as vocational teachers or instructors or in positions requiring certifications, leaves of absence to attend summer study sessions. Chapter 1865.

Bad Bills

AB 340 (Collier). As amended and enacted, continues indefinitely war emergency provisions authorizing successive provisional appointment of non-certificated school employees in classified

positions for 90 days or less in the absence of appropriate eligibility list; authorizes immediate dismissal or suspension of an employee charged with a sex offense; limits appeal to personnel commission of suspended, demoted, or dismissed employees to those in permanent classified service, rather than any employee, except as otherwise provided by commission rules. Chapter 1624.

AB 341 (Collier). As introduced, permitted teachers and non-certificated employees in school districts with a.d.a. in excess of 200,000 to hold tenure in only one position.

As amended and enacted, is less objectionable—limitation applies only to positions acquired after passage of bill. Chapter 1404.

AB 342 (Collier). As amended and enacted, permits appointment of person to non-certificated position in classified service from an open eligibility list prior to exhaustion of promotion eligibility list for such position under certain conditions. Chapter 1116.

AB 936 (Fleury). As amended and enacted, provides that a state college employee who is absent without leave for five days, whether voluntary or involuntary, shall be considered as having resigned; permits application for reinstatement within 90 days of such separation under certain conditions. Chapter 1907.

AB 1003 (Ernest R. Geddes). Defined company union type of teachers' organization such as the CTA and its affiliated chapters as a "labor organization" under Section 10505 of Insurance Code for purpose of permitting self-insurance in regard to life and disability insurance. Died in Assembly committee.

AB 1160 (Donald D. Doyle). As amended and enacted, authorizes school districts, upon the request of teachers, to make salary deductions for payment of membership dues into the administrator-dominated CTA and its affiliated chapters, to the exclusion of any other organization, including the AFL Teachers' Union. Pocket-vetoed at the request of the Federation.

AB 1222 (Brown). Provided for the certification of private music teachers. Died in Assembly committee.

AB 2600 (Lyon). Destroyed tenure law for permanent teachers by removing the right of teachers in dismissal cases to have issues heard and decided in superior court, and by giving school board power to file charges and try its own case and impose penalty. Also repealed protection of probationary teachers against dismissal except for cause, in districts with a.d.a. of 60,000 or more. Killed in Assembly committee.

AB 2607 (Lyon). Repealed section which permits the dismissal of probationary teachers in school districts with

60,000 a.d.a. or better, for cause only. Killed in Assembly committee.

AB 2618 (Lyon). Gave school boards in districts with 60,000 or more a.d.a. the option to determine whether a hearing shall be granted in cases involving the dismissal for cause of probationary teacher. Died in Assembly committee.

SB 1331 (Way). Deleted provision that applicants for admission to state colleges for teacher training curriculum shall not be denied admission. Died in Senate committee.

SB 1391 (Kraft). As amended and enacted, confines provision permitting school districts to dismiss probationary teachers for cause only to San Francisco and Los Angeles, by increasing the minimum a.d.a. requirement for applicability from 65,000 to 85,000. Net effect is to deny extension to Long Beach, San Diego, and Oakland, all of which will soon reach the 60,000 a.d.a. level. Chapter 1077.

SB 1967 (Dilworth). As introduced, amended and severely weakened the tenure law for permanent teachers by granting to school district boards and/or teachers notified of dismissal the authority to request that dismissal charges be referred to a panel of so-called disinterested certificated employees appointed by the CTA (CTA Ethics Committee) for investigation and report; made report of panel admissible as evidence in event dismissal case is heard in superior court under provisions of tenure law.

As amended three times under pressure of AFL Teachers, and finally enacted into law, the measure is completely rewritten. In any contested tenure case, permits court or any party to the trial to call and examine so-called expert witnesses to testify as to the professional qualifications, fitness, etc., of teacher being tried, while requiring such witness to be examined for competency as an expert and bias in the case. If witness is declared competent, permits court to receive as evidence a report submitted by such witness individually or as a member of a commission on personnel standards or one of its panels, maintained by a statewide professional educational association, such as the CTA Ethics Committee, on condition that all members of such commission or panel may be brought to court by any party to testify as experts on matters in the report. Before report may be introduced, requires copy to be served upon the defendant at least 10 days prior to the trial. Permits court to fix compensation and expenses of such experts. Chapter 1100.

UNEMPLOYMENT INSURANCE

The political environment for the enactment of any part of the Federation's program for liberalization of the unemployment insurance program at the outset of the 1955 session of the legislature, was one of the bleakest faced in many years. The major factor in this gloomy outlook was the groundwork laid by the employer-minded Interim Committee on Finance and Insurance during 1954, which devoted an undue portion of its time for "comprehensive study" of unemployment insurance either directly or indirectly to consideration of the measurements of attachment to the labor market and financing problems in an effort to raise the eligibility and disqualification provisions of the law, while virtually ignoring the need to increase weekly benefits in line with rising wage levels. Although it was generally accepted even by legislators friendly to labor that the basic argument for increasing benefits—namely, that of rising wage levels—applied equally to the eligibility provisions, and that labor could no longer expect to hold out against some kind of an increase in eligibility requirements, the stress given to this aspect of the law throughout the committee's findings and recommendations, within a framework of exaggerated costs, was out of all proportion to its legislative significance. The report itself was aimed primarily at playing down liberalization needs and furthering the employer's program of emasculation and destruction, which was embodied in some 40-odd bills before the 1955 session.

Also instrumental in the creation of this adverse climate were the frequent and grossly distorted findings of the Director of Employment regarding so-called fraudulent payments, which were perverted to the ends of the employers. On the other hand, with regard to the likely success of the Federation's program, the \$5 increase in benefits recently obtained at the 1954 extraordinary session of the legislature had a deterring effect, irrespective of the need for additional liberalization.

In the face of this situation, the Federation nevertheless succeeded in gaining the approval of ***AB 1370** to combine an increase in the maximum weekly benefit amount from \$30 to \$33 with a complete revision and compression of the benefits schedule, coupled with an increase in the base period eligibility requirement from \$300 to \$600. Other provisions, as summarized below, relate to an increase in the disqualification period for re-

fusal of suitable employment and fraudulent statements to obtain benefits, and to a minor qualifying amendment with respect to the forfeiture of benefit rights upon conviction for fraudulent receipt of benefits.

Taken by itself or within the bleak political environment of its origin, the settlement embodied in ***AB 1370** represents a significant victory.

Added Benefits

Conservative estimates of the Department reveal that even in a year of assumed high employment and low unemployment like 1955, the new, compressed and vastly liberalized schedule will result in an increase in benefits of \$3.2 million, even considering the application of the increased earnings requirement from \$300 to \$600 in the four quarters of the base period. The Department's breakdown as to the actual number of beneficiaries under the new schedule shows that approximately 325,000, or in other words, about 60 percent of all currently eligible claimants will receive a favorable increase in benefits. Furthermore, of those claimants receiving an increase in benefits, a full 76 percent will receive the maximum increase of \$3 per week. Finally, some 86 percent of all currently eligible claimants receiving an increase in benefits will also receive a higher total benefit amount during their benefit year. It should be noted, in addition, that the above figures include better than 50 percent of the eligible fruit and vegetable processing and packing shed workers, who will likewise share in these liberalized benefits.

With regard to the increase in the eligibility requirement, a few misunderstandings as to the operation of the provision in conjunction with the revised schedule has unfortunately resulted in an exaggeration of the possible detrimental effect of this provision among a few affiliates. The \$600 eligibility requirement in ***AB 1370** applies to total earnings in all four of the claimant's four calendar quarters, rather than to each of his calendar quarters, with the net effect being that an individual, to be eligible under ***AB 1370**, must earn

on the average \$50 per month during a twelve-month period.

This new requirement, it is estimated, will render ineligible only 28,600 individuals formerly eligible in a year like 1955. The new compressed schedule, however, actually returns approximately 1,800 formerly ineligible claimants back to eligibility because of the readjustment of the brackets at the lower end of the new benefits schedule in combination with the operation of the so-called 75 percent rule, thus reducing the net ineligibility figure to 26,800. Considering that there are approximately 3.2 million covered workers in California, the 26,800 rendered ineligible account for less than 9/10 of 1 percent of the covered labor force in California.

Seasonal Workers

Among seasonal workers, more specifically, among cannery workers affected, the best estimates available show that of all fruit and vegetable processing and packing shed workers, only about 5,400 would be rendered ineligible as a result of the increase from \$300 to \$600. On the other hand, some 1,100 or more formerly ineligible would be made eligible, thus decreasing the net figure to 4,300, or 7 percent of currently eligible claimants in this industry. Since these figures are projections for 1955 based on 1953 earnings, an allowance for wage increases subsequently obtained reduces the ineligibility figure to 3,500, or 5.8 percent of currently eligible claimants in the industry. Excluding packing shed workers, the net figure for cannery workers alone is less than 2,500.

Finally, it should be noted that the claimants adversely affected by the eligibility increase are only temporarily rendered ineligible, and as wage levels increase and their earnings exceed \$600 in four calendar quarters of their base period, these individuals will become eligible in greater numbers because of the compression of the benefits schedule as already noted.

Regarding the additional disqualification periods assessed under ***AB 1370** for fraudulent statements and refusal of suitable employment—and it is to be noted that the disqualifications are merely postponements and not cancellation of benefit rights—these provisions mean a loss of money benefits of \$750,000 for refusals of suit-

able employment and \$1.3 million for fraudulent statements in a year like 1955.

The real significance of ***AB 1370**, however, is not the amount of dollars that would be received in a year like 1955 or the number of individuals who might immediately suffer loss of benefits, but rather, the two-fold aspect of what detrimental legislation the Federation succeeded in having dropped at the 1955 session and what groundwork was laid for a more equitable and extensive payment of benefits in future years where the picture of high employment and low unemployment no longer prevails, as is the case at the present time.

