

# The Sacramento Story



1957

*LABOR and the*  
*LEGISLATURE*

# LABOR LEGISLATION

**REPORT ON  
1957 REGULAR SESSION OF THE  
CALIFORNIA LEGISLATURE**

*January 7 to 25, and March 4 to June 12*

**1957**

*Issued by*

**CALIFORNIA STATE FEDERATION OF LABOR**

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Secretary and Legislative Representative

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# REPORT ON LABOR LEGISLATION

1957 Regular Session of the California Legislature

January 7 to 25, and March 4 to June 12

## FOREWORD BY THE SECRETARY

Measured against previous sessions of the California Legislature, the 1957 session clearly stands out in retrospect as one of the most successful and productive of labor legislation advances in the eighteen years of experience of your secretary-treasurer as legislative representative.

Both in terms of defensive actions and positive accomplishments, the array of victories borders on the impressive side even to those of us who during the session were so embroiled in the "forest" of bills as not to be able to see, evaluate or place in proper perspective the progress being made. The briefest of capsule summaries would show: substantial and in many respects, far-reaching improvements in all three phases of California's social insurance programs, i.e., unemployment insurance, unemployment disability insurance and workmen's compensation; defeat of all major efforts to restrict these programs; enactment of a workable "health and welfare disclosure" measure; and finally, defeat of all other major legislation adverse to the workingman, including a Senate bill jabbing at the collective bargaining structure and seeking to end trade union organizing activities. While it is not possible, or perhaps even desirable to measure or think of the advancements in terms of dollar benefits, official figures nevertheless indicate that improvements in the social insurance programs alone could bring to workers in the state close to \$41 million dollars a year in additional benefits.

The accomplishments at the 1957 session, however, cannot be properly evaluated by a mere accounting of bills enacted or defeated or by totaling the dollar values placed on those bills. The significance lies, rather, in the political framework from which they were wrested. Just as the 1957 session was one of the most productive in your secretary's legislative experience, so was it the most trying, and in many respects the most hectic in his experience. With hindsight, it can be seen that there was no single cause of this, but rather that there was a series of contributing factors producing it.

To start with, labor entered the session with an unprecedented number of endorsed legislators in both houses as a result of effective political action at the polls in the November 1956 general election. Labor accordingly had a right to assume an air of cautious optimism in the organization of both

houses of the legislature. This, however, was soon shattered on the Senate side with the organization of the Senate. Not only did labor fail to gain a more balanced committee than in previous years in the appointment of the all-important Labor Committee, but in some respects, the composition of the committee appointed placed it even more rigidly under the control of employers than previous committees, with labor able to count on only two of seven votes where a majority of four was needed. But what was more important was the expanded jurisdiction granted the Senate Labor Committee. Whereas in previous years the Senate Labor Committee handled all workmen's compensation bills and other Labor Code changes, at the 1957 session it was also given all unemployment insurance and unemployment disability insurance bills, which theretofore had been processed by the Committee on Social Welfare. Thus, virtually everything of major importance to organized labor had to be channeled through the Senate Labor Committee, which was heavily weighted against the workingman.

Many of the problems of the 1957 session, therefore, can be attributed to this fact of existence of an all-powerful, hostile Senate Labor Committee, which had to be circumvented, either directly or by negotiated agreements on major legislation, i.e., unemployment insurance and disability insurance, if any progress was to be made. But there were other factors contributory to the elusive nature of the session. Not least among these was the emergence of "partisan politics" to a degree greater than ever experienced before. To the extent that this encouraged responsibility to party platform, it was a development to be desired. But to the extent that it produced political maneuverings for the

sole purpose of party advancement unrelated to issues or platforms—and unfortunately this was the case in most instances—it was a very disruptive development that necessitated over and over again the complete revamping of tactics put together with painstaking care by the Federation to secure an objective.

Another related and contributing factor to the hectic nature of the session was the apparently large number of legislators “running for office,” who wanted to keep their records clear of controversy. Unfortunately, everything labor strove for seemed to be controversial.

These, in brief, appeared as the major factors that shaped the political environment of the 1957 session for labor. Needless to say, it was the unpredictability of the session that confused and made the task difficult, for there was only one constant that labor could depend upon and that was the dedicated reactionarism of the controlling group in the Senate Committee on Labor. It was primarily by overcoming these obstacles that the achievements detailed in the body of this report, section by section, were actually realized.

## MAJOR DEVELOPMENTS

### Workmen's Compensation

Improvements in workmen's compensation benefits will contribute an estimated \$8.3 million a year to the overall social insurance benefits package won at the 1957 session of the legislature. The gains include:

- (1) An increase in the maximum weekly benefit payable for temporary disabilities from \$40 to \$50;
- (2) A boost from \$35 to \$40 in the maximum weekly benefit for permanent disabilities; and
- (3) Substantial increases in the death benefit: from \$12,500 to \$15,000 for total dependencies involving a dependent child; from \$10,000 to \$12,000 for all other total dependencies, plus a like increase in the maximum death benefit for partial dependencies.

The session-long struggle to obtain these benefits is detailed in the preface to the Workmen's Compensation section of this report. In a very real sense, the story of that struggle epitomizes the nature of the 1957 session, and as such is necessary reading for the understanding of the session.

### Unemployment Disability Insurance

The far-reaching improvements won in unemployment disability insurance benefits match in every respect the successes obtained in workmen's compensation legislation. As pointed out in the body of the report, the advances reflect for the first time a break in the “combined lobby” composed of groups who invariably work together to oppose labor's legislative programs. The essential problem in securing the improvements won was one of holding on to advancements negotiated earlier in the session with private insurance carriers, who were pulled away from the combined lobby. The unremitting pressure of the employers to whittle away at those improvements because of their precedent-setting effect on unemployment insurance and workmen's compensation, made it virtually impossible to rejoice in victory at any time during the session right up to its closing hours.

Among the major improvements in the state's pace-setting unemployment disability insurance law are the following:

- (1) An increase in the maximum weekly benefit from \$40 to \$50;
- (2) A boost in the daily hospital benefit from \$10 for a maximum of 12 days to \$12 for a maximum of 20 days;
- (3) Repeal of the so-called 75 per cent eligibility rule which has heretofore disqualified many seasonal workers; and
- (4) Confinement of disability insurance liens against workmen's compensation benefits to liens against temporary disability benefits.

As a means of financing these benefit increases, it was found necessary to boost the taxable ceiling on wages for purposes of worker contributions from \$3,000 to \$3,600 a year. This means that workers earning over the taxable wage ceiling will be contributing \$6 more a year in support of the improvements won.

On the other hand, in terms of added benefits to be enjoyed, the official estimate of the Department of Employment is that these will amount to approximately \$11.1 million a year under the state plan, plus about an equal amount from voluntary plan carriers, totaling over \$22 million.

## Unemployment Insurance

The improvement of unemployment insurance benefits at the 1957 session of the legislature, although less spectacular than in the case of workmen's compensation and unemployment disability insurance, was nevertheless far above average as compared to previous sessions. The increase won in the maximum weekly benefit from \$33 to \$40, without the imposition of harsher eligibility provisions as urged by the employers, will yield an estimated \$11.1 million annually in added benefits to qualified claimants.

This increase, obtained in the face of the power of the employer lobby to block any bill in the Senate Labor Committee, was made possible only by utilizing to the maximum extent possible the leverage gained from effective action in other related fields of social insurance legislation. This made the difference between the substantial increase won and the few dollars increase that would have otherwise been obtainable.

## Major Anti-Labor Legislation

In regard to anti-labor legislation, the 1957 session produced a thinly veiled substitute for so-called "right to work" proposals. Although the Federation was spared the introduction of such an "open shop" proposal for the second straight session, primarily because of the Governor's message asserting strong disapproval, the anti-labor groups instead climbed on a bill by Senator Abshire (AB 2229), supposedly aimed at stopping what was vaguely referred to as "organizing from the top." The purpose of the bill, however, could only be measured by the fact that it required a representation election before any contract could be negotiated or signed, without in any way establishing the machinery for such elections. Nor was there any intent to establish such machinery. Its ultimate purpose, like that of all extremist anti-labor legislation, including "right to work," was the undermining of labor unions to the point of rendering them ineffective, while at the same time giving the outward appearance of recognizing their right to exist.

There was no stopping the bill in the Senate Labor Committee, but, as detailed in the body of the report, the Federation undertook an "educational" project that stopped the bill cold before it could even be taken up on the floor of the Senate.

## Other Legislation

Apart from legislation striking at the body of the trade union movement, there were other major defensive victories. These included: defeat of the cigarette tax and beer excise increase proposed by the California Teachers Association as an expedient means of obtaining increased state school aid; rejection and referral to interim committee of the Business and Professional Women's efforts to emasculate the women's eight-hour law; bills allowing virtually unrestricted use of prison labor; and other measures providing special tax concessions for industrialists and the wealthy, to mention only a few.

On the other hand, some basic legislation supported by organized labor was also rejected. Chief among these was the defeat again of fair employment practices legislation on the Senate side. It is significant, however, that the chief bottleneck—the Senate Committee on Labor—was effectively sidestepped to obtain a roll call on the issue on the Senate floor, which will be useful in future campaigns to enact such legislation.

On the positive side, secondary to the major accomplishments already mentioned, the number of other Federation-sponsored or supported bills enacted are in themselves evidence of a favorable legislative year. In addition to a workable program for the regulation of employee health and welfare plans, bills were passed to: liberalize the various social welfare programs, including the establishment of new categories of aid; permit state contributions into trustee health and welfare funds; eliminate abuses of the contractors' licensing law and strengthen prevailing rate provisions for public employees on public construction projects; extend child care centers on a permanent basis; increase substantially state school aid in accordance with the "equalization" principle; and strengthen the state's equal-pay law for women.

In still other areas of special interest to affiliated organizations where progress was made, the accomplishments are reported in considerable detail by appropriate subject matter in the body of the report, along with other bills of general interest to the working people of this state.

## LABOR'S FRIENDS

Needless to say, labor could not have emerged from the 1957 session of the legislature as success-

fully as it did without the support of a solid core of legislators friendly to the trade union movement. To these legislators, and particularly to those who carried labor's bills and took the lead in fighting labor's many battles in and out of committee where actions are out of view of the public, and also on the floor of the legislature, we are greatly in debt. The only adequate method of demonstrating our gratitude is by "reward at the polls."