With regard to detrimental legislation killed by the passage of ***AB 1370**, careful consideration should be given to the bills listed under **BAD** below, which include only a selected few of those introduced.

Long-Run Improvements

Concerning the long-run effects of ***AB 1370**, the key again is in the revision in the benefits structure to a uniform \$30 bracket schedule, which sets the stage for future increases on a more equitable basis than has ever existed in the past in California, and which virtually assures in the future that an individual, when unemployed, will have as the base of the computation of benefits the concept that he is to receive at least 50 percent of his weekly wages in benefits, within the limits of the schedule. Further, even assuming that in the future the extension of benefits on this sound principle will be delayed or prevented, the mere operation of the revised schedule as wages continue upward will result in progressively greater benefits than would otherwise be realized under the former schedule, because of a concentration of the increases in benefits under the revised schedule in the upper half of the schedule. By the same token, the operation of the new schedule in a period of less favorable employment and rising unemployment will result in progressively larger amounts of benefits paid, and greater protections against the ravages of a recession. For example, if a recession of the magnitude of that in 1950 should occur in the near future, the effect of the new schedule would be to pay at least 10 million dollars in additional benefits than would be paid under the former schedule during such a recession.

Other unemployment insurance legislation enacted at the 1955 session was limited mainly to a few technical bills and a Departmental reorganization bill sponsored by the Department of Employment and agreed to by the Federation. These bills are classified separately at the end of this section.

Also enacted, and listed under BAD are four minor bills exempting certain small groups from coverage.

Bills marked * were sponsored by the Federation

Good Bills

***AB 603 (McCollister).** Increased ceiling on taxable wages for both unemployment and unemployment disability insurance from \$3,900 to \$4,200. Died in Assembly committee.

Senate companion, ***SB 377 (Harold T. Johnson)**, died in Senate committee.

***AB 624 (Henderson).** Extended full coverage to state and local government employees. Died in Assembly committee.

***AB 659 (Elliott).** Extended full coverage to domestic workers. Died in Assembly committee.

***AB 660 (Elliott).** Extended full coverage to agricultural workers. Died in Assembly committee.

***AB 661 (Rumford).** Increased from \$3 to \$6 a week the amount of wages a claimant may earn without reduction of benefits. Died in Assembly committee.

Senate companion, ***SB 1512 (Miller)**, died in Senate committee.

***AB 667 (O'Connell).** Extended full coverage to employees of non-profit organizations. Died in Assembly committee.

***AB 1277 (Munnell).** Removed the 18-week limitation on the amount of benefits chargeable against an employer's reserve account. Died in Assembly committee.

***AB 1369 (Donald D. Doyle).** Increased ceiling on taxable wages for purposes of employer contributions from \$3,000 to \$4,200. Died in Assembly committee.

Senate companion, ***SB 1514 (Miller)**, died in Senate committee.

***AB 1370 (Donald D. Doyle).** As introduced, increased the maximum weekly benefit amount from \$30 to \$50.

As amended to incorporate the 1955 settlement of unemployment insurance issues and enacted into law, accomplishes the following:

- (1) Increases the maximum benefit amount payable from \$30 to \$33 per week, but at the same time completely revises the high quarter wage brackets in the benefits

schedule which determine the amount of weekly benefits payable to an unemployed individual. Under the former schedule, those earning less than \$380 in their high quarter received approximately \$1 for each \$20 of high quarter earnings, whereas those earning \$380 or more received only \$1 for each \$40 of high quarter earnings. Under the revised schedule, uniformly, \$1 is paid for each \$30 of high quarter earnings up to a maximum weekly benefit amount of \$33 for high quarter earnings of \$840 or more.

- (2) Increases the required minimum base period wages for eligibility from \$300 to \$600.
- (3) Increases the period of disqualification with respect to an individual who has made a fraudulent statement to obtain benefits or who has, without good cause, refused suitable employment, from a flexible 1-5 week disqualification to a flexible 1-10 week disqualification.
- (4) Provides minor qualifying amendments with respect to the period for which an individual forfeits benefit rights after a conviction for fraudulent payment to 52 consecutive weeks, commencing with the date the fraudulent act occurred, instead of cancelling all wage credits in the calendar quarter in which the offense occurred and all prior calendar quarters as formerly provided.
- (5) Makes certain technical amendments permitting the allocation of wages in various quarters to insure the possibility of receiving the maximum weekly benefit amount, since only the first \$3,000 in wages paid are taxable under the law.

Chapter 899.

Senate companion to original bill, ***SB 1513 (Miller)**, died in Senate committee.

***AB 1371 (Donald D. Doyle).** Increased weekly benefit amount by \$5 for a dependent spouse and \$2.50 for each of the first two dependent children. Died in Assembly committee.

Senate companion, ***SB 1510 (Miller)**, died in Senate committee.

***AB 1372 (Donald D. Doyle).** Provided for retroactive payment of benefits for the one-week waiting period when unemployment lasts more than one week. Died in Assembly committee.

Senate companion, ***SB 1511 (Miller)**, died in Senate committee.

***AB 1986 (McMillan).** Repealed merit rating, and required all covered employers to pay a uniform tax of 2.7 percent on individuals' wages up to \$3,000 per year. Died in Assembly committee.

***AB 2237 (Masterson).** Repealed 30-times weekly benefit amount eligibility requirement with regard to claimants who earn more than 75 percent of their base period wages in a single calendar quarter. Died in Assembly committee.

***AB 2238 (Masterson).** Removed the "seek work" requirement as a condition to receiving benefits. Died in Assembly committee.

***AB 2239 (Masterson).** Removed prohibition against using lag quarter earnings in the determination of base period earnings for eligibility purposes. Died in Assembly committee.

AB 2241 (Masterson). Increased maximum duration of benefits from 26 to 52 weeks, and the limitation on total benefits from 50 percent to 75 percent of base period earnings, for claimants in areas or industries with unemployment equal to 6 percent of labor force or greater. Died in Assembly committee.

AB 3809 (Elliott). Provided for partial benefits for fishermen. Referred to interim committee for study.

Bad Bills

AB 380 (Casey). As amended and enacted, removes haybaling operations from coverage. Chapter 608.

AB 1027 (Levering). Extended the additional period of disqualification for successive disqualifications for voluntarily quitting work from 8 to 10 weeks, and for successive disqualifications for false statements from 8 to 13 weeks. Died in Assembly committee.

AB 1028 (Levering). Increased the period of disqualification for false statements from 5 to 13 weeks, and in addition required reduction of the total award by the same number of weeks. Died in Assembly committee.

AB 1029 (Levering). Increased the disqualification period for voluntary quits and discharges for misconduct from 5 to 10 weeks, and canceled benefits by the same number of weeks. Died in Assembly committee.

AB 1030 (Levering). Increased the period of disqualification for refusal to accept suitable work from 5 weeks to the duration of the ensuing unemployment and until the disqualified individual earns \$150 in subsequent employment. Died in Assembly committee.

AB 1226 (Levering). Authorized the Director of Employment, within specified periods, to file a petition for writ of mandate to test the validity of any order or decision of the Appeals Board, except action of the Board in approving or rejecting proposed regulations. Died in Assembly committee.

AB 1246 (Backstrand). Deleted the requirement that the Department, after notice by employer that a claimant was discharged for misconduct or voluntarily quit, imme-

diately determine the issue in the same manner as a benefit claim. Died in Assembly committee.

AB 1250 (Backstrand). Permitted funds returned to the state pursuant to the Employment Security Administration Financing Act of 1954, after establishment of a \$200 million federal repayable loan fund for states with depleted reserves, to be used by the Department as a slush fund for administrative expenditures, instead of earmarking such funds for benefit payments. Died in Assembly committee.

AB 1412 (Ernest R. Geddes). Disqualified workers "suspended" for misconduct; denied benefits to person who leaves his work for good reasons not connected with his employment; and removed presumption that a person was not discharged for misconduct when dismissed. Died in Assembly committee.

AB 1468 (Levering). Provided for the issuance to workers of separation notices stating reasons for separation, etc., and special notices in case of mass separations or work stoppages. Died in Assembly committee.

AB 1469 (Levering). As amended, established a two-quarter eligibility test of \$300 in each of two quarters in the claimant's base period. Would have rendered ineligible at least 109,000 seasonal workers and reduced benefits by about \$10.5 million in a high quarter year like 1955. Died in Assembly committee.

AB 1776 (Belotti). Special bill exempting Redwood Empire Association from coverage under the law. Killed in Assembly committee.

AB 2111 (Levering). Required the Department to notify all employers whose reserve account would be affected by the reopening of a claim. Died in Assembly committee.

AB 2112 (Levering). As introduced, disqualified person who leaves his work for good reason not connected with his work.

As amended, prohibited chargebacks to employer's account in cases where employee leaves work for good cause attributable to circumstances outside of his employment and subsequently qualifies for benefits. Tabled in Assembly committee.

AB 2337 (Levering). Cancelled all wage credits earned by persons employed in the canning, preserving, drying, and freezing of fresh fruits and vegetables, and the assembling and packing of fresh fruits and vegetables. Would have disqualified about 32,000, or 50 percent of such workers, and would have reduced benefits in a high employment year like 1955 by about \$8.0 million at a minimum. Died in Assembly committee.

AB 2451 (Levering). Provided a fine of \$100 to \$500 and six months in a county jail, in addition to other penalties, for persons convicted of wilful false statement or nondisclosure of facts to obtain benefits; prohibited suspension or remission of first \$100 of fine imposed by court. Died in Assembly committee.

Assembly Bills 2453 to 2456 (Levering). Similar to Assembly Bills 1027 to 1030 above. Died in Assembly committee.

AB 2838 (Donald D. Doyle). Exempted from coverage service performed in caddying or carrying of golf player's clubs. Referred to interim committee for study at request of author.