For this purpose, to help us select our friends for reward, we include at the end of this report the usual tabulation of roll call "test votes" on the floor of the respective houses of the legislature. These tabulations, however, cannot be taken as conclusive, for a good portion of the legislative process is embodied in the work of committees where most bills are disposed of without reaching the floor. Prior to the end of the year, therefore, the Federation will publish a supplemental list of committee votes for use in conjunction with the floor test votes in the 1958 elections. Here, too, there are limitations on use, since committee roll calls are not officially published and many issues are determined by voice votes.

There are other limitations on the floor test votes at the end of this report, in addition to the life and death functions of the committee. In situations such as existed in the 1957 session, where one committee, namely the Senate Labor Committee, stood in the way of all important labor legislation, it was necessary to proceed either by compromise to get through the committee, or else go around it. Obviously, where settlements were negotiated, as in the case of unemployment insurance and unemploy-

ment disability insurance, there are no test floor votes. Despite these limitations, the test votes in the report should be of considerable assistance in selecting our friends.

Finally, I wish to express my appreciation for the full cooperation extended by affiliated organizations who had occasion to send representatives to Sacramento, and also for the effective work done by organizations that undertook to help us in our work in Sacramento by communicating labor's positions on key measures to their representatives. I especially call to your attention the invaluable work of President Thomas L. Pitts, who saw the session through daily from beginning to end, together with Vice President Harry Finks and Chief Counsel Charles P. Scully and the remainder of the legislative staff. Without their untiring efforts, and the assistance of representatives of affiliated organizations who worked through the Federation office during the entire session—Wayne Hull of the Painters, George Mulkey of the Electrical Workers, Vern Cannon of the Teamsters, Don Henry of the Teachers, and Al Albertoni and Fred Smith of the Fire Fighters—the mammoth legislative assignment of the Federation could not possibly have been carried forward. The continuous availability of the Federation's legislative committee for guidance — Vice Presidents Arthur F. Dougherty, chairman, Harry Finks, Pat Somerset, Robert S. Ash, and Lowell Nelson—was also of immeasurable assistance.

Fraternally submitted,

C. J. HAGGERTY

# SUMMARY AND REPORT ON LEGISLATION

## ALCOHOLIC BEVERAGES

Of significance in this area of legislation was the defeat of a number of overzealous efforts to correct "abuses" in the industry without affording adequate protection to licensees and their employees. The bills falling in this category were numerous. We list below only a few, together with other traditionally antagonistic bills defeated.

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

### Good Bills

**AB 1961 (Weinberger and others).** As amended and enacted, makes it a misdemeanor, punishable by at least a \$100 fine, for a person to sell or furnish any person under 21 years of age false or fraudulent written, printed or photostatic evidence of majority and identity, and for any person under 21 to have such fraudulent evidence in his possession. Chapter 1274.

**AB 3126 (Pattee and Holmes).** Permitted as a defense in a criminal prosecution or disciplinary proceedings for the sale of liquor to a minor, proof that the appearance of the person under 21 years of age was such that any reasonable person would have considered him to be over 21. Died in Assembly committee.

**SB 1715 (Burns and Brown).** As amended and enacted, allows occasional inspection and cleaning by beer manufacturers and wholesalers of beer taps and tapping equipment installed in retail on-sale premises; declares this to be an interpretation of existing law. Chapter 258.

**SB 1720 (Burns).** As amended in the Senate and passed, permits issuance of on-sale liquor license to Shattuck Hotel in Berkeley. Chapter 2303.

### Bad Bills

**AB 1965 (Weinberger and others).** Made sale of liquor in excess of 3.2 alcoholic content, except beer, within one mile of grounds of state colleges or junior colleges as measured by access roads, instead of airline miles, a misdemeanor; permitted sale in existing licensed premises, but prohibited transfer of license to another premise within the prescribed area. Died in Assembly committee.

**AB 1967 (Weinberger and others).** As introduced, gave party aggrieved by decision of Department of Alcoholic Beverage Control only ten days, instead of forty days, after the decision is delivered or mailed to appeal to the Alcohol Beverage Control Appeals Board. As passed by

the Assembly, provided for a 21-day appeals period. Died in Senate committee.

**AB 3039 (Wilson and others).** Made it a misdemeanor for off-sale licensee or agent or employee to sell, give away or deliver alcoholic beverages between the hours of 2:00 a.m. Sunday and 6:00 a.m. Monday. Died in Assembly committee.

**AB 3612 (Winton and others).** Prohibited off-sale establishments, under penalty of misdemeanor, from being open before 10:00 in the morning and after 8:00 p.m. on weekdays except Saturdays, in which case closing time was set at midnight; required Sunday closing. Died in Assembly committee.

**AB 3661 (Bee and others).** Under penalty of misdemeanor, required closing of off-sale premises between 8:00 p.m. and 10:00 a.m. the next day, and between 8:00 p.m. Saturday and 10:00 a.m. Monday. Died in Assembly committee.

**ACA 29 (Weinberger and others).** As introduced and sent to the floor of the Assembly, gave a judicial review proceeding of orders of Alcoholic Beverage Control Appeals Board priority over all other civil business except election causes, irrespective of position of the court's calendar; prohibited court from granting stay pending judgment in cases in which Department has revoked a license and the Alcoholic Beverage Control Board has reaffirmed the Department's decision; permitted granting of stay in other cases, but only after notice of motion had been given to the parties in the proceedings, and after notice and hearing thereon; permitted legislature to provide for a different type of judicial review. Successfully opposed by the Federation on the Assembly floor and amended to restrict contents to giving judicial review proceedings priority over all other civil business except election causes irrespective of position of the court's calendar. As such, passed the Assembly by roll call vote of 63-7 following the rejection of several re-referral motions, but was killed on the Senate floor.

**SB 1056 (Cunningham).** Originally a skeleton bill amended in the Senate to drastically restrict the number of on-sale liquor licenses in accordance with a new formula based on grouping of counties into four classes by population and a sliding scale for determination of allowable licenses. Died in Senate committee.

**SB 1668 (Collier).** As introduced, extended present exemption from licensing requirement of persons bringing specified amounts of liquor into the state for personal



and household use to Mexican liquor, and deleted requirement that liquor be brought in on board steamship, common carrier or air common carrier. Amended to reinsert the requirement that liquor be brought in by common carrier, etc. for other than Mexican liquor and to place several restrictions on the amount of liquor that could be brought in from Mexico. As such, bill was sent to interim committee for study.

**SB 1677 (Desmond).** As passed by the Senate, was a very bad bill permitting any on-sale licensee whose premises are properly equipped and maintained to sublet the sale and service of the meals required as a condition of the license, provided the licensee remains responsible for any violations of the Alcoholic Beverages Control Act, caused or permitted by the lessee on the licensed premise. Made less objectionable in the Assembly by amendment by restricting the subletting or concession of foods to hotels or motels of 75 rooms or more, which are licensed and equipped to serve food. As such, was passed by Assembly and enacted into law. Chapter 1922.

**SB 2613 (Hollister).** Originally was companion to AB 3039 requiring all day closing of off-sale establishments on Sunday. Amended to require afternoon closing on Sunday. Tabled by unanimous action in Senate committee.

### **Other Bills**

**AB 1948 (Rees and Conrad).** As amended and enacted, defines "club" for purposes of Alcoholic Beverages Control Act to restrict club license to sale of alcoholic beverages to only its members and its bona fide guests. Chapter 618.

**AB 1949 (Rees and others).** As amended and enacted, clarifies the law relating to the issuance of caterers' permits: permits veterans' club licensee to apply for such caterer's permit; provides that caterer's permit issued to on-sale licensee may be used for purposes presently provided by law for events held any place in the state authorized by the Department; specifies that licensee with a caterer's permit may exercise only those privileges authorized by his license; provides for different fee for caterer's permit issued to club and veteran's club licensees. Also provides that license issued on premises owned by state or public agencies are exempt from payment of original license fee other than annual fee and are not transferable. Chapter 1149.

**AB 1953 (Conrad and Thomas J. Doyle).** Consolidates provisions regarding the employment of females in on-sale liquor premises. Chapter 1268.

**AB 1957 (Johnson and others).** Provides that on-sale license fee of golf club shall be the same as fee for retail package off-sale general license rather than club license. Chapter 618.

**AB 1962 (Weinberger and others).** As introduced and passed by the Assembly, made it a misdemeanor for any on-sale licensee, whether knowingly or not, to permit a person under 21 to consume liquor on the premises; made it a misdemeanor likewise for person under 21 to enter or remain in a licensed premise without lawful business. As amended in the Senate and enacted, contains a minimum fine of \$100 on the misdemeanor penalty and provides that the on-sale licensee must knowingly permit a person under 21 years of age to consume liquor on the premises, but contains a confusing provision that to "knowingly permit" consumption is irrespective of whether or not the licensee has knowledge that the person is under the age of 21. Chapter 2152.

**AB 2634 (Hawkins).** Authorizes sale of alcoholic beverages during school district elections. Chapter 2351.

**AB 2993 (Hawkins).** Eliminates restriction on alcoholic content of beer sold within certain distances from schools. Chapter 526.

**AB 3006 (Biddick).** As amended, specifically authorized the Department of Alcoholic Beverages Control to refuse the issuance of both on-sale and off-sale retail licenses for premises located within at least 600 feet of schools and public playgrounds. Refused passage on Assembly floor by roll call vote of 28-38.

**SB 863 (Desmond).** Declared that it is not contrary to public welfare to issue off-sale retail license within the immediate vicinity of churches, hospitals, schools and children's public playgrounds. Passed Senate by roll call of 21-17 and died in Assembly committee.

**SB 1098 (Regan).** As amended and passed by the Senate, permitted issuance of new on-sale general license for seasonal business for a period not to exceed nine months in any single calendar year to premises located in recreational areas where there is a temporary increase in population and an increased demand for food and alcoholic beverages during certain periods of the year. Died in Assembly committee.

**SB 1310 (Desmond).** Provides that 2:00 a.m. closing time for bars on the day when daylight saving time goes in effect or goes off, shall mean two hours after 12:00 o'clock p.m. of the day preceding the day such change occurs. Chapter 569.

**SB 1719 (Burns).** As enacted, broadens services which manufacturers, wine growers, manufacturers' agents, rectifiers, distillers, etc. may provide in connection with retailing of their products. A provision permitting them to stock shelves was deleted prior to passage, after the Governor had vetoed **AB 1467** containing a similar provision. Chapter 1768.