AB 3503 (Morris). Increased the base period earnings requirement from \$300 to \$700, and in addition imposed a two-quarter earnings test of \$250 in each of the last two quarters of the applicant's base period, while tying these eligibility requirements to a new benefits schedule based on base period earnings instead of high quarter earnings. Would have rendered ineligible about 90,000 in a year like 1955, and drastically reduced the benefits of those seasonal workers who managed to qualify. Died in Assembly committee.

AB 3579 (Lanterman). Established a "weeks of work" test of \$15 during at least 20 weeks of the 52 consecutive weeks in the claimant's base period. Would have rendered ineligible about 151,000 seasonal and intermittent workers, and would have cut benefits by approximately \$11 million in a high employment year like 1955. Died in Assembly committee.

SB 384 (Breed). Broadens the coverage exemption of real estate, business opportunity, mineral, oil and gas, or cemetery salesmen to include brokers in such types of business. Chapter 811.

SB 732 (Desmond). Revised the present two alternate contribution schedules to reduce the spread in the tax yield of the two schedules, while providing for a zero tax rate in each of the revised schedules; added a third "dividend" schedule which would go into effect when reserves equal 9.6 percent of taxable wages on the rating year computation date, irrespective of the level of benefits. Died in Senate committee.

SB 887 (Grunsky). Imposed a two-quarter earnings test of \$300 in each of such two quarters, on top of the base period eligibility test. Would have rendered ineligible close to 110,000 seasonal workers and reduced benefits by \$10.5 million in a high employment year like 1955. Died in Senate committee.

SB 1085 (Abshire). Prohibited the Department from accepting "seek work" compliance certifications from unions which do not take the first man up on rotation lists, regardless of job requirements, or from unions whose by-laws or working rules prohibit members from soliciting their own work. Died in Senate committee.

SB 1205 (Byrne). Exempts from coverage base-

ball players who agree to play for expenses and a share of the profits of the club, rather than a fixed salary. Chapter 1864.

Other Bills

AB 1238 (Backstrand). As introduced, was a bad bill disqualifying persons receiving dismissal pay.

As amended and enacted, is a Department of Employment technical bill, agreed to by both labor and management, repealing certain obsolete provisions, making certain equitable adjustments in tax collection procedures, and clarifying existing language based upon problems which have arisen in the course of the administration of the unemployment insurance law in the past several years. Chapter 1165.

AB 1245 (Backstrand). Makes minor changes in provisions relating to refund and credit allowance of employer for unemployment insurance and worker contributions for unemployment disability insurance. Chapter 1819.

AB 1256 (Backstrand). Department "trailer" bill picking up loose ends resulting from changes made in Unemployment Insurance Code at 1955 session. Chapter 1167.

AB 1467 (Levering). Amends several provisions of unemployment insurance law relating to the recovery of overpayments by employers, extending up to three years the time in which overpayments may be offset. Chapter 1153.

SB 1539 (Donnelly). Department reorganization bill: abolishes five-member Employment Stabilization Commission and transfers its powers to the Director of Employment; decreases the size of the state advisory council from twelve to seven members, three from labor, three from management, and one from general public; requires Director to provide the advisory council with copies of proposed regulations for study by the council; makes other organizational changes. Chapter 1166.

UNEMPLOYMENT DISABILITY INSURANCE

See also UNEMPLOYMENT INSURANCE.

The Federation's program to liberalize the disability insurance laws, as in previous years, ran headlong into the opposition of the powerful insurance lobby, which has consistently used the so-called "voluntary plan" provisions in the law as a bargaining weapon to force a compromise in the benefits structure of the "state plan."

This year, however, the Federation's bargaining position was materially strengthened by a number

of factors, chief among which was the quickness and effectiveness with which the Federation was able to move in passing workmen's compensation legislation out of the Assembly Committee on Finance and Insurance, which also had pending before it the Federation's liberalization program for disability insurance. This, combined with a more balanced committee than in previous years, helped bring about one of the most advantageous disability insurance settlements since the program was enacted.

Under the provisions of the settlement, embodied in ***AB 602**, the maximum weekly benefit amount for disability periods commencing after January 1, 1956, is increased from \$35 to \$40. Part-total benefits are likewise liberalized to permit individuals to draw partial benefits plus wages totaling 100 percent of regular wages, instead of 70 percent as formerly provided. In regard to the operation of the 75 percent requirement as it affects workers who earn most of their wages in one quarter of their base period, ***AB 602** contains a provision which completely removes this requirement for claimants with more than \$750 in base period earnings, thereby conforming the disability law to the unemployment insurance law in this respect.

Other provisions of ***AB 602** repeal the requirement that voluntary plans contribute to the administrative cost of the state plan, and continue for two more years, pending completion of a Department study, the provision enacted in 1953 which waives the prohibition against private carriers selecting risks adverse to the state fund regarding the coverage of women in voluntary plans.

It is conservatively estimated that passage of ***AB 602** will increase total disability insurance payments to workers in a year of moderately low claims like 1955, by about \$5.8 million (\$5.6 million in basic benefits and \$.2 million in additional hospital benefits). These figures, however, relate only to workers covered under the state plan. To the extent that voluntary plans are required to raise benefits to meet those of the state plan, additional benefits will be obtained of at least \$6 million, thereby increasing total added benefits to \$11.8 million. With regard to the elimination of the 75 percent requirement for claimants with more than \$750 in base period earnings, not only

does this provision conform the disability law to the unemployment insurance law, it also qualifies an additional 3,200 workers, and makes them eligible to receive benefits. Most of these are so-called seasonal workers, primarily those engaged in the canning and processing of fruits and vegetables.

In preference to ***AB 602**, all other bills were dropped by their respective sponsors, with the exception of one Departmental technical bill signed into law. Among those dropped were approximately 25 bills sponsored by the insurance lobby which would have all but destroyed the state plan, thereby removing the effective benchmarks for control of the level of benefits in voluntary plans. Only the most far-reaching of these bills are listed under the classification BAD below.

Bills marked * were sponsored by the Federation

Good Bills

***AB 601 (McCollister)**. Increased the daily hospital benefit from \$10 for 12 days to \$15 for 15 days. Died in Assembly committee.

Senate companion, ***SB 358 (Burns)**, died in Senate committee.

***AB 602 (McCollister)**. As introduced, increased the maximum weekly benefit amount from \$35 to \$50.

As amended to incorporate the 1955 settlement of unemployment disability insurance issues and enacted into law, accomplishes the following: (1) increases the maximum weekly benefit amount from \$35 to \$40; (2) permits an individual drawing wages while disabled to draw partial benefits plus wages totaling 100 percent of regular wages, instead of 70 percent, so that an individual working for \$100 per week, for example, who receives \$60 from his employer, may, if otherwise eligible, receive \$40 disability payments; eliminates the 75 percent requirement for claimants with more than \$750 in base period earnings, thereby conforming the disability law to the unemployment insurance law in this respect; continues for two more years the 1953 provision which waives the prohibition against private carriers selecting risks adverse to the state fund with regard to the coverage of women in voluntary plans, pending completion of a Department study of the effect of the suspension on the state plan; repeals the requirement that voluntary plans contribute to the administrative cost of the disability program; and

makes other technical changes to carry out the above objectives. Chapter 957.

Senate companion to original bill, ***SB 381** (Harold T. Johnson), died in Senate committee.

***AB 854** (Miller). Provided for retroactive payment of benefits for 7-day waiting period where disability lasts longer than 7 days. Died in Assembly committee.

Senate companion, ***SB 380** (Harold T. Johnson), died in Senate committee.

***AB 995** (Ernest R. Geddes). Provided for disability payments up to a maximum of 42 days for any injury or illness caused by or arising in connection with pregnancy. Died in Assembly committee.

Senate companion, ***SB 378** (Harold T. Johnson), died in Senate committee.

SB 1576 (Kraft). Extended disability insurance coverage to state, county and municipal employees upon written request of a majority of the employees to the appropriate public agency. Died in Senate committee.

SB 1767 (Richards). Deleted 75 percent rule for disability insurance, and removed provisions making employees disqualified for unemployment insurance presumptively disqualified for disability insurance. Died in Senate committee.

Bad Bills

AB 1062 (Marsh). As amended, authorized the use of \$6,237,200 of workers' money in the disability fund for acquisition of real property, construction and equipment of branch office buildings for the Department of Employment in designated cities; placed a maximum limit of \$21 million on workers' money which could be tied up in state property or state buildings, with jurisdiction of building remaining under supervision of the Department until investments are repaid. Referred to interim committee for study. (See also **SB 482** and **SB 483** under CONSTRUCTION.)

AB 1258 (Backstrand). Disqualified from disability benefits, any individual who has filed an application for adjustment of a claim for benefits under workmen's compensation, and who fails to pursue such claim for any reason whatsoever. Died in Assembly committee.

AB 1425 (Backstrand). Restricted to simple interest, the amount of interest on worker contributions remaining in the Unemployment Trust Fund that may be requisitioned for deposit in the disability fund. Died in Assembly committee.

AB 1426 (Backstrand). Extended many of the provisions that apply to unemployed workers under unemployment insurance to workers covered under disability insurance, by establishing a separate definition for unemployed workers under the disability provisions of the Unemployment Insurance Code. Died in Assembly committee.

AB 2179 (Ernest R. Geddes). Removed the requirement that voluntary plans take in all employees, part-time as

well as full-time employees, at any distinct, separate establishment maintained by an employer, and instead, permitted coverage in voluntary plans to be limited to any class or classes determined by conditions pertaining to employment; also completely repealed the provision, now suspended, which results in a substantial selection of risks adverse to the state disability fund. Died in Assembly committee.

AB 2184 (Ernest R. Geddes). Allowed each voluntary plan insurer credit against his extended liability account assessment for the amount of premium tax paid on voluntary plans, thereby further increasing the state disability fund burden for extended liability. Died in Assembly committee.