## APPRENTICESHIP

### Good Bills

**AB 780 (Henderson).** Provides that only apprentices as defined in the Shelley-Maloney Act who are in training under apprentice standards and written apprentice agreements under the Shelley-Maloney Act shall be employed on public works; requires that such employment be in accordance with the provisions of apprenticeship standards and apprenticeship agreements. Chapter 699.

### Bad Bills

**SB 519 (Hollister).** As introduced, permitted high schools and junior colleges, in accordance with standards of the State Board of Education and implementing rules and regulations of the Department of Education, to establish work experience education courses for credit, defined to include employment of pupils in any part-time jobs selected or approved as having educational value and assignment of pupils to observe and assist in business, industrial or professional establishments and institutions under supervision of persons charged with aiding the pupils to understand the nature of such operations; exempted such work experience education from minimum wage orders of Industrial Welfare Commission where specified conditions prevailed: required workmen's compensation coverage of students exempt from minimum wage orders; provided, except in cases of assignment of pupil to observe and assist in business, industrial and professional establishments and institutions, that part-time work experience jobs may be arranged within or without the hours of the regular school day or week; made related changes regarding work permits and reporting of a.d.a. for apportionment purposes. Amended in Assembly to restrict work experience education to employment of pupils in part-time jobs selected or approved as having educational value for the students employed and coordinated by school employees, specifying that

work experience education involving apprenticeable occupations shall be consistent with the Shelley-Maloney Act and with standards established by the California Apprenticeship Council. Assembly amendments also deleted the exemption from minimum wage orders and required that all laws or rules applicable to minors and employment relationships to be applicable to students enrolled in work experience education courses. Despite these substantial improvements in the bill, a veto was requested by the Federation in that a work experience program is presently being developed by the Department of Employment and should not at this point be transferred to the Department of Education. Signed into law. Chapter 1571.

Assembly companion, **AB 967** (Munnell and others), was likewise amended to conform to **SB 519** and was dropped in the Assembly Committee on Ways and Means.

## BARBERS AND COSMETOLOGISTS

Bills marked \* were sponsored by the Federation

### Good Bills

**AB 57 (Thomas J. Doyle).** Required State Board of Barber Examiners to issue a certificate of "registered instructor" to any applicant who satisfactorily passes an examination with the score of 75 per cent or who possesses other qualifications required by law. Died in Assembly committee.

**\*AB 520 (Thomas J. Doyle).** Required state Board of Barber Examiners to inspect and approve a barbershop for location and sanitary conditions prior to issuance of a certificate for operation; increased the fee to be paid by an applicant to conduct a shop from \$3.00 to \$50.00. Dropped in favor of **AB 583** (Bonelli) enacted into law.

**\*AB 521 (Thomas J. Doyle).** Provided for the issuance of two licenses by the state Board of Cosmetology: one for shop manager to any person making application with at least two years' service as a licensed manager-operator in a licensed cosmetological establishment in which all of the occupations of hairdresser and cosmetician or cosmetologist are practiced; and one for an apprentice to any person who makes application to the Board in writing. Died in Assembly committee.

**\*AB 522 (Thomas J. Doyle).** Abolishes classification of permanent waver and designates present licensees as hairdresser and cosmetician. Chapter 493.

**\*AB 523 (Thomas J. Doyle).** Required as a condition of license for cosmetological establishment that application

be accompanied by diagram of floor plan and that the establishment be inspected and approved, and have no less than 30 square feet per operator. Died in Assembly committee.

**AB 583 (Bonelli).** As introduced, prohibited Board of Barber Examiners from issuing certificate to conduct a barber shop unless owner gives 30 days notice to the Board before opening for purposes of inspecting the barber shop as required by law; prohibited issuance of certificate unless shop complies with applicable requirement of Business and Professions Code and regulations of the Board; increased from \$3.00 to \$50.00 the fee to be paid by an applicant to conduct a barber shop.

As amended and enacted, the fee increase is labeled as an inspection fee and increased from \$3.00 to \$25.00, instead of from \$3.00 to \$50.00; also establishes a restoration fee of \$5.00 for expired licenses. Chapter 865.

**AB 3422 (Meyers and Gaffney).** Requires applicant for registration certificate to operate a new barber college to offer sufficient proof to state Board of Barber Examiners that the new barber college in the area will not be detrimental to the public welfare; establishes criteria for determination of what is detrimental to the public welfare, requiring consideration of need in relation to (a) economic character of the community, (b) adequacy of existing barber shops and barber colleges in the community, (c) ability of community to support the proposed college, (d) character of adjacent communities and extent to which establishment of college would draw patrons from adjacent communities, and (e) social and economic effect of establishment of college on the community where proposed and on adjacent communities. Chapter 1065.

**SB 638 (Short).** Increased from \$5,500 to \$6,550 the annual salary of members of state Board of Barber Examiners. Died in Senate committee.

**SB 1557 (Gibson).** Modernizes and regroups without any substantive change, portions of Business and Professions Code relating to barbers; groups causes for disciplinary action within one article, but drops specific listing of malpractice or incompetency as a cause for disciplinary action. Chapter 915.

**SB 1753 (Miller).** Provided for the licensing of apprentice hairdressers and cosmeticians or cosmetologists and abolished the position of junior operator; prescribed qualifications for apprenticeship and allowed each shop to employ one apprentice and one additional apprentice for

each two licensed hairdressers over two. Died in Senate committee.

**SB 2043 (Kraft).** As introduced, was a bad bill allowing greater employment of apprentice barbers by permitting a shop to employ apprentices in the ratio of one apprentice for each registered barber working in the shop.

As amended and enacted, contains an absolute restriction of two apprentices to a shop. Chapter 351.

**SB 2051 (Kraft).** Required state Board of Cosmetology to inspect a proposed cosmetological establishment before the issuance of any license. Died in Senate committee.

**SB 2052 (Kraft).** Requires every cosmetological establishment to provide one public toilet room for its patrons, and adequate hand-washing facilities, including running water, soap and approved sanitary towels; sets the requirements for toilet facilities. Chapter 389.

**SB 2565 (Richards).** Prohibited a barber college from charging a fee of more than 15 cents for each service offered to a customer. Died in Senate committee.

### **Bad Bills**

**AB 1253 (Marsh).** Allowed cigars or tobacco to be sold in a barber shop without requiring a partition. Died in Assembly committee.

**AB 3681 (Busterud).** As amended, exempted from Cosmetology Act persons giving occasional and isolated demonstrations or educational programs to improve the professional education of hairdressers and cosmeticians or cosmetologists who hold certificates issued pursuant to the laws so long as the demonstrations or programs are for specified purposes. Referred to interim committee for further study.

**SB 1113 (Miller).** Eliminated examination requirement for reinstatement of cosmetologist's license not renewed within 5 years after its expiration. Died in Senate committee.

**SB 2044 (Kraft).** Allowed an apprentice to practice barbering in the absence of a registered barber when such absence is for good cause and for a reasonable period of time. Died in Senate committee.

### **Other Bills**

**AB 113 (Thomas J. Doyle and Stewart).** As introduced, was a bad bill: provided that requirement of two years' experience as registered barber for issuance of instructor's certificate may be satisfied, as alternative, by passing practical demonstration of barbering; specified that required examination must be oral and written; and provided that when

both practical and theoretical examinations are taken, only one examination fee be paid. As enacted, reestablishes requirement of two years' experience as a registered barber and also requires that the examination be written and oral on the theory of barbering. Chapter 488.

**AB 201 (McMillan).** As introduced, was a bad bill: provided that diploma, certificate, or certification from any accredited school, college or university in any state, rather than diploma or certificate from California public schools system or by state accredited elementary school, constitutes proof of eighth grade education, as required for barber's license. As amended and enacted, accepts as conclusive evidence of eighth grade education a diploma or certificate or certification duly issued by the issuing authority of the appropriate unit of any state public school or any elementary or secondary school in this or any other state, establishing that the individual has at least an eighth grade education; empowers the Barbers' Board to accept a certification or certificate of equivalency issued by a California elementary or secondary school establishing that a person has at least the equivalent of eighth grade education. Chapter 440.

**SB 287 (Gibson and others).** As amended and enacted, places six months' limit on time members of Board of Cosmetology may serve after expiration of term; defines conviction and authorizes the Board to suspend, revoke or decline license after such conviction; provides that right to practice is suspended on adjudication or commitment to a state hospital or other mental hospital because of mental illness, and provides conditions for restoration of such right, including necessary protections in cases of voluntary commitment; makes other technical and clarifying changes. Chapter 2062.

**SB 512 (Gibson and others).** As amended and enacted, provides a conviction of crime involving moral turpitude, rather than felony, is cause for disciplinary action, and that record of conviction or certified copy is conclusive evidence of conviction; defines conviction and authorizes Board of Barber Examiners to suspend, revoke, or decline certificate after such conviction; provides that right of certificate holder to practice is suspended on adjudication or commitment to a state hospital or other mental institution because of mental illness, and provides for restoration of such right with protections in cases of voluntary commitments. Chapter 2067.

**SB 1111 (Miller).** As introduced, was a bad bill eliminating examination for reissuance of barber's or apprentice barber's certificate after five years' retirement from practice of barbering. As amended in an acceptable form and enacted, requires Barbers' Board to give every certificate holder 30 days' advance notice of the regular renewal date and 90 days' advance notice by registered mail of the expiration of the fifth year that a renewal fee has not been paid, including statement that examination will be required if renewal is not accomplished before expiration of fifth year. Permits Board to satisfy 30-day notice requirement by giving written notice to each barber shop 30 days in advance of regular renewal date. Specifically requires examination as condition of reinstating certificate where renewal fee has not been paid for five years, except where no examination was required in the issuance of the original certificate. Also prohibits requirement of examination for reinstatement if the certificate was forfeited solely by reason of non-payment of the renewal fee if such non-payment was for less than five years. Chapter 1625.

**SB 1308 (Desmond).** As amended and passed by both houses, provides that no more than one member, rather than no member, of state Board of Cosmetology may have any connection with a school of cosmetology; makes teacher of cosmetology eligible for appointment to Board; removes prohibition to graduates of the same school of cosmetology being Board members at the same time; requires cosmetology school to offer courses devoted to each branch or practice of cosmetology and permits the Board to establish the courses to be offered by the schools; revises provisions on school attendance records, grading and examinations. Vetoed by Governor.