AB 2186 (Ernest R. Geddes). Provided for balancing the deficit in the extended liability account by crediting to it annually an amount equal to 2.35 percent of 1 percent of wages paid in covered employment during the 12-month period ending with the preceding September 30. Should above contributions prove insufficient, provided for remaining deficit to be made up by transferring annually an amount equal to the excess charges from worker contributions into the unemployment fund prior to December 1, 1946, until such contributions are exhausted. Died in Assembly committee.

AB 2457 (Levering). Increased the period of disqualification for wilfully making a false statement or misrepresentation or knowingly failing to disclose a material fact to obtain disability benefits from a flexible seven to 35 days to a flexible 35 to 90 days, and as an additional penalty, required a reduction in the individual's benefit award corresponding to the number of days of disqualification. Died in Assembly committee.

AB 2877 (Donald D. Doyle). Provided that medical records of the Department of Employment or of any voluntary plan may be admitted in proceedings before the Industrial Accident Commission where a disability insurance lien has been filed against workmen's compensation benefits. Died in Assembly committee.

AB 3101 (McCollister). Amended numerous sections of the unemployment disability insurance law to establish the program on a "premium for risk" basis in an obvious attempt to destroy the state program. Created a State Nonoccupational Disability Insurance Fund on a competitive basis with private carriers and placed all regulatory authority of program under the Insurance Commissioner. Died in Assembly committee.

AB 3102 (McCollister). Transferred all powers regarding approval, regulation, and supervision of voluntary plans from the Director of Employment to Insurance Commissioner. Died in Assembly committee.

AB 3103 (McCollister). Provided for the appointment of an extended liability account supervisor charged with the responsibility of protecting the account against improper charges with provision for appeal procedure and inspection of account records. Died in Assembly committee.

AB 3106 (Grant). Notwithstanding the confidential information provisions of the law, provided that informa-

tion contained in the unemployment insurance file of any individual who is claiming disability benefits shall be available to any person responsible for the payment of disability benefits. Died in Assembly committee.

AB 3555 (Morris). Provided for charging extended liability account with all benefits paid for disability periods commencing two or more weeks after layoff or leave without pay or termination of employment; gave voluntary plan employees right to benefits under such plan during the interim two weeks. For above purposes, provided that no disability benefit period shall be deemed to have commenced prior to date the claimant was first treated by a physician. Also deleted the concept of "simultaneous coverage" and substituted the concept of "concurrent employment", for the sharing of benefits by

voluntary plans and disability fund. Died in Assembly committee.

SB 1661 (J. Howard Williams). Prohibited the payment of disability insurance benefits for any period during which the Industrial Accident Commission, in a workmen's compensation proceeding, finds that no disability was suffered. Died in Senate committee.

SB 1719 (Desmond). Imposed a premium tax on contributions into the state disability fund computed on the same basis as the premium tax paid by private carriers. Died in Senate committee.

SB 1859 (Sutton). Established a simplified procedure which would permit frequent amendment of voluntary plans. Died in Senate committee.

WATER AND POWER

The pressing problems of water and power development before the 1955 session of the legislature, as in previous sessions, fell prey to the landed monopolists and the private power lobby who have consistently over the years employed their efforts to prevent integrated development of our resources. A three-day water and power hearing in mid-April before the lower house sitting as a committee of the whole, rather than clarifying the issues for unity of action, merely served as a sounding board for the pet schemes of the special interests to avoid unified development under the anti-monopoly restrictions of federal reclamation law; more specifically, for the advocacy of a state-sponsored Feather River Project, which, by the State Engineer's own report, is neither financially nor economically feasible.

The refusal of these special interests to relinquish their stranglehold on the various disjointed and scattered water agencies of the state, and their persistence in pressing for the Feather River project as a state project, made it virtually impossible for the 1955 legislature to take positive action toward the solution of the state's menacing water and power problems. By the time the closing gavels fell on the session, not one major issue had been solved.

Efforts to get a clear mandate before Congress in favor of early construction of the Trinity-San Luis project as a federal undertaking, supported by the Federation, fell at the hands of the Feather River supporters, who insisted that provisions for integration of the San Luis dam and the proposed Feather River project be spelled out in detail in Trinity-San Luis authorizing legislation.

The need for consolidation of water agencies into a strong Department of Water Resources,

under a director responsible to the Governor, also ran headlong into the opposition of the special interests in their demand for a department run by a state water board which would be more amenable to pressure group control.

Even in regard to the obvious need for a special session devoted exclusively to water problems, no agreement could be reached.

Good Bills

AB 777 (Lindsay). As passed by the Assembly, created a Department of Water Resources to bring together the functions of scattered water agencies under a Director of Water Resources, appointed by the Governor and responsible to him. Contained provisions, satisfactory to the Attorney-General, which authorized the Department to employ legal counsel to advise the director, represent the department in connection with legal matters before other state boards and agencies, and, when authorized by the Attorney-General, to represent the department and the state in litigation concerning affairs of the department. Died in Senate committee, which favored **SB 1659**, listed under BAD.

AB 1879 (Fleury). As amended and enacted, authorizes municipal utility districts, such as SMUD in Sacramento, to issue bonds under the Revenue Bond act of 1941, to construct hydro-generation facilities and tie-in transmission facilities to carry power generated to load centers. Chapter 1268.

ACR 130 (Coolidge). As adopted by the Assembly, requested the Governor to call a special session on water

and power between January 1, 1956, and the 1956 budget session. Died in Senate committee.

AJR 8 (Henderson). Memorialized the President and Congress to approve necessary legislation for the construction of Trinity River-San Luis Project by Bureau of Reclamation at the earliest possible date. Died in Assembly committee. See also **SJR 25** and **SJR 26**.

AJR 37 (Collier). Urged Congress to suspend further consideration of legislation authorizing the Colorado Storage Project and participating projects, and the Fryingpan-Arkansas Project until the Supreme Court renders a decision on Colorado River water rights in a case presently before it. Resolutions, Chapter 189.

AJR 39 (Allen). Memorializes Congress and the Secretary of the Interior, through the Bureau of Reclamation, to prepare plans and feasibility reports without delay for the furnishing of CVP water to Santa Clara, San Benito, Alameda, Contra Costa and Santa Cruz counties in keeping with the American River Division authorizing act of 1949. Resolutions, Chapter 234. Senate companion, **SJR 33**, was also adopted. Resolutions, Chapter 234.

SB 850 (Harold T. Johnson). Provided for reversion to the General Fund of unexpended and unencumbered money appropriated in 1952 for use in connection with state acquisition of the CVP. Died in Senate committee.

SB 1885 (Collier). As passed by the Senate, was a non-controversial administrative reorganization bill, which insofar as water was concerned, transferred the Division of Water Resources to the Department of Natural Resources.

In the Assembly the bill was amended into a good bill, creating a Department of Resources along the lines of **AB 777**, above, in an effort to by-pass the Senate Committee on Water Resources, which had earlier bottled up **AB 777**, and to get such a measure on the Senate floor for consideration. Following passage in the Assembly it was accordingly transmitted back to the Senate for concurrence in Assembly amendments, which was refused, thereby sending the bill to free conference between the two houses. Attempts to iron out differences during the closing hours of the session failed, and the bill died in conference committee.

SCR 42 (Byrne). As amended and adopted, appropriates \$250,000 to the Joint Committee on Water Problems to contract for an independent review of the financial, economic, and engineering feasibility of the Feather River Project, as proposed in the State Engineer's report. Resolutions, Chapter 253.

Bad Bills

AB 200 (Lindsay). Transferred \$75 million from the General Fund to a Construction and Development Fund to be used by the Water Project Authority, or its successor, "for expenditure for planning, construction, operation, and maintenance of the Central Valley Project." Died in Assembly committee.

AB 293 (Lindsay). Prepared the Water Project Authority with necessary powers to take charge of water development for the state, including the Central Valley Project, either superseding or in addition to the arrangements now made between the United States and irrigation districts. Died in Assembly committee.

AB 781 (Lindsay). In an apparent attempt to negate so-called 9e contracts under reclamation law and to prevent operation of the excess lands provision, required distribution and sale of project water to ultimate users by a city, county, district or other political subdivision or agency of the state, with the water right vesting in the entity making such distribution, in trust for the users thereof. Died in Assembly committee.

AB 1585 (Hansen). As passed by the Assembly, appropriated unexpended funds appropriated in 1952 for possible state acquisition of the CVP, for the acquisition of sites for Oroville Dam and Reservoir and San Luis Dam and Reservoir as proposed in state Feather River Project. In regard to San Luis site, contained a provision to make such site available to the federal government, should Congress authorize construction of the San Luis Dam and Reservoir, but only on "such terms and conditions as shall be agreed upon by the United States and this state for the integration of such project with the State Water Plan." Died on Senate floor. (See also **SB 1171**.)

SB 351 (Dilworth). Provides that when consent is given to federal acquisition of state land, "the legislature and the state reserve jurisdiction over the land, water and use of water with full power to control and regulate the acquisition, use, control, and distribution of water with respect to the land acquired." Aimed at preventing application of excess lands provision under reclamation law in California; raises question whether the federal government could lawfully appropriate money for benefit of water and power development under liberal terms of such law. Chapter 649.

SB 1171 (Byrne). As finally amended and taken up on the Senate floor, was essentially the same as **AB 1585**, except that it carried a \$5 million appropriation for acquisition of Oroville and San Luis dam and reservoir sites, while authorizing the San Luis site to be made available to the federal government "at such time and upon such terms and conditions as shall be mutually satisfactory to the United States and the State of California."

By vote of 26 to 8, the bill was refused passage, 27 votes being necessary to pass an appropriation measure. Following this refusal of passage, Senator Byrne asked

for and received reconsideration of the vote by which passage was refused, and the bill was ordered to third reading file for later consideration. Four days later, on a technical ruling, the bill was ordered transmitted to the Assembly as having been passed by the Senate, after Senator Byrne successfully moved to rescind the action by which the vote on refusal of passage was reconsidered. Died in Assembly committee.

SB 1659 (J. Howard Williams). As amended in committee and sent to the floor of the Senate with a favorable recommendation, created a Department of Water Resources to be administered by a director in accordance with policies, rules and regulations established and adopted by a six-man, pressure group-controlled State Water Board; removed authority of Attorney-General in water litigation. Amended on floor to remove some of the objectionable provisions, but was re-referred to Senate committee, where it died.

SJR 25 (Byrne). Memorialized Congress to proceed with the construction of the Trinity-San Luis project, provided the authorizing legislation contained specific provisions for state acquisition, operation and maintenance of the San Luis unit as part of the state Feather River Project in accordance with detailed conditions specified in the bill. Died in Senate committee.

SJR 26 (Regan). As introduced, was a good bill, memorializing Congress and the President to enact legislation to bring about immediate authorization and construction of the Trinity-San Luis project by the federal government under a plan which would merely permit integration of the project with a state-wide California plan at a later date, without mention of the economically and financially unfeasible Feather River Project being pushed by the excess land holders and the private power interests.

As amended four times in an effort to reach a compromise with the monopoly interests sponsoring **SJR 25**, and as finally adopted by the Senate, contained several bad features: urged that the authorizing legislation itself contain provisions mutually satisfactory to the U. S. and California for integration of the San Luis unit with California State Water Plan, which includes the Feather River Project, and that, in addition, such authorizing legislation require the U. S. to proceed in conformity with state water law so as to avoid the application of federal reclamation law. Died in Assembly committee.

Other Bills

AB 106 (Davis). Created a state Water Facilities Fund to make allocations on a matching basis up to \$3 million

per project to local public agencies for the construction of facilities for conserving and distributing water for domestic, municipal, agricultural or industrial uses. Required prior approval of projects as to engineering and financial feasibility and permitted allocations for projects which would not pay out except upon approval of legislature. Provisions for inclusion of hydro-electric project within the provisions of the bill were deleted prior to passage. Pocket-vetoed by the Governor.

Appropriation measure, **AB 105 (Davis)**, transferring \$12.5 million from the Capital Outlay and Savings Fund to the Water Facilities Fund, was killed in Senate Finance Committee, thus making the program inoperative.

AB 2908 (Backstrand). Provides for the incorporation, organization, dissolution, powers, government and management of water replenishment districts. Chapter 1514.

AJR 6 (Patterson). As amended and adopted, memorializes the President and Congress, the Bureau of Reclamation, and the Army Engineers to take such steps as necessary to make available for underground replenishment, pursuant to state law, flood waters from Friant Dam, which are not subject to contracts, and that such water be made available at the lowest possible cost. Resolutions, Chapter 151.

SB 63 (Berry). Provides that project known as "Coloma Dam and Reservoir" constitutes no part of the State Water Plan; prohibits any permit to appropriate water from being issued by the state for the purpose of a project which will flood the Gold Discovery Site State Park at Coloma unless issuance is specifically authorized by law. Chapter 1583.

SB 1557 (Cunningham). Provides for the recordation of water extractions and diversions in six southern counties. Chapter 1869.

SB 1874 (McBride). Watershed Protection Flood Prevention Law: provides for state payment of costs of local cooperation required by acts of Congress in regard to certain types of watershed flood prevention projects. Chapter 1886.

WORKMEN'S COMPENSATION

The successes achieved by the Federation in liberalizing other aspects of the California social insurance program, namely, unemployment and unemployment disability insurance, were matched only by the successes obtained in the field of workmen's compensation.

The achievements in regard to workmen's compensation are embodied in ***AB 510**, which increases the weekly benefit amount for both per-

manent and temporary disabilities from \$9.75 to \$15, the maximum benefit for permanent dis-

abilities from \$30 to \$35 per week, and the maximum for temporary disabilities from \$35 to \$40 per week. In addition, as detailed below in the summary of ***AB 510**, a complete upward revision of the death benefit structure is accomplished by repealing the former \$3,000 minimum death benefit for total dependencies, and establishing a flat benefit of \$12,500 for widows with dependent children, and \$10,000 for all other cases of total dependencies, while relating such benefits in cases of partial dependencies to four times the amount annually devoted to the support of such dependents.

It is conservatively estimated that ***AB 510** will increase cash benefit payments to injured workers and their dependents by about \$8.5 million each year.

The significance of this dollar increase in benefits, however, can be accurately appraised only within the framework of the months of negotiations and maneuvering that led to the shaping and enactment of ***AB 510** in its final form.

History of Passage

In mid-March, in what perhaps was the key test of strength in the 1955 session, the Assembly Committee on Finance and Insurance gave a "do pass" recommendation to ***AB 510** in its original form, increasing the maximum weekly benefit amount for both permanent and temporary disability from \$30 and \$35, respectively, to \$50 for both, while raising the minimum in both cases from \$9.75 to \$18 per week. Despite sound supporting arguments that the bill merely increased benefits to the level intended by law at a cost to workmen's compensation carriers of less than the amount annually being returned to employers in the form of dividends, and in the face of firm pledges from Assemblymen sufficient to pass the bill on the floor, the opposition succeeded in re-referring the measure to the Committee on Ways and Means on a strict interpretation of a joint legislative rule that the bill carried an implied appropriation. While the contention of an implied appropriation was technically true, this was the first time in the history of the legislature that a workmen's compensation measure of this nature had been referred to the Committee on Ways and Means.

When the bill was heard in Ways and Means, the committee went beyond its authority to con-

sider the minor financial aspects affecting the state, and proceeded to debate the substantive provisions of the bill approved in Finance and Insurance. The measure was amended down to provide a maximum benefit of \$42.50 per week for permanent disability and \$37.50 for temporary disability, while retaining the features with regard to the increase in minimum benefits, and was sent to the floor of the Assembly where it was passed by a roll call vote of 54 to 17. Even these provisions, however, exceeded the limits which the Federation could expect to get past the hostile Committee on Labor on the Senate side.

Pending the hearing of ***AB 510** in Senate Labor, the Federation, therefore, pressed forward with other aspects of its liberalization program and succeeded in securing the passage of six other workmen's compensation bills out of the Assembly Committee on Finance and Insurance: ***AB 509**, increasing the death benefit; ***AB 783**, restricting disability insurance liens against workmen's compensation benefits; ***AB 785**, extending coverage to agricultural workers on a compulsory basis; ***AB 934**, requiring the reimbursement for wage-loss to injured workers forced to submit to additional medical examination by employers, carriers, or the Industrial Accident Commission; ***AB 2198**, permitting a reasonable attorney's fee to be added to an award where an employer's petition to decrease a permanent disability rating became final or was denied; and ***AB 2199**, permitting a flexible penalty up to 10 percent for unreasonable delay or refusal to pay an award. Four of these—**Assembly Bills *783, *934, *2198 and *2199**—were pushed through the Assembly and also sent to Senate Labor, while the other two were trailing closely behind.

During the same interim period, pending the hearing of ***AB 510** in Senate Labor, Governor Knight secured passage of his bill to increase weekly benefits for both permanent and temporary disability by \$5, and succeeded in sending to the Senate floor a watered-down version of his measure to increase death benefits.

Faced with this pressure of bills before them, the employer-insurance carrier combine was forced to seek a settlement of the issues. With the active support of the Governor, who dropped his liberalization bills in favor of the Federation's program, ***AB 510** accordingly was negotiated into final form and enacted into law.

Other Measures

Other major workmen's compensation measures were dropped, including the Federation-sponsored bills mentioned above, and some fifty-odd bad bills sponsored by the employer and insurance carrier groups and the Senate Interim Committee on Labor, which in addition to decimating the occupational disease provisions of the law, would have removed virtually every liberalizing provision enacted into law during the past ten years. The more important of these measures, both good and bad, are listed in small type below in their respective categories.

The only other workmen's compensation bills of significance gaining passage were three measures: **AB 1574**, an agreed bill by the Federation and the state Chamber of Commerce, listed under GOOD, simplifying the procedures for the processing and collection of workmen's compensation claims; and **Senate Bills 1681** and **1685**, also agreed bills, designed to tighten up somewhat on the subsequent injuries provision so as to remove some recognized abuses threatening the continuation of this liberal provision, and prohibiting the commutation of subsequent injury awards. The latter two are listed below without classification, along with a number of other bills enacted which are neither good nor bad.

Bills marked * were sponsored by the Federation

Good Bills

***AB 509 (Maloney)**. As amended in the Assembly Committee on Finance and Insurance and sent to the floor, established a flat death benefit of \$15,000 for a widow with dependent children and \$10,000 for all other dependencies, partial or otherwise, in place of existing flexible benefit of \$3,000 to \$8,750. Amended further on the floor to cut flat death benefit for widow with dependent children from \$15,000 to \$12,500, and re-referred to Assembly Committee on Ways and Means. Dropped in favor of death benefit provisions embodied in ***AB 510**, in accordance with final settlement of workmen's compensation issues.

Senate companion, ***SB 553 (Regan)**, died in Senate committee.

***AB 510 (Maloney)**. As sent to the Assembly floor with a favorable recommendation and subsequently re-referred to the Committee on Ways and Means, increased the minimum weekly benefit amount for both permanent and temporary disability from \$9.75 to \$18, the maximum weekly benefit from \$35 for temporary disability and \$30 for permanent disability to \$50 for both.

As amended in Ways and Means and passed in the Assembly by a roll call vote of 54 to 17, increased the maximum weekly benefit for temporary disability to \$42.50, and the maximum for permanent disability to \$37.50, while keeping the original increase in the minimum weekly benefit to \$18.