**SB 1556 (Gibson).** As amended and enacted, prohibits any new member of state Board of Barber Examiners from serving more than three consecutive four-year terms; provides also that if successor to member of Board is not appointed, member shall serve until new member appointed qualifies, but not longer than six months after expiration of term. Chapter 1034.

**SB 1558 (Gibson).** As enacted, amends various sections of the code relating to the practice of cosmetology: allows either training or practice outside of state for such period as Board may specify as a method of qualifying for a license as an electrologist, rather than requiring both training and practice as formerly provided; provides if cosmetological establishment practices only electrology, it shall be in charge of a licensed electrologist, rather than

licensed hairdresser or cosmetician; requires every person employed in school as instructor in electrolysis to be licensed electrolysis instructor; deletes provision that conviction of felony constitutes cause for disciplinary action, and provides record of conviction or certified copy is conclusive evidence of conviction of crime involving moral turpitude; eliminates provision that Board may bring disciplinary action for any unfair or unjust practice which in its judgment justified such action; deletes a number of obsolete provisions. Chapter 1711.

**SB 1634 (Miller).** As introduced, was a bad bill repealing provisions creating state Board of Barber Examiners and related sections. As amended into acceptable form and passed, merely requires that Governor's appointments to state Board of Barber Examiners be confirmed by the Senate. Vetoed by Governor.

**SB 2045 (Kraft).** As amended and enacted, requires an applicant for certificate to practice barbering, who practiced in another state and who does not submit a valid license from another state or country, to produce affidavits from at least two persons stating that the applicant has practiced as a barber in another state or country for a period of at least two years within the last five years immediately prior to filing his examination. Former law required applicant to file his own affidavit. Chapter 1811.

**SB 2558 (Desmond).** As amended, authorized inspection of examination papers of unsuccessful applicants for certification of registration to practice cosmetology and required state Board of Cosmetology to mail grades to each person taking examination; prohibited the secretary of the state Board of Cosmetology from being a licensee of the Board. Referred to interim committee for further study.

## CHILD CARE CENTERS

Bills marked \* were sponsored by the Federation

### Good Bills

**AB 136 (Ernest R. Geddes and others).** As amended and enacted, makes state-supported child care centers program permanent; makes eligible for admission child of parent who requires not to exceed twelve months of education or training to qualify

for entrance upon employment that will make the family economically self-sufficient; increases the amount of allowable total monthly family income for establishing eligibility of child for admission; revises fee schedule for increased fees for families with excess income. Chapter 182.

Companion Senate measures, **SB 85 (Richards)** and **SB 2078 (Kraft)**, were held in Assembly committee following Senate passage to give precedence to **AB 136** as the Kraft-Geddes-Richards Act.

\***AB 208 (Porter and others).** As amended, installed merit system of employment for non-teaching or non-supervising employees similar to the system for employees of school districts in positions not requiring certification. Referred to interim committee for further study.

\***AB 209 (Porter and others).** Established state-supported child care centers on a permanent basis. Dropped in support of **AB 136**, which was enacted into law.

**AB 1733 (Masterson).** As introduced, deleted provision making certain provision relating to the retirement of child care center employees inapplicable to persons whose district service has been brought under Social Security Act unless all non-certificated employees of the district are covered by said act. As amended and enacted, contains original provision, and in addition, makes technical changes to assure proper application of the amendment and to provide that any person covered by the provisions of the bill shall be given the option as to whether or not he shall be a contract member of the State Employees Retirement System. Chapter 1238.

**AB 2788 (Ernest R. Geddes and others).** As amended and enacted, gives child care center employees who were formerly employed in a position requisite for membership in a local retirement system and had employees' contributions returned when employed by the child care center, the right to elect repayment of withdrawn funds in accordance with a specified formula, and in so doing to receive credit under the employees' retirement system, as state service, for all prior service rendered while not a member of such plan. Chapter 1369.

## CIVIL RIGHTS

On the positive side in this area of legislation, the overriding issue was fair employment practices legislation. The Federation again this session joined in the all-out effort of the California Committee for Fair Employment Practices, together with other civic minded groups, to support **AB 2000 (Hawkins)**, a full-fledged FEPC measure based on effective and practical legislation in other states.

Following the pattern of two years ago, **AB 2000** moved swiftly through the Assembly by roll call vote of 61-15, and ran headlong into the reactionary

Senate Labor Committee, which two years earlier had tabled the 1955 FEPC bill. Although history was to repeat itself, the California Committee for Fair Employment Practices worked diligently at the local level building grass roots support for **AB 2000** among the constituents of senators on the Labor Committee. It was this pressure that undoubtedly produced the divisive tactic of Senator John McCarthy who introduced **SCA 41**, proposing the submission to the voters of a constitutional amendment containing the provisions of **AB 2000**. It was clear from the outset, that this amendment was introduced as a "face-saving" political gesture to kill FEPC for the session, with full knowledge that the forces behind FEPC legislation could not muster adequate finances to counter the large sums that would be spent to defeat and confuse the issue in a ballot measure as proposed in **SCA 41**. Accordingly, the FEPC Committee opposed **SCA 41**, which was happily tabled at Senator McCarthy's request by the Senate Labor Committee, which at the same time tabled **AB 2000**.

Following this defeat in Senate Labor, FEPC supporters began working to bypass this committee. Since the Senate has an historic policy against withdrawal of bills from its committees, the only alternative to bypassing the Senate Labor Committee was to "hijack" a Senate bill on the Assembly side by proper amendment, so that it would go directly to the Senate floor on the question of concurrence in Assembly amendments. The vehicle used in the closing days of the session was **SB 1955** (Short), relating to the 8-hour law for minors. Assemblyman Hawkins successfully moved the amendment of watered-down, unlawful employment practice provisions of **AB 2000** into the bill by roll call vote of 49 to 14, following rejection of a motion to table the Hawkins amendments.

On the Senate floor, Senator Regan, who was handling the Short bill, sought concurrence on the Assembly amendments. Senator John McCarthy, however, countered with a motion to table, which carried by roll call vote of 21-13, with six absentees. Although the struggle for the session ended here, the floor test vote in the Senate will serve as a political issue for election campaigns next year, which in turn will enhance eventual passage of FEPC legislation by the Senate.

Again this year, the only positive measure on the subject passed at the 1957 session was an AFL teachers-sponsored measure (**SB 2566**—Richards), following up on an FEP policy bill for teachers passed last year, and providing for state commissions to assist and advise school districts on problems relating to discriminatory practices in the hiring of teachers.

On the negative side of legislation in this field, the story is in the number of "bad" bills listed below that would have given overzealous law enforcement officers far-reaching powers relating to searches and seizures, arrest warrants, etc., opening the door for abuse and destruction of cherished and essential civil rights. The more dangerous of these bills were defeated, while others were drastically amended to delete the most destructive provisions.

### Good Bills

**AB 367 (Elliott and others)**. As introduced and passed by the Assembly without opposition, declared policy of the state that rental of real property, leased or sold after acquisition in a redevelopment project or improved as part of such project, shall not be restricted on the basis of race, color, religion or national origin; required agencies to obligate lessees and purchasers from so restricting rentals. Died in Senate committee.

**AB 639 (Elliott and others)**. Amended the Veterans Farm and Home Purchase Act to prohibit a veteran, while still making purchase payments pursuant to a contract with the Veterans Department, from executing or filing for record any instrument which imposes a restriction upon the sale or occupancy of the property in question on the basis of race, creed, or color; provided for enforcement by accelerated payments in cases of violations. Died in Assembly committee.

**AB 758 (Elliott and others)**. As amended, prohibited state-owned colleges or university or student authorities from recognizing for official campus activity any student organization which restricts membership on the basis of race, color, religion or national origin. Died in Assembly committee.

**AB 1150 (Rumford and others)**. As introduced, provided for suspension of credentials for three years of any certificated school employee charged with the responsibility of interviewing and recommending persons for employment in certified positions who refuses to recommend any applicant for such a position by reason of race, color, religious creed or national origin; also made person liable in civil damages in an amount not less than \$500 and in addition guilty of a misdemeanor. As amended and passed by the Assembly by roll call vote of 49-14, after rejection of a motion to refer to interim committee, contained revised penalty provisions providing simply for suspension of credentials and misdemeanor penalty. Tabled in Senate Committee on Labor.

**AB 1685 (Rumford and others).** Made it unlawful to discriminate in any publicly assisted housing because of race, creed, color or national origin; specified discriminatory practices and defined publicly assisted housing combinations in which such practices are prohibited. Died in Assembly committee.

**AB 1920 (Hawkins).** Required Department of Employment to undertake and report to legislature and Governor on studies and recommendations on means to reduce unemployment due to racial and religious discrimination. Died in Assembly committee.

**AB 2000 (Hawkins and others).** California Fair Employment Practices Act supported by all liberal forces, including State Federation of Labor. As introduced, declared that opportunity to seek, obtain and hold employment without discrimination on account of race, creed, color, national origin or ancestry is a civil right, and specified what constituted unlawful employment practices, including unlawful practices of labor unions; created five-member State Fair Employment Practices Commission, appointed by Governor and confirmed by Senate, to formulate policies and make recommendation to effectuate purposes of the act, and specified methods of removal of commissioners, terms of office and powers and duties of commission; authorized commission to hold hearings and issue orders to correct discriminatory employment practices or prevent their occurrence; provided that final orders of the commission shall be subject to judicial review, except orders against the State of California, which were to be reviewed by the Governor; made violations a misdemeanor; exempted employers of five or less, social clubs, fraternal, charitable, educational and religious associations or corporations not organized for profit and persons in home domestic service or in the employment of parent, spouse or child.

As passed by the Assembly virtually without opposition by roll call vote of 61-15, the original provisions relating to enforcement and judicial review were rewritten to place greater emphasis on methods short of issuance of orders to correct discriminatory situations and to establish more elaborate procedures for hearings prior to issuance of orders. Amended in Senate to exempt agricultural employees and was set for hearing together with SCA 41 (John McCarthy), a constitutional amendment paralleling AB 2000. Tabled in Senate committee.

**AB 2001 (Hawkins and others).** Carried unspecified appropriation for administration of Fair Employment Practices Act proposed in AB 2000. Died in Assembly Ways and Means Committee.

**AB 2690 (Beaver).** Declared public policy to minimize racial or group prejudice or discrimination by fostering improved relationships and eliminating intolerance and fear; established a 16-man appointive, non-partisan civil rights commission, two members of which were to be representatives of labor unions; prescribed scope of studies and required commission to report annually to the Governor and the legislature with regard to discriminatory practices and need for remedial legislation. Died in Assembly committee.

**AB 2939 (Burton).** Prohibited applicants for teaching positions from being asked questions other than provided in Education Code regarding political party registration, religion, race, color or marital status. Died in Assembly committee.

**AB 2941 (Burton and others).** As introduced, made it a felony to overhear or record by means of electronic or other device any communication without permission of all parties thereto, or to install device with intent to do so, or to aid, abet, or procure either; made evidence so obtained inadmissible in any proceeding except suit or prosecution for violation of the act. Amended several times to permit such overhearing and recording of communications when a court order is issued pursuant to specified procedures added to the bill. As so amended, was referred to interim committee for further study in the Assembly.

**AB 3148 (Hawkins).** Made it a misdemeanor, punishable by a fine of not more than \$500, for an employer to refuse to employ or to continue to employ any person solely on the basis of age, sex, race, religion or national origin of such person. Died in Assembly committee.

**AB 3372 (Samuel R. Geddes and others).** Prohibited discrimination against any person or class of persons on the basis of race, religion, sex or marital status in making appointments under the state Civil Service Act. Died in Assembly committee.

**AB 3979 (Hawkins).** Created State Commission on Discrimination in Housing and made it unlawful for the owner, lessee, sub-lessee, assignee or managing agent of publicly assisted housing accommodations to refuse to rent or lease or otherwise to deny to or withhold from any person or group of persons such housing accommodations because of the race, creed, color, national origin or ancestry of such person or persons. Died in Assembly committee.

**SB 176 (Farr and others).** As amended and enacted, makes punishable as felony, eavesdropping on, or recording of, conversation between person in custody of public officer or on property of public agency and such person's attorney, religious advisor, or physician, without permission of all parties to conversation; makes exception for telephone company employees in testing and servicing equipment. Chapter 1879.

**SB 1738 (Miller).** Prohibited school districts from requiring photographs of applicants for teaching positions. Died in Senate committee.

**SB 1746 (Miller).** Authorized Attorney General to investigate local school district practices to determine whether the persons responsible for recommending teachers for employment by school board are discriminating against applicants because of race, color, religious creed or national origin. Died in Senate committee.

**SB 1955 (Short).** Originally a skeleton bill amended in Senate to exempt from the 8-hour law for minors the

employment of any minor by engineers engaged in survey work as part of a survey crew in the field. As such, was passed by the Senate. Amended in Assembly committee to restrict exemption to minors over 16 years of age engaged in such work and sent to Assembly floor, where it was amended by roll call vote of 49-14, after rejection of tabling motion, into a Fair Employment Practices bill containing the essential unlawful employment practice provisions of AB 2000 tabled in Senate Committee on Labor but a few weeks earlier. The amended bill, carrying a \$200 misdemeanor penalty for violation, was then passed by the Assembly by roll call vote of 28-21 and returned directly to the Senate floor in the closing days of the session, for concurrence in Assembly amendments, thereby avoiding the Senate Committee on Labor which had blocked previous FEP proposals. The Assembly amendments were defeated when the bill was laid on the table by roll call vote of 21-13. (The original provisions of the bill relating to the exemption of minors engaged in survey work from the 8-hour law for minors were inserted into SB 1084. See LABOR CODE—GENERAL.)

**SB 2353 (Richards).** FEP bill similar to AB 2000. Died in Senate committee.

**SB 2566 (Richards).** Permits the state Board of Education, upon recommendation of Director of Education, to establish in the Department of Education a commission to assist and advise local school districts in problems relating to racial, religious or other discrimination in connection with the employment of certificated employees. Chapter 1853.

### Bad Bills

**AB 229 (Luckel and others).** As amended and enacted, changes date of commencement of period for which public employees must answer questions regarding past knowing membership in any organization which advocates forceful or violent overthrow of a state or United States government or regarding present or past knowing membership in the Communist Party, from September 10, 1948 to October 3, 1945; requires public employees to answer questions regarding present personal advocacy of support of a foreign government against the United States in event of hostilities between said foreign government and the United States. Chapter 2106.

**AB 1857 (McGee).** As introduced and passed by the Assembly, was a very bad bill relating to the law of arrest, removing some basic protections against arrests without warrants. As amended in the Senate and enacted, is a completely revised bill, containing a few minor objectionable provisions, and writing into statute a number of court decisions relating to the law of arrest. Chapter 2147.

**AB 2577 (Bradley).** As introduced, permitted peace officer, retail merchant, or merchant's employee who has probable cause for believing that goods stolen from establishment open for business can be recovered, to take suspect person into custody for a reasonable length of time for that purpose; permitted peace officer to arrest without warrant person he has probable cause to believe has stolen goods held for retail sale while establishment is open. As passed by the Assembly after several amendments, contained requirement that the stolen goods be in the personal possession of the person accused and held in custody. Amended again in the Senate to remove even this inadequate protection, but was referred to interim committee for further study.

Senate companion, **SB 577 (Cobey)**, secured passage in the Senate by a roll call vote of 21-7, but was dropped on the Assembly side and used instead for an entirely different purpose.

**AB 2853 (Stewart).** Required persons convicted of felonies or certain other offenses to be registered with the chief of police or sheriff if intent is to stay in any city or county for a period of more than five days. Died in Assembly committee.

**AB 3684 (Don A. Allen).** Exempted from liability, a peace officer who makes arrest without warrant, if he is acting within the scope of his employment. Died in Assembly committee.

**AB 3849 (Francis).** As introduced, was a skeleton bill relating to the sale of obscene and indecent literature to minors. Amended into a bad bill increasing the penalty for unlawful sale, and to include within the prohibition the publishing of any booklet, pamphlet or magazine that contains drawings, except editorial drawings, showing human blood or bloodshed incident to crime of violence, including, for example, the drawing of a dismembered human body or a human victim of violence lying in a pool of blood. Amended again several times and finally sent to interim committee for further study.

**AB 4158 (Francis).** Made it a misdemeanor to sell, offer for sale, etc. literature of the kind described in AB 3849 (Francis). Carried a statement of legislative finding that such publications are a clear and present danger in the state. Referred to interim committee for further study.

**SB 233 (Busch).** Dispensed with requirement relating to the execution of search warrants that officer give notice of his authority and purpose prior to breaking into a house, if such officer has reason to believe such notice would frustrate the search, increase his peril or permit destruction of evidence. Refused passage on Senate floor by roll call vote of 13-23.

**SB 234 (Busch).** Prescribed as sufficient for issuance of a search warrant an affidavit stating the information was obtained from a reliable informant; provided that the identity of the informant need not be revealed if public interest would suffer. Refused passage on Senate floor by roll call vote of 14-17.

**SB 235 (Busch).** Provided that a search warrant may



be served night or day without present supporting affidavits of positive belief that property is on person or in the place. Refused passage on Senate floor by roll call vote of 6-23.

**SB 236 (Busch).** Modified requirement relating to the return of search warrants to provide that when an officer delivers to the magistrate the written inventory of the property or things taken, such return need not be made publicly or in the presence of the person from whose possession it was taken and of the applicant for the warrant. Died on Assembly floor.

**SB 237 (Busch).** As passed by the Senate by roll call vote of 23-10, modified provisions relating to the grounds on which search warrants may be issued by referring in some instances to "things" as well as "property" proposed to be seized; by referring to property or things used as a means of committing a public offense, rather than just a felony; by eliminating provisions dealing specifically with casks, bottles and other packages bearing trademark possessed with fraudulent intent; and by providing that the warrant may be issued when the property or things consist of any item or constitute any evidence which tends to show a public offense has been committed or that a particular person has committed or intends to commit an offense; also eliminated provisions relating to specific types of property, those governing the place or person from whom the property may be taken, and provided generally that the property or things may be taken from any place or from any person having possession. As amended in the Assembly and enacted, the bill was made less bad by striking the nebulous reference to public offense and restoring "felony". Chapter 1884.

**SB 1334 (Coombs).** Provided that in any criminal action, all evidence which is otherwise competent, relevant and material is admissible, irrespective of the manner in which it was obtained. Died in Senate committee.

**SCA 41 (McCarthy and others).** Introduced late in the

session. This measure proposed the submission to the voters of a constitutional amendment embracing the fair employment practices provisions of **AB 2000** (Hawkins), which at the time of the introduction of **SCA 41** was pending before the Senate Committee on Labor. Tabled by the same Senate committee along with **AB 2000**. **SCA 41** is listed as bad because it was introduced for the sole purpose of blocking **AB 2000**.

### Other Bills

**ACA 37 (O'Connell and others).** As introduced, would have repealed anti-subversive oath required of all public officers and employees. Amended to modify present oath requirement to eliminate the negative aspects and reassert the oath in a positive form. Referred to interim committee for further study.

**SB 927 (Regan).** Originally a skeleton bill, amended in the Senate to prohibit the bugging of rooms or vehicles without the consent of the person having the primary right of possession to the room or vehicle; also prohibited bugging of any building without conspicuous sign informing occupants, or the bugging of any public property, including streets or other open area, as well as any enclosure, without posting visible notice; made violation of above a misdemeanor, and exempted from such provisions bugging devices used by regularly salaried peace officers who are expressly authorized to do same by their office or department or district attorney in such cases when bugging is necessary in the performance of their duties in detecting crime and in the apprehension of criminals. Provided that the exemption shall not render otherwise illegally obtained evidence admissible in any judicial proceeding. Vetoed by Governor.

**SB 928 (Regan).** Originally a skeleton bill, amended in the Senate to provide that the Public Utilities Commission shall issue regulations requiring telephone companies to maintain complete and public records of all instances in which the company discovers bugging devices over its lines, and to also require the PUC to regularly check telephone companies to determine whether or not they are taking adequate steps to insure the privacy of communications. Chapter 1899.

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## CONSTRUCTION AND CONSTRUCTION WORKERS

Apart from an overall record public works program valued at almost \$500 million, contained in the 1957-58 budget and supplementing measures, the 1957 session produced substantial advancements for building tradesmen. Not least among these were the improvements made in the contractors' licensing law in the direction of protecting construction workers from "fly-by-night" operators. Two improvements are embodied in Federation-sponsored bills: **\*AB 399** (Miller), removing the so-called "paper licensing" provision whereby licenses are issued in the name of individuals not responsible for

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real operation; and **\*AB 400** (Miller), establishing a disqualification period for persons convicted of operating without proper license.