As amended in Senate committee to incorporate the 1955 settlement of workmen's compensation issues and signed into law, accomplishes the following:

- (1) Increases the maximum weekly benefit amount payable for a temporary disability from \$35 to \$40; and the maximum payable for a permanent disability from \$30 to \$35;
- (2) Increases the minimum weekly benefit amount payable for an industrial injury, whether permanent or temporary, from \$9.75 to \$15.00;
- (3) Liberalizes and changes the basis for the payment of death benefits to the dependent survivors of a deceased worker by:
 - (a) removing the present \$3,000 minimum benefit applicable to both total and partial dependencies;
 - (b) increasing the present flexible \$3,000 to \$7,000 death benefit payable for total dependency, other than to a widow with a dependent child, to a flat \$10,000, regardless of the earnings of the deceased worker;
 - (c) removing the present 25 percent provision for increasing the death benefit for a widow with a dependent child within the former maximum of \$8,750, and provides for a uniform benefit of \$12,500 to all widows with a dependent child or children; and
 - (d) establishing as the basis for the payment of benefits to partial dependents, four times the annual amount devoted by the deceased worker to the support of such dependents within a maximum of \$10,000; and
- (4) Makes a technical amendment clarifying the duration of temporary disability benefits as not exceeding 240 weeks from the

date of injury, which is presently the law. Chapter 956.

Senate companion to original bill, ***SB 552** (Regan), died in Senate committee.

***AB 513** (Maloney). As amended and given a do-pass out of Assembly Committee on Finance and Insurance, provided for the continuation of benefit payments following the filing of a petition to decrease or terminate the award, until the Industrial Accident Commission has rendered a final decision decreasing or terminating such award. Re-referred to Committee on Ways and Means where it died.

***AB 666** (O'Connell). Increased weekly benefit amount for temporary disability by \$5 for a dependent wife, and \$2.50 for each of first two additional dependents. Died in Assembly committee.

Senate companion, ***SB 556** (Regan), died in Senate committee.

***AB 770** (Unruh). Reduced from 49 to 7 days the required duration of temporary disability for retroactive payment of waiting period. Died in Assembly committee.

Senate companion, ***SB 555** (Regan), died in Senate committee.

***AB 771** (Hawkins). Extended full coverage to all domestic workers on a compulsory basis. Died in Assembly committee.

***AB 783** (Sankary). As passed by Assembly, confined disability insurance indemnity liens against benefits granted under workmen's compensation to liens against temporary benefits only. Dropped in Senate committee.

***AB 785** (Bonelli). Extended full coverage to agricultural workers on a compulsory basis. Received do-pass recommendation by Assembly Committee on Finance and Insurance. Re-referred to Ways and Means where it was dropped.

***AB 789** (Meyers). Provided for rehabilitation training, in addition to all other benefits, in cases where industrial injury causes permanent disability which prevents return to work performed prior to injury. Also provided for weekly benefit payments equal to those for temporary disability during training period. Died in Assembly committee.

Senate companion, ***SB 813** (Richards), died in Senate committee.

***AB 915** (Nisbet). Required employer to show proof of compliance with requirement that he post notice of his insurance carrier or of fact of self-insurance by filing with Director of Industrial Relations copy of posted notice. Tabled in Assembly committee.

Senate companion, ***SB 1267** (Robert I. McCarthy), died in Senate committee.

***AB 934** (Bee). As passed by Assembly, provided that an employee who submits to medical examination at request of employer, insurance carrier, or Industrial Accident Commission, is entitled to all reasonable transporta-

tion costs and reimbursement for resulting wage loss incurred. Dropped in Senate committee.

***AB 1278** (Munnell). Gave injured employee free choice of doctor and medical services, including services of a consulting physician, at the expense of employer or carrier. Died in Assembly committee.

Senate companion, ***SB 814** (Richards), died in Senate committee.

AB 1574 (Fleury). As amended and enacted, embodies agreement negotiated between the state Chamber of Commerce and the Federation regarding procedures before the Industrial Accident Commission. Chapter 1822.

***AB 2198** (Brown). As passed by the Assembly, authorized the Industrial Accident Commission to award a reasonable attorney's fee, to be paid by the employer as additional compensation, where an employer's petition to decrease a permanent disability rating which has become final is denied. Dropped in Senate committee.

***AB 2199** (Brown). As passed by the Assembly, repealed the present flat 10 percent penalty for unreasonable refusal or delay in payment of workmen's compensation benefits, and inserted instead a variable penalty of from 1 to 10 percent; made the penalty applicable only to the amounts which were unpaid rather than to both the unpaid amounts and all amounts previously paid. Dropped in Senate committee.

AB 3536 (Gaffney). Extended full benefit of workmen's compensation law to disaster service workers. Died in Assembly committee.

AB 3763 (Gaffney). As amended and passed by Assembly, extended to disaster service workers medical, hospital and burial benefits presently provided other workers. Died in Senate committee.

SB 198 (Abshire). Governor's benefit bill: Increased maximum weekly benefit amount for temporary disability from \$35 to \$40, and for permanent disability from \$30 to \$35. Passed by the Senate and dropped by Governor in Assembly committee in favor of greater increases embodied in ***AB 510**.

***SB 247** (John F. McCarthy). Governor's death benefit bill: As introduced, provided a death benefit of \$12,000 for all surviving widows, increased by \$1,000 for each dependent child up to a total of \$17,000; restricted existing flexible benefit of \$3,000 to \$7,000 for total dependencies to other cases.

As amended and sent to the floor of the Senate and re-referred to Finance Committee, increased maximum death benefit for surviving widow from \$7,000 to \$9,000, and maximum for widow with dependent children from \$8,750 to \$11,000; retained \$3,000 minimum in such cases. Dropped by Governor in committee in support of more favorable provisions in ***AB 510**.

SB 554 (Regan). Permitted injured worker to select one physician of his own choosing. Died in Senate committee.

SB 1216 (Montgomery). As amended, required employer to pay attorney's fees and disbursements fixed by Commission, in addition to the amount of the award, whenever the injured employee or his dependents win a contested case and the amount of the award is less than \$1,000. Died in Senate committee.

***SB 1582 (Robert I. McCarthy).** As amended, provided for reimbursement for wage loss and reasonable transportation costs for an injured worker who is required to submit to medical examination by the employer or insurance carrier, provided such worker is employed at time he is required to submit to examination. Passed by Senate and dropped in Assembly committee.

Bad Bills

AB 976 (Backstrand). Prohibited an award of additional compensation for serious and wilful misconduct, when such additional award is based upon a condition of the work premises, equipment, or procedures, which has been inspected and approved by the Division of Industrial Safety within 12 months of date of the injury. Died in Assembly committee.

AB 977 (Backstrand). Provided that average weekly earnings figure used in computing the amount of temporary and permanent disability indemnity award shall not be fixed at a sum which would set the average annual earning of the injured worker in excess of his actual earning during the calendar year immediately preceding his injury, thereby limiting both the duration and amount of benefits in some cases. Died in Assembly committee.

AB 978 (Backstrand). Required, as a condition for liability for compensation, that employee, at time of injury, be acting within the course of regular duties of his employment. Died in Assembly committee.

AB 1024 (Levering). Prohibited consideration of subjective symptoms not supported by a preponderance of medical testimony in determining the percentage of permanent disability. Died in Assembly committee.

AB 1025 (Levering). Made existing 25 percent increase in death benefit where there is a surviving widow and one or more dependent children applicable only where the surviving widow is dependent. Died in Assembly committee.

AB 1026 (Levering). As introduced, reduced drastically the duration of benefits at 65 percent of wage loss in cases involving 70 percent or more permanent disability by limiting the duration to 240 weeks in all cases involving 60 percent or more disability; removed provision allowing payments for permanent disability in addition to temporary disability benefits where injury caused both temporary and permanent disability, and permitted only the greater of the two.

Amended to strike first portion of bill relating to limitation on duration of benefits for permanent disability. Died in Assembly committee.

AB 1088 (Fleury). Revised provisions for judicial review of orders, decisions, or awards of the Industrial Accident

Commission so as to permit complete retrial in court instead of merely a review of procedures; made other related changes. Died in Assembly committee.

AB 1191 (McGee). As amended, relieved contractors of the requirement that they file workmen's compensation reports. Re-referred to committee where it died after being sent to the Assembly floor with a favorable recommendation.

AB 1482 (Kelly). Gave Attorney General, on state's behalf, the right to recover from a third person who is not an employer any payments made out of the subsequent injuries fund as a result of injury to employee proximately caused by such person. Died in Assembly committee.

AB 1483 (Kelly). Prescribed statute of limitations of 12 months from date of injury for commencement of proceedings against subsequent injuries fund, except where employee has not commenced proceedings for a permanent disability rating within that period; required that all claims against the fund be litigated concurrently with the employee's claim against the employer for permanent disability rating, under penalty that failure to do so shall be a bar to all further proceedings against the subsequent injuries fund. Died in Assembly committee.

AB 1633 (Morris). Required the Insurance Commissioner, in setting workmen's compensation premium rates, to include a reasonable margin for underwriting profits and contingencies. Died in Assembly committee.

AB 3113 (Levering). Excluded from the definition of a compensable injury any injury or death resulting from (a) acceleration or advancement of existing disease resulting from usual employment activities, (b) trauma incurred from physical assault initiated by employee, or (c) culmination or aggravation of existing physical impairment where culmination or aggravation is the result of a normal bodily movement. Died in Assembly committee.

AB 3114 (Levering). Required special findings of fact as to specified matters upon demand of any party to a proceeding, including the Attorney General on behalf of the subsequent injuries fund, in proceedings where it is claimed that disability resulted from disease either caused or aggravated by the employment. Died in Assembly committee.

AB 3115 (Levering). Required certain special findings in cases where liability is apportioned due to previous permanent disability or physical impairment. Died in Assembly committee.