In the area of "prevailing rate" legislation, although a Federation bill **\*AB 192** (Wilson) requir-

ing the inclusion of health and welfare contributions in the determination of "prevailing rates" failed in the Senate Labor Committee after passage by the Assembly, other less comprehensive but beneficial bills were enacted. As reported under STATE, COUNTY AND MUNICIPAL EMPLOYEES, Federation bill \*AB 257 (Donald D. Doyle) permits state contributions into trust funds for group life and disability insurance, and another bill, introduced at Governor Knight's insistence, AB 1267 (Nielsen), gives the State Personnel Board power to authorize payments into private funds for health and welfare benefits for non-permanent state employees hired as laborers, workmen and mechanics.

Limited progress was also made in labor's effort to reverse a State Personnel Board decision of a year ago whereby a number of prevailing rate positions occupied on a permanent basis were transferred to monthly range positions paying lower rates. An outright repealer bill, AB 2411 (Nielsen), failed on its last hurdle in the Senate, but a resolution calling for review and reversal was adopted. These bills are also reported under STATE, COUNTY AND MUNICIPAL EMPLOYEES. The adverse Personnel Board decision as it applied to the San Francisco harbor was reversed in SB 1648 (Robert I. McCarthy), reported under HARBORS.

On the negative side, the Federation was successful in correcting many bills that either exempted public works from competitive bidding requirements or removed public work done by day labor from the prevailing rate provisions of the Labor Code. The bills in this category are too numerous to mention except for the few listed as examples below.

Bills marked \* were sponsored by the Federation

### Good Bills

\*AB 192 (Wilson). As passed by the Assembly without opposition, provided that employer contributions for health and welfare, pensions, and vacations shall be included in determining the prevailing rate of per diem wages on all public works falling within the scope of Section 1720 of the Labor Code. Tabled in Senate Committee on Labor.

\*AB 370 (Don A. Allen). Required of applicants for contractor's license, as a condition of issuance, and of contractor licensees prior to the commencement of activity, the filing of a \$25,000 bond issued by an admitted surety insurer insuring the risk of personal injury, when engaging in the business of wrecking or demolition of structures. Died in Assembly committee.

\*AB 399 (Miller). As amended and enacted, removes in contractors' licensing law, the so-called "paper licensing" provision whereby the contractor's license is issued in the name of an individual who is not responsible for the conduct of the real operations; requires that the applicant for license be a bona fide employee with a legitimate relationship to the organization for whom he is carrying the license with the resultant interest and responsibility in the activities of such contractor. Chapter 720.

Senate companion, \*SB 345 (Robert I. McCarthy), died in Senate committee.

\*AB 400 (Miller). As enacted, disqualifies from taking contractor's license examination for a period of six months from date of conviction unless the licensing registrar finds good cause to waive disqualification, a person convicted of engaging in the contracting business without a license or participating in a joint venture on separate license. Chapter 1104.

Senate companion, \*SB 220 (Robert I. McCarthy), died in Senate committee.

\*AB 401 (Miller). Provided that no contractor may maintain any court action on any contract, or have a suspended or revoked license renewed, unless he maintains surety or a cash bond to insure employees against loss of wages or benefits; required licensee to post a bond or have his license suspended where he employs or associates with specified individuals. Died in Assembly committee.

Senate companion, \*SB 466 (Arnold), died in Senate committee.

AB 640 (Hawkins). Required builders to furnish owner, prospective owner or other contracting party, a surety bond covering the price of the contract to insure prompt payment of labor and materials used in the performance of work and also in the sum of 25 percent of the contract price to cover faulty workmanship by reason of any improper or defective or inferior materials used in the project which may appear within two years of date of completion; exempted contracts of less than \$500 and prohibited builder from obtaining a completion signature prior to actual completion of project. Related only to dwelling units and provided misdemeanor penalty for violations. Died in Assembly committee.

AB 1452 (Hanna). As amended, provided that so much of the funds received by a contractor or subcontractor under any contract as are necessary to pay for materials, labor, services, etc. rendered in connection with the contract, shall be placed in a trust fund by the contractor or subcontractor and used exclusively for the payment of such material, labor or service; contained felony penalty for conviction of violation and prohibited application to any contractor or subcontractor with respect to any con-

tract if a good and sufficient bond is deposited with the registrar to cover materials, labor and services supplied in connection with the contract. Referred to interim committee for further study.

**AB 1453 (Hanna).** As amended, made it grounds for disciplinary action against a contractor for refusal to comply with the reasonable request of the Registrar of Contractors to conduct an examination of all records, contracts, documents, etc. required to be kept by contractors for a period of three years. Referred to interim committee for further study.

**AB 1516 (Belotti).** Repeals Labor Code section which establishes the exclusive penalties and remedies against contractors for violation of the Code regarding payment of general prevailing rates, thereby allowing other remedies against such a violator. Chapter 396.

**AB 1517 (Belotti).** As amended and enacted, provides that the \$10.00 per day penalty for paying a workman less than the stipulated prevailing rate for public works may be recovered in a court action initiated by the awarding body or the Division of Labor Law Enforcement to the extent that there is insufficient money due a contractor to cover all penalties forfeited; establishes statute of limitations for filing of such suit. Chapter 397.

**AB 1518 (Belotti).** Provides that Division of Labor Law Enforcement may assist in the defense of an action brought by a contractor for recovery of amounts withheld as penalties or forfeitures for violation of a contract for public work. Chapter 398.

**AB 1519 (Belotti).** Requires that the stipulation that a contractor shall forfeit \$10.00 for each workman employed in the execution of a contract by a contractor or subcontractor for each calendar day during which such workman, rather than any workman, is required or permitted to work more than eight hours a day in violation of the article relating to working hours be inserted by the awarding body in any contract for public work, rather than any contract, the execution of which involves or may involve the employment of workman upon a public work; makes other technical changes. Chapter 399.

**AB 3060 (Donald D. Doyle).** As introduced, required licensing of any person who advertises himself as a contractor, regardless of whether his operations as a builder are otherwise exempted from the contractors' licensing law. As enacted, contains an additional provision making it a misdemeanor to falsely advertise as a contractor without holding a valid license. Chapter 948.

**AB 3394 (Crawford and others).** Required two-ton or heavier trucks used by contractors to display the name of such contractor, his address and primary contracting license number and his primary contracting classification or classifications for which he is licensed. Died in Assembly committee.

**AB 3881 (MacBride).** As amended and passed, required cities and counties, as a condition precedent to the issuance of any building permit, to require applicant, unless specifically exempt, to submit evidence that he or his agent or representative is licensed to perform the work covered by the application; prohibited issuance of permit unless evidence is submitted. Vetoed by Governor.

**SB 1562 (Gibson and others).** Provides that when any contractor's license has been suspended or revoked, any additional license issued in the name of the licensee or for which he furnished qualifying experience and appearance may be suspended or revoked without further notice. Chapter 1712.

### **Bad Bills**

**AB 190 (Elliott).** Originally a skeleton bill, amended to give a person who engages in the business or acts in the capacity of a contractor without knowledge that a license is required or that his license has expired the right to bring or maintain an action in a state court for the collection of compensation for the performance of the illegally performed work. Referred to interim committee for further study.

**AB 2107 (Brown).** Added provision relating to actions against sureties on contractor's bonds on public works for labor or materials and supplies and reasonable attorneys' fees, to provide that no action shall be filed against sureties until 60 days after the notice of claim is given to the surety or sureties. Died in Assembly committee.

**AB 3709 (Biddick).** Exempted school district bids from specifying the general prevailing rate of per diem wages and the rate of holiday and overtime work in the locality for each craft, classification or type of work needed to execute the contract, provided the school district board determined such rates in accordance with prevailing rate provisions of the Labor Code and filed such rates with the secretary of the governing board. Died in Assembly committee.

**AB 3949 (Ernest R. Geddes).** Modifies requirement that city council let contracts for improvement of street lighting to lowest bidder to permit council to award contract at its discretion without competitive bidding where the council determines there is only one contractor practically capable of serving the street lighting system to be improved in the manner provided in the plans and specifications and that such contractor is subject to the jurisdiction of Public Utilities Commission; removes conflicting provisions. Chapter 998.

**SB 2304 (Dolwig).** Provided that no person who does not have a contractual relationship directly with prime or general contractor shall maintain action against surety on contractor's bond unless he has given notice to the contractor within 30 days after commencement of delivery of materials for performance of services that materials have been delivered or are being delivered or that services have been or are being rendered; imposed like restriction on right to receive payment for claims. Referred to interim committee for further study.

### Other Bills

**AB 429 (Ernest R. Geddes).** Amends Los Angeles County Flood Control Act to require bids for contracts if cost exceeds \$10,000 rather than \$5,000; also requires engagement of independent contractors for services if aggregate cost, exclusive of district materials, exceeds \$6,500 rather than \$2,000. Chapter 1106.

**AB 945 (Bradley).** Amends, repeals and adds various sections to the Health and Safety Code regarding county sanitation districts: provides that work exceeding \$4,500 shall be let to lowest responsible bidder, but permits rejection of all bids by four-fifths vote of district board and performance of work by day labor; contains specific provision inserted by Federation prohibiting language from being construed to exempt any work from the prevailing rate provisions of the Labor Code; also prohibits incurring of bonded indebtedness without vote of the people of the district and applies conflict of interest law to district employees. Under former law there existed no limit on amount of work that may be done by day labor. Chapter 2123.

**AB 1099 (Belotti).** As introduced, was a bad bill: revised the provision for performance of a state public work for use of rented tools or equipment to require finding by Department of Public Works that work did not lend itself to preparation of plans and specifications to enable bids to be taken on lump sum or unit basis and to provide that contract may provide for equipment rental and, in addition, for furnishing of necessary materials and labor for the work. As amended by the Federation and enacted, specifically requires the application of prevailing rates on such work and excludes regular maintenance work from the exemption in the original bill. Chapter 605.

**AB 1130 (Hansen).** As amended and enacted provides that contracts of county water districts in excess of \$2,000 shall be let to the lowest responsible bidder instead of all contracts as presently re-

quired, while excepting contracts between districts for furnishing labor, materials and supplies required for improvements upon terms and conditions elected by the district boards. Chapter 1171.

**AB 1500 (Backstrand).** As introduced, was a bad bill allowing Department of Public Works to authorize a state agency to carry out its own project where the estimated cost did not exceed \$50,000. Amended in Assembly to assure that such maximum shall not imply that a larger amount of work than presently authorized may be performed by day labor instead of by contract to the lowest bidder. Chapter 1216.

**AB 1501 (Backstrand).** Increases from \$2,000 to \$5,000 the value of public works projects falling within the application of the State Contract Act requiring letting to the lowest bidder. Chapter 466.

**AB 1540 (Backstrand).** Permits emergency highway work by counties to be done by majority rather than unanimous consent of legislative body, and defines a great emergency for such purposes as including a state of disaster as defined in the Military and Veterans Code, Section 1505. Chapter 412.

**AB 2673 (Schrade and others).** As amended and enacted, permits irrigation districts to construct works or any part thereof without calling for bids if the California District Securities Commission so approves. Former law permitted rejection of all bids, so that change merely permits work to be done by force account in the first instance without the necessity of going through bidding procedure if the requisite approval is obtained. Although the Federation unsuccessfully sought clarifying amendment that no work shall be exempt from prevailing rate provisions of Labor Code, a legislative counsel's opinion to the effect that such prevailing rate provisions already applied was secured. Chapter 525.

**AB 2889 (McGee).** As introduced, provided that in Los Angeles county, maintenance, alteration or repair work upon county buildings may, in the discretion of the Board of Supervisors, be done either by contract or by force account without any limitation as to the value of the project. As amended and enacted, the exemption from going to bid is restricted to alteration or repair work upon county-owned buildings where the cost does not exceed \$50,000, and only if before the work is authorized the Board of Supervisors determines that detailed

plans for the existing building are obsolete or do not exist, and that because of the age or condition of the building it is impractical to have detailed plans and specifications prepared for the proposed work. Chapter 2407.

**AB 3226 (Ernest R. Geddes).** Requires that if applicant for building permit under the state Housing Act is other than the owner, the application must include the name and address of the owner. Chapter 1405.

**AB 3327 (Miller).** Originally was a bad bill, authorizing registrar of contractors to retroactively reinstate any license suspended for failure of licensee to notify registrar of cessation of employment of person whose experience qualified the licensee for a license or employment of a person whose license is denied, suspended or revoked. As amended and enacted, merely provides that a contractor may maintain an action in court for compensation for services performed for six months after license has been suspended for failure to notify the registrar to renew, provided such failure is due to inadvertence. Chapter 845.

**AB 3587 (Brown).** As amended and enacted, relieves requirement that drainage districts go to bid on all construction projects valued under \$2,000. Existing law already permits rejection of all bids on any project, and construction by force account under Labor Code prevailing rate provisions. Chapter 1435.

**AB 3922 (Gaffney).** Originally a skeleton bill, amended in the Assembly to permit bridge and highway districts to do emergency work by day labor without letting contracts, or in cases where work is done by contract in whole or in part, to do such work on a cost plus basis. As enacted, contains a Federation amendment to assure payment of general prevailing rate of per diem wages on such emergency work. Chapter 1455.

**AB 4123 (Dahl).** Permits employment on public works of aliens admitted under the Refugee Relief Act of 1953. Chapter 727.

**AB 4143 (Johnson).** Permits cities and counties to lease property up to 99 years for stadium, park, recreational fair, exposition or exhibition purposes. Chapter 1475.

**SB 1203 (Gibson and others).** As amended and enacted, declares bankruptcy of licensed contractor arising to substantial degree from his operations as a cause for suspension or revocation of license; provides conditions for renewal of such license, including the condition that each contract undertaken by the licensee be separately covered by a bond conditioned on performance of the contract and payment of labor and material required by such contract. Vetoed by Governor.

## COURTS OF LAW

### Good Bills

**AB 35 (McMillan).** Provided that a judgment of acquittal by a court of competent jurisdiction shall be conclusive evidence in a state administrative proceedings that the person acquitted has not committed or omitted the act with which he was charged. Referred to Rules Committee for further study.

**AB 1347 (Busterud).** Increases from \$100 to \$150 the amount of claim that may be tried in a small claims court. Chapter 1201.

**SB 440 (Busch).** Adds mandatory requirement that court assign counsel to defend any indigent person accused of a crime who desires but is unable to employ counsel. Chapter 209.

### Bad Bills

**AB 645 (Ernest R. Geddes).** Repealed provision prohibiting public officers from charging fees in proceedings upon habeas corpus. Died in Assembly committee.

**AB 986 (Weinberger and others).** Introduced a uniform post-conviction procedure for collateral attacks upon sentences imposed upon persons convicted of felonies; provided one remedy to take the place of all common law and statutory remedies heretofore available for challenging the validity of incarceration under sentence of death or imprisonment. Passed by Assembly and sent to interim committee for further study on the Senate side.

**ACA 39 (Meyers and others).** Proposed constitutional amendment to provide for holdover grand juries. Refused adoption on the Assembly floor and then referred to interim committee for further study.

## ELECTIONS

As a prelude of what is to come in a few years when district reapportionment is again before the legislature, virtually all measures affecting elections and election procedures at the 1957 session were subjected to intensive partisan scrutiny to the point where most went down the drain.

The so-called "fair election practices bill," sponsored in the main by Democrats, and containing many detrimental provisions not geared to the

functioning of committees on a per capita basis, such as the LLPE, was a prime example of partisan

debate. It was literally riddled by so many amendments before passage by the Assembly that the author of the bill, himself, dropped the bill in disgust on the Senate side.

Traditional measures supported by labor fell short of passage again this year. These include: complete repeal of cross-filing, and restoration of the time-off-to-vote law to assure workers such time as a matter of right. In regard to the latter, a Senate bill on the subject, **SB 861** (Desmond), listed separately at the end of this section, was passed and signed into law. It removes the presumption that a person having four hours to vote before or after his working shift shall not need extra time to vote, thus converting the law to an unmodified "need" concept.

Also worth noting, is a "good" bill signed into law, **SB 458** (Richards), which establishes a statutory basis for numbering ballot propositions.

Bills marked \* were sponsored by the Federation

### Good Bills

**AB 38** (Rees and others). Eliminated cross-filing for partisan office. Died in Assembly committee after refusal to withdraw by roll call vote of 30-36.

**AB 271** (Conrad and others). Provides that affidavit of person absent from county and desiring to register to vote shall specify residence or post office address, rather than the Assembly district or precinct in which he claims residence; provides affidavit may be sent to clerk either by registered or certified mail but only wherever possible. Chapter 687.

**AB 287** (Conrad and others). Permits war voter returning to county after file date for making application for absent voter valid to register and vote. Chapter 731.

**AB 932** (MacBride and others). As amended and enacted, permits otherwise qualified new residents of the state who do not meet state residence requirement, to vote for presidential electors if they would have been qualified to vote in another state immediately prior to moving to California, and have been state residents for at least 54 days; establishes procedure for registration and casting of ballot. Chapter 2122. Requires voter's approval of **ACA 2**.

\***AB 1566** (Kilpatrick). As introduced, required school board elections to be held on regular general election dates, provided that in no case shall a school board election be held on a Friday. Amended several times, and as

finally sent to the floor of the Assembly, provided for a four-year term of office for school board members and consolidation of school board elections with primary elections. Referred to Committee on Education where it died.

**AB 1756** (Masterson and others). Provided that Secretary of State shall cause a voter's handbook to be printed and distributed to every registered voter prior to direct primary and general elections, such handbooks to contain statements of each party as to candidates for president and vice president in presidential years, state platforms, statements of candidates, and ballot pamphlet as now provided for; provided for special fees to be charged candidates for nomination, but no fee to be collected for general election handbook. Died in Assembly committee.

**AB 3580** (Nielsen). Reestablished as a matter of right that workers may take two hours between opening and closing of polls without penalty or without deduction from usual salary or wages to vote at any general, direct primary or presidential primary election. Died in Assembly committee.

**AB 3877** (Caldecott and others). Established a Fair Elections Practices Study Commission. Passed Assembly and died in Senate committee.

**ACA 2** (MacBride and others). Proposes constitutional amendment to permit legislature to give new state residents in the state at least 54 days, but less than one year, the right to vote for presidential electors provided such persons would have been qualified to vote in another state. Filed with Secretary of State for placement on 1958 general election ballot. Resolutions, Chapter 318. See also implementing legislation **AB 932** (MacBride and others).

**ACA 6** (Busterud and others). Proposed a constitutional amendment lowering the voting age from 21 to 18. Refused adoption on Assembly floor by roll call vote of 51-23, thus dying on the Assembly floor.

**ACA 7** (Burton and others), also proposing the same reduction in voting age, died on the Assembly floor following defeat of **ACA 6**.

**ACA 13** (Elliott). Prohibited the charter or ordinance of chartered or general law cities and counties from denying candidates for county and city elective offices the right to have occupation designated upon the ballot the same as in the candidate's affidavit of registration. Refused adoption on Assembly floor by roll call vote of 30-33, thus dying on the Assembly floor.

**SB 458** (Richards). As introduced, required initiative measures, referendum measures and legislative proposals in the order of adoption, to be placed on ballot in the order named, rather than as determined by the Secretary of State. As amended and enacted, establishes statutory order to be legis-

lative proposals in the order determined by the Secretary of State, followed by initiative measures in the order in which they qualify, and then referendum measures in the order in which they qualify. Chapter 2410.

**SB 1932 (Miller and Erhart).** Like **AB 38** (Rees and others), eliminated cross-filing for partisan office. Referred passage on Senate floor by roll call vote of 13-24, thus dying on the Senate floor.

### **Bad Bills**

**AB 273 (Conrad and others).** As introduced, provided for cancellation of registration for not voting at the preceding general election, rather than either the preceding primary or general election.

As amended and passed by the Assembly, carried a two-year expiration date. Died in Senate committee.

**AB 756 (Rees and others).** Required filing of campaign statement by any group of persons, whether incorporated or not, which contributes or expends any money or valuable thing, directly or indirectly to aid the nomination or election of any candidate or group of candidates. Died in Assembly committee.

**AB 2419 (Lindsay and others).** Made it unlawful for a person, including a public or private corporation or labor union, to contribute more than \$200 either in cash or other consideration, on behalf of an election of a candidate at a primary or other election; made violation by any person, officer or agent a misdemeanor punishable by fine up to \$10,000 or one year in county jail or both. Killed in Assembly committee.