AB 3116 (Levering). Provided that filing of release or compromise agreement stays proceedings and suspends time within which acts may or must be done pending approval or disapproval thereof. Died in Assembly committee.

AB 3117 (Levering). Provided that in any case where employee has worked intermittently, irregularly, or less than full time during the 52 weeks immediately preceding his injury, it shall be presumed in the computation of compensation that his average weekly earnings do not

exceed one fifty-second of his actual earnings during such period. Would have materially reduced benefits in such cases. Died in Assembly committee.

AB 3377 (Lyon). Added a new chapter to the Code of Civil Procedure regarding the finality of decisions of the Industrial Accident Commission; placed new restriction on the reopening of cases. Died in Assembly committee.

AB 3458 (Kelly). As introduced, prohibited the State Compensation Insurance Fund from actively soliciting the procurement of workmen's compensation insurance.

As amended, permitted public agencies to insure for workmen's compensation with private carriers as well as with the state fund. Referred to interim committee for study.

SB 664 (Grunsky). Added a presumption that death caused principally by coronary or circulatory disease, shall not be deemed to have resulted from an industrial injury unless the heart or circulatory disease was proximately caused by an injury or was suddenly and substantially aggravated by extraordinary force, effort or strain in the course of employment. Died in Senate committee.

SB 999 (Grunsky). Removed liberal construction requirement of the workmen's compensation law, and substituted a requirement for reasonable construction. Died in Senate committee.

SB 1295 (Desmond). Prohibited liberal construction provision from being applied to effect a liberal construction of the facts to which the provisions of the law are to be applied. Died in Senate committee.

SB 1297 (Desmond). Required Industrial Accident Commission, in its findings as to whether permanent disability is due in whole or in part to disease or the aggravation of a disease, to determine the extent and portion of the disease (1) existing prior to injury, (2) attributable to injury, and (3) developed since injury, but independent of it. Died in Senate committee.

SB 1607 (Berry). Established a conclusive presumption that an employee sustained no temporary disability from injury where the injury causes permanent disability and the impairment of the employee's health or physical condition is substantially the same at the same time the disability is determined to have become permanent as it was at the time of injury. Died in Senate committee.

SB 1682 (Abshire). As amended, provided that in any case in which a compensable injury combines with a disease or impairment not caused by such injury, compensation shall be allowed for such disability only in the same proportion that such injury is a cause of such disability; established special procedure to determine above fact upon request of either party. Died in Senate committee.

SB 1683 (Abshire). As amended, provided for apportionment of liability where employee at the time of injury suffered from some previous disease, impairment, or disability, instead of from some permanent disability or

physical impairment. Required special findings in all such cases. Died in Senate committee.

SB 1684 (Abshire). As amended, introduced a completely new concept into the workmen's compensation law with respect to occupational diseases so as to remove, among other things, all heart, lung, arthritic and vascular diseases from possible compensation. Would have nullified provisions of the law and court decisions which have been in existence for many years. Died on floor of Senate.

SB 1686 (Abshire). Defined "disability" as used in workmen's compensation law so as to deny benefits to anyone who suffers a permanent injury or incurs a disease but who is nevertheless able to perform his regular work at full wages. Died in Senate committee.

SB 1687 (Abshire). Redefined "date of injury" in occupational disease cases so as to permit compensation only from date on which disease no longer permits performance of work in the last occupation in which worker was injuriously exposed. Died in Senate committee.

SB 1689 (Abshire). Adversely amended provision relating to occupational diseases arising from one or more employment, the procedure for filing claims thereunder, and the allocation of liability among employers. Died in Senate committee.

SB 1690 (Abshire). Prohibited the payment of benefits for a pulmonary disease or death resulting from exposure to dust, unless during the 10 years immediately preceding the disability or death the injured worker had been exposed to harmful quantities of dust for a total of not less than four years in California employment, and unless the disability or death occurred within two years after the last injurious exposure, except when death follows upon a total disability that occurred within the two years; required employee, when seeking employment, to state place, duration, and nature of previous employment in answer to inquiry by employer. Died in Senate committee.

SB 1691 (Abshire). Authorized parties to a proceeding to waive findings of fact and conclusions of law and written opinion, but in absence of such waiver, required full summary of evidence, statement of grounds upon which determination was made, and evaluation of credibility of witnesses. Died in Senate committee.

SB 1693 (Abshire). As amended, removed liability of employer in cases where injured worker was intoxicated and where injury occurs while the worker is engaged in an act or course of conduct intended by him to injure another person, or characterized by moral turpitude. Died in Senate committee.

SB 1695 (Abshire). Prohibited Industrial Accident Commission from exercising continuing jurisdiction for more than 5 years from date of injury except upon petition or request to reopen served and filed within that period; eliminated provision prohibiting the Commission, in exercising continuing jurisdiction, from finding there was no employment after finding the contrary in the original award and after time to petition for rehearing, reconsideration or review was expired. Died in Senate committee.

SB 1697 (Abshire). Prohibited commutation of compensation if objected to by any interested party until expiration of year from the date on which the permanent disability rating was made. Died in Senate committee.

Other Bills

AB 100 (Maloney). Originally a bad bill, exempting from coverage persons working as part-time gardeners for private dwellings, not regularly exceeding 44 hours a month.

As amended and enacted, exemption is confined to employment by the owner or occupant of such private dwelling so as not to deprive a part-time gardener from recourse under the workmen's compensation law against any other person employing him for injuries sustained in course of employment. Chapter 743.

AB 1502 (Dolwig). As amended and enacted, extends to officers and employees of sheriff's office the presumption that hernia, heart trouble and pneumonia developing or manifesting itself during service arose out of and in course of employment. Formerly, provision was restricted to policemen, firemen and certain other related workers. Chapter 797.

SB 1032 (McBride). As introduced, provided for reciprocity between states regarding coverage of workers, but contained a bad provision which would have denied coverage under California law to a person hired in the state and performing work for a period exceeding six months in a state or country where no reciprocity exists.

As amended and enacted, bad provision is removed. Chapter 1813.

SB 1144 (McBride). As introduced, was a good bill, providing for establishment of a rehabilitation program, under cooperative agreement between the Department of Education and the Industrial Accident Commission, to be financed by a special premium tax on workmen's compensation insurance, to provide rehabilitation training, in addition to all other benefits, for injured workers who file an application within five years from date of injury; limited expenditure per person to \$3,000.

As amended several times and enacted, merely makes a \$25,000 general fund appropriation to the Department of Education for research projects and demonstrations in connection with problems relating to the rehabilitation of industrially dis-

abled workers; prohibits expenditure of such funds without matching federal aid. Chapter 1738.

SB 1681 (Abshire). As amended and enacted, tightens up somewhat on the subsequent injuries provision so as to remove recognized abuses threatening continuation of this liberal provision. Permits payment from subsequent injury fund only if the subsequent injury is 40 percent or more, or only if the subsequent injury is to the opposite or corresponding member, such as the eye, arm, leg, etc. Formerly, an individual who had a pre-existing condition or impairment and incurred a subsequent industrial injury, the combined percentage of which was 70 percent or more, was eligible to receive payments from the subsequent injuries fund regardless of the nature of the subsequent injury. Chapter 1092.

SB 1685 (Abshire). Prohibits the Industrial Accident Commission from commuting to a lump sum, the benefit payable in subsequent injury cases where the aggregate permanent disability is 70 percent or more. Chapter 1093.

SB 1724 (Harold T. Johnson). Amends coverage provisions to clarify exemption of any person performing voluntary services as a ski patrolman who receives no compensation other than use of ski-tow or ski-lift facilities. Chapter 1495.

MISCELLANEOUS

Bills marked * were sponsored by the Federation

Good Bills

AB 512 (Maloney). Permits Superintendent of Public Instruction and Labor Commissioner to cancel work permits issued to minors subject to continuing education, whenever it is found that the conditions for legal issuance do not exist or did not exist; requires revocation if employment is impairing minor's health or if conditions are being violated. Chapter 1460.

***AB 787 (Meyers).** As amended, provided for the licensing of stationary engineers. Referred to interim committee for study.

***AB 788 (Meyers).** As amended, provided for the licensing of plumbers. Referred to interim committee for study.

AB 1335 (Hawkins). Established a program of aid to the needy permanently and totally disabled in accordance with Title IV of the federal Social Security Act; provided for monthly benefit payments up to \$75. Died

in Assembly committee. **AB 901 (Maloney)**, a similar bill but restricting benefits to disabled persons who require "constant and continuous care," also died in committee along with companions to both on the Senate side.

AB 2255 (Masterson). Modifies citizenship requirement for eligibility for aid to the aged to include a noncitizen who has been a resident of the U. S. for 25 years, who was prohibited from becoming a citizen prior to December 24, 1952, who was at least 60 years of age at the time, and who had not committed any overt act against the government. Chapter 1926.

AJR 21 (Maloney). Congratulates the Federal Trade Commission for its efforts to stop the misuse of "California" labels on garments manufactured out of the state, and urges the commission to publish a report on such activities, and to continue its good work. Filed with Secretary of State. Resolutions, Chapter 135.

SB 71 (McBride). As introduced, appropriated \$5.2 million for construction of a rehabilitation facility as part of the UCLA School of Medicine for purpose of engaging in training and research designed to assist persons suffering from disabling injuries or diseases to return to productive employment.

As amended and passed, merely appropriated \$8,000 in augmentation of previous appropriations for preparation of preliminary plans. Pocket-vetoed by the Governor.

SB 398 (Weybret). As amended and enacted, increases aid to aged from \$80 to \$85 per month, and aid to the needy blind and partially self-supporting blind from \$90 to \$95 per month. A Senate provision declaring the \$5 increase to be for medical and health needs was deleted in the Assembly. Chapter 1682.

SB 920 (Donnelly). Prohibits sale of frozen meats or fish other than by weight determined at time of sale on properly sealed scale or beam, except in certain instances, which include frozen packaged meats and fish. Chapter 394.

SJR 31 (Robert I. McCarthy). Urges federal government to provide for the construction of one of the contemplated Forrestal class aircraft carriers in the San Francisco area. Filed with the Secretary of State. Resolutions, Chapter 211.

Bad Bills

AB 175 (Stewart). As amended and enacted, permits state and its political subdivisions, etc.,

to purchase keydriven calculators manufactured by branch plants located outside the U. S. which are owned and operated by a corporation, the majority of whose stock is owned or controlled by an American manufacturer whose principal plants and home offices are in the U. S. Chapter 607.

AB 1233 (Meyers). Prohibited the sale of cigarettes by wholesaler or retailer below cost or as "loss leaders," and specified procedure and method of determining cost. Died in Assembly committee.

AB 2170 (Donald D. Doyle). Provided that when one joint tenant in property dies, leaving unpaid debts, creditors may attach and levy execution on such property to satisfy such debt to the same extent as if decedent were still alive. Died in Assembly committee.

AB 2286 (Hegland). Provided that members of county planning commissions, to be eligible for office, must be engaged in farming and receive at least 50 percent of their annual income from farming. Died in Assembly committee.

AB 2478 (Backstrand). Required the PUC, in setting rates and charges of street railroad corporations, inter-urban railways and bus lines, to allow a net return of at least six percent of gross revenues derived from the operations to which the rates and charges apply; established quick procedure for changing rates. Died in Assembly committee.

SB 674 (Erhart). As amended and passed by Senate, amended Unfair Practices Act to make each sale or use of a product as a "loss leader," regardless of whether or not purpose is to injure competitor or destroy competition, a separate violation of the act. Died in Assembly committee.

SB 1107 (Miller). As amended and enacted, permits purchase of office machines or supplies by public bodies from outside the state or country, provided purchase contracts conform to Section 4334 of the Government Code, which, among other things, requires a cost differential of more than five percent. Chapter 1335.

SB 1650 (Collier). Exempts from definition of "wharfinger," and thereby exempts from PUC regulation of public utilities, a corporation or person operating or managing a dock used by a vessel to facilitate the receipt of liquid commodities, i.e., oil. Chapter 1090.

SB 1651 (Collier). Exempts from definition of "warehouseman," and thereby from PUC regulation of public utilities, corporations or persons

owning or operating structures in which only liquid petroleum commodities in bulk are stored to facilitate transportation or loading and unloading. Chapter 1091.

SJR 29 (Dilworth). Proposed a federal constitutional convention to rewrite the amendment provisions of the

U. S. constitution so as to make it easy for state legislatures to amend the federal constitution. Under guise of state's rights, would have made it possible for only 12 state legislatures to place a constitutional amendment before the various state legislatures for ratification, while making all acts of proposals or concurrence by the states non-revocable. Adopted in Senate by roll call vote of 25 to 6. Died in Assembly committee.

STATE OFFICERS AND MEMBERS OF THE 1955 LEGISLATURE

Governor—Goodwin J. Knight, State Capitol, Sacramento

Lieutenant Governor—Harold J. Powers, Eagleville

President Pro Tempore of the Senate—Ben Hulse, El Centro (succeeded the late Clarence C. Ward)

Speaker of the Assembly—L. H. Lincoln, Oakland

Speaker Pro Tempore of the Assembly—Thomas A. Maloney, San Francisco

SENATORS

Party	Dist.	City	Party	Dist.	City
Abshire, F. Presley	R 12	Santa Rosa	Johnson, Ed. C.	R 10	Marysville
Berry, Swift	R 9	Placerville	Johnson, Harold T.	D 7	Roseville
Breed, Arthur H., Jr.	R 16	Oakland	Kraft, Fred H.	R 40	San Diego
Brown, Charles	D 28	Shoshone	McBride, James J.	D 33	Ventura
Burns, Hugh M.	D 30	Fresno	McCarthy, John F.	R 13	San Rafael
Busch, James E.	R 4	Ukiah	McCarthy, Robert I.	D 14	San Francisco
Byrne, Paul L.	R 6	Chico	Miller, George, Jr.	D 17	Richmond
Cobey, James A.	D 24	Merced	Montgomery, Robert I.	D 27	Hanford
Collier, Randolph	R 2	Yreka	Murdy, John A., Jr.	R 35	Huntington Beach
Coombs, Nathan F.	R 11	Napa	Parkman, Harry L.	R 21	Woodside
Cunningham, James E.	R 36	San Bernardino	Regan, Edwin J.	D 5	Weaverville
Desmond, Earl D.	D 19	Sacramento	Richards, Richard	D 38	Los Angeles
Dilworth, Nelson S.	R 37	Hemet	Short, Alan	D 20	Stockton
Donnelly, Hugh P.	D 22	Turlock	Sutton, Louis G.	R 8	Maxwell
Dorsey, Jess R.	R 34	Bakersfield	Teale, Stephen P.	D 26	West Point
Erhart, A. A.	R 29	Pismo Beach	Thompson, John F.	R 18	San Jose
*Farr, Fred S.	D 25	Carmel	**Ward, Clarence C.	R 31	Santa Barbara
Gibson, Luther E.	D 15	Vallejo	Way, A. W.	R 3	Eureka
Grunsky, Donald L.	R 23	Watsonville	***Williams, Dale C.	D 1	Alturas
Hulse, Ben	R 39	El Centro	Williams, J. Howard	R 32	Porterville

*Took office May 23, 1955.

**Died May 9, 1955.

***Died May 12, 1955.

ASSEMBLYMEN

Party	Dist.	City	Party	Dist.	City
Allen, Bruce F.	R 29	San Jose	Johnson, Seth J.	R 56	Los Angeles
Backstrand, L. M.	R 71	Riverside	Kelly, H. W.	R 39	Shafter
Beaver, Jack A.	R 73	Redlands	Kilpatrick, Vernon	D 55	Lynwood
Bee, Carlos	D 13	Hayward	Klockslem, Herbert R.	R 44	Long Beach
Belotti, Frank P.	R 1	Eureka	Lanterman, Frank	R 48	La Canada
Bonelli, Frank G.	D 52	Huntington Park	Levering, Harold K.	R 60	Los Angeles
Bradley, Clark L.	R 28	San Jose	Lincoln, L. H.	R 15	Oakland
Brady, Bernard R.	D 22	San Francisco	Lindsay, Francis C.	R 6	Loomis
Brown, Ralph M.	D 30	Modesto	Lowrey, Lloyd D.	D 3	Rumsey, Yolo Co.
Burke, Montivel A.	R 53	Alhambra	Luckel, Frank	R 78	San Diego
Caldecott, Thomas W.	R 18	Oakland	Lyon, LeRoy E., Jr.	R 75	Fullerton
Casey, J. Ward	R 76	Brawley	Maloney, Thomas A.	R 20	San Francisco
Chapel, Charles Edward	R 46	Inglewood	Marsh, William F.	R 42	North Hollywood
Clarke, George A.	R 31	Planada	Masterson, S. C.	D 11	El Cerrito
Collier, John L. E.	R 54	Los Angeles	McCollister, Richard H.	R 7	San Anselmo
Conrad, Charles J.	R 57	Sherman Oaks	McFall, John J.	D 12	Manteca
Coolidge, Glenn E.	R 27	Felton	McGee, Patrick D.	R 64	Van Nuys
Cunningham, Rex M.	D 37	Ventura	McMillan, Lester A.	D 61	Los Angeles
Dahl, Walter I.	R 16	Piedmont	Meyers, Charles W.	D 19	San Francisco
Davis, Pauline L.	D 2	Portola	Miller, Allen	D 41	San Fernando
Dickey, Randal F.	R 14	Alameda	Morris, G. Delbert	R 63	Los Angeles
Dills, Clayton A.	D 67	Gardena	Munnell, William A.	D 51	Montebello
Dolwig, Richard J.	R 26	Redwood City	Nielsen, Roy J.	R 9	Sacramento
Donahoe, Dorothy M.	D 38	Bakersfield	Nisbet, Eugene G.	D 72	Upland
Doyle, Donald D.	R 10	Lafayette	O'Connell, John A.	D 23	San Francisco
Doyle, Thomas J.	D 45	Los Angeles	Pattee, Alan G.	R 34	Salinas
Elliott, Edward E.	D 40	Los Angeles	Patterson, Roscoe L.	R 35	Visalia
Erwin, Thomas M.	R 50	Puente	Porter, Carley V.	D 69	Compton
Fleury, Gordon A.	R 8	Sacramento	Rees, Thomas M.	D 59	Los Angeles
Gaffney, Edward M.	D 24	San Francisco	Rumford, William Byron	D 17	Berkeley
Geddes, Ernest R.	R 49	Claremont	Sankary, Wanda	D 79	San Diego
Geddes, Samuel R.	D 5	Napa	Schrade, Jack	R 80	El Cajon
Grant, William S.	R 70	Long Beach	Shell, Joseph C.	R 58	Los Angeles
Hansen, William W.	R 33	Fresno	Smith, H. Allen	R 43	Los Angeles
Hawkins, Augustus F.	D 62	Los Angeles	Stanley, Earl W.	R 74	Balboa Island
Hegland, Sheridan N.	D 77	La Mesa	Stewart, A. I.	R 47	Pasadena
Henderson, Wallace D.	D 32	Fresno	Thomas, Vincent	D 68	San Pedro
*Hobbie, Don	R 4	Oroville	Unruh, Jesse M.	D 65	Los Angeles
Holmes, James L.	R 36	Santa Barbara	Weinberger, Caspar W.	R 21	San Francisco
			Wilson, Charles H.	D 66	Los Angeles

*Died May 7, 1955.

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