**AB 2812 (Rees and others).** So-called fair election practices bill: as introduced, completely rewrote provisions of Election 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 candidate, to file, under penalty of \$1,000 fine or six months in jail or both and forfeiture of nomination for 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 all contributions exceeding \$50.00 made directly or indirectly for the purpose of aiding or defeating the nomination or election of any candidate or group of candidates. Prohibited committee from acting for candidate without his written authorization; required contributions to be made in name of person making them and only to duly authorized campaign treasurer; and 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 LLPE operation on a per capita basis, especially during interim periods between elections.

Amended on numerous occasions both in committee and on the floor of Assembly as a result of intensive

partisan activities by legislative members of both major parties. As finally passed by the Assembly, was literally riddled with amendments to the point that the primary author asked that the bill be dropped on the Senate side. In its final amended form prior to defeat, the bill prohibited altogether the operation of political action bodies established by organized labor, in addition to prohibiting contributions from outside a district either by individuals or by committees, and contributions from oil and gas corporations. Died in Assembly committee.

**AB 3598 (Britschgi and others).** Prohibited an appointed public officer or employee from becoming a candidate for any public office other than the one held at the time of becoming a candidate unless public officer or employee resigns from his position or requests and receives a leave of absence at least 60 days prior to election. Referred to interim committee for further study.

**SCA 28 (John F. McCarthy and others).** Provided that the number of signatures required on a petition to submit an initiative constitutional amendment, an initiative law or an act passed by the legislature for adoption for referendum, shall be five or eight percent, as the case may be, of the votes cast at the general election for governor, in a majority of the counties as well as in the state as a whole. Died in Senate committee.

### **Other Bills**

**AB 31 (Levering).** As amended and enacted, provides that applications for absentee ballots received after the 60th day but prior to the 20th day before an election shall be held until the legal acceptance date of 20 days before an election, and accordingly processed instead of being returned. Chapter 786.

**AB 293 (Conrad and others).** Requires filing of ballot measure with Secretary of State at any time prior to 150, rather than 130 days, before an election; requires press release calling for arguments on ballot measures to be mailed by Secretary of State at least 170, rather than 150 days, before a legislative measure is to be voted upon, and at least 140 days, rather than 120 days, before an initiative or referendum measure is to be voted upon. Chapter 584.

**AB 1115 (Bee and others).** Provides that all elections, other than those called by the Governor or set by city charter, shall be held on the Tuesday closest to the day the election would otherwise be held. Chapter 934.

**AB 1632 (Conrad).** Requires nomination papers for representative in Congress, state senator or assemblyman at a special election to fill a vacancy to be signed by not less than 500 voters, or one percent of the entire vote cast in the area at the

preceding general election, whichever is the lesser, nor more than 1,000 voters, rather than a straight one percent of the entire vote cast in the area at the preceding general election. Chapter 614.

**AB 1713 (Masterson).** Establishes initiative provisions for enactment of ordinances in public districts. Chapter 2146.

**AB 1757 (Masterson and others).** Established a procedure for the financing of political campaigns from general fund revenues allocated on the basis of party registration. Referred to interim committee for further study.

**AB 1776 (Rees and others).** Declares intent of legislature that county clerks and registrar of voters shall establish a sufficient number of registration places throughout the county and outside the county court house for the convenience of persons desiring to register; also declares intent that registrars of voters and county clerks shall do everything possible to increase the number of registered voters within the respective counties and to maintain the registration at the highest possible level. Chapter 1240.

**AB 3472 (Chapel).** Provides that campaign literature attacking the character of a candidate shall be conclusively presumed not to be a privileged communication. Chapter 1425.

**SB 425 (John F. McCarthy).** As amended and passed, prohibited school district elections from being held within 90 days of a statewide election unless consolidated therewith. Vetoed by Governor.

**SB 861 (Desmond).** Amends time-off-to-vote law by removing clause which declares that an employee who has four consecutive hours before or after his regular shift in which to vote is deemed to have sufficient time; also applies provisions of Election Code relating to tie votes to school board member elections. Chapter 2026.

## EMBALMERS

### Bad Bills

**AB 3095 (Johnson).** As introduced, was an extremely bad bill, reducing the requirements for licensing in this state of out of state licensed embalmers by removing the apprenticeship requirement and allowing the licensing of such out of state embalmers by oral examination at the discretion of the State Board of Funeral Directors and Embalmers, thereby placing absolute authority in the hands of the Board to provide for reciprocity in licensing between states. As amended in Assembly committee and sent to the floor of the Assembly over the strenuous objections of the Federation, contained the essential pro-

visions of the original bill, except that the Board was given power to license out of state embalmers even without an oral examination, while establishing the absolute requirement that all state licensees must furnish proof of completion of a high school course.

Over objections of sponsors, the measure was amended by the Federation on the floor of the Assembly by roll call vote of 44-17 to insert the requirement of an examination prior to the licensing of out of state applicants. As so amended, the bill passed the Assembly, but was dropped in Senate committee by the author because of fear that some favorable provisions of another embalmers' bill, **SB 1200 (Gibson and others)**, would be amended into the bill.

**SB 1200 (Gibson and others).** As introduced, was a bad bill containing the bad provision of **AB 3095** that removed the apprenticeship requirement for licensing in California of out of state licensed embalmers. Also required that of the two years apprenticeship for license as an embalmer, six months be served before commencing the required course of instruction; contained another provision favored by the embalmers requiring that one member of the State Board of Funeral Directors and Embalmers be a licensed embalmer who is not also a licensed funeral director. As amended several times into acceptable form to the embalmers and passed by the Senate, exempted out of state applicants from apprenticeship requirement only if the state standards where the applicant is licensed and where he practiced are equal to those in California for licensing of embalmers. Died in Assembly committee.

### Other Bills

**AB 3096 (Johnson).** Increases the amount of fees and penalties prescribed by the funeral directors and embalmers' law. Chapter 651.

**AB 3097 (Johnson).** Makes unprofessional conduct grounds for disciplinary action against funeral directors and embalmers; makes it a misdemeanor for a person to represent himself as a funeral director without a license. Chapter 652.

**SB 288 (Gibson and others).** Limits to six months the time which members of State Board of Funeral Directors and Embalmers may serve after expiration of term; prohibits more than three consecutive terms except as to existing members. Declares that record of conviction or certified copy of such record is conclusive evidence of a conviction; defines conviction and authorizes Board to suspend, revoke or decline license after such conviction. Provides that right to practice is suspended on adjudication or commitment to a state hospital or other mental hospital because of mental illness, and provides conditions for restoration of such rights, including necessary protections in case of voluntary commitment. Chapter 1539.



## EMPLOYMENT AGENCIES (Private)

### Good Bills

**AB 1912 (Hawkins).** Limited fee that may be charged by private employment agencies to 10 percent of applicant's employment contract for his first month's salary. Referred to interim committee for further study.

**AB 2738 (Dills).** Prohibited private employment agencies from requiring or accepting advance payment of fees. Referred to interim committee for further study.

### Bad Bills

**AB 3177 (Conrad).** Originally a good bill, deleting the authority of the Labor Commissioner to certify there is no controversy for his determination where the agency presents substantial evidence that applicant acknowledges the fee due. Amended into a bad bill by adding that the failure on the part of applicant to appear after notice of hearing shall constitute prima facie proof that a fee was due the agency. Died in Assembly committee.

**SB 1046 (Cunningham).** Deleted requirement that the forms of contracts and receipts used by private employment agencies be uniform and approved by Labor Commissioner. Referred to interim committee for further study.

**SB 1047 (Cunningham).** Weakened regulations for private employment agencies by allowing agencies to give applicants a referral receipt instead of a contract or receipt; altered the amount of information required to be given the applicant, and among other things removed requirements that receipts show manner of transmission of order for help, the date and number of the receipt, the fee paid by the prospective employer, the cost of transportation and by whom paid, and the general conditions of employment. Allowed agency to give or mail the referral receipt one day before the applicant is referred, rather than requiring the agency to give the contract or receipt at the time of referral. Referred to interim committee for further study.

**SB 1078 (Thompson).** As amended, repealed present provisions of the Labor Code regulating private employ-

ment agencies under the jurisdiction of the Labor Commissioner, and provided for the regulation by a newly created Division of Placement Services in the Secretary of State's office dominated by an employment placement examining board controlled by the private employment agency interests. 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 for further study.

Six other bills intended to accomplish the same purpose died in committees in their respective houses of origin. These bills included **AB 2217 (McCollister)**, **AB 2218 (McCollister)**, **AB 3156 (Grant and Klockslem)**, **AB 3157 (Grant and Klockslem)**, **SB 1769 (John F. McCarthy)**, **SB 1770 (John F. McCarthy)**.

**SB 1176 (Desmond and Gibson).** Eliminated the requirement that private employment agencies agree to refer any controversy between agency and applicant regarding terms of agency contract to the Labor Commissioner for adjustment; deleted provisions requiring parties involved in controversy arising under chapter to refer matters in dispute to Labor Commissioner, and required that he hear and determine same. Killed in Senate Labor Committee.

**SB 1180 (Desmond and Gibson).** Permitted employment agencies to employ collection agencies to collect claims owed or asserted to be owed by an applicant to the agency. Referred to interim committee for further study.

### Other Bills

**SB 1048 (Cunningham).** As amended, redefined a controversy between an employment agency and an applicant and permitted a suit in court in the first instance, and judgment if the court finds no controversy. Referred to interim committee for further study.

**SB 1179 (Desmond and Gibson).** Permitted employment agencies to receive and negotiate promissory notes from applicants for fee owed the agency. Referred to interim committee for further study.

## FARM LABOR

Improvements in farm labor legislation were restricted to minor beneficial modifications of the farm labor contractors' licensing law. A minimal proposal to create a coordinating commission necessary to study the plight of farm workers, coordinate governmental activities and make legislative recommendations was dumped by the Senate Labor Committee.

Measures extending the provisions of California's social insurance programs to farm workers, all of which failed, are reported under UNEMPLOYMENT INSURANCE, UNEMPLOYMENT DISABILITY INSURANCE and WORKMEN'S COMPENSATION.

### Good Bills

**SB 800 (John F. McCarthy).** Created a California Agricultural Labor Resources Committee composed of 15 members, appointed by the Governor with the advising consent of the Senate, to consist of the Directors of Agriculture, Education, Employment, Public Health, Industrial Relations, Social Welfare and Agricultural Extension

Service of the University of California, two members of boards of supervisors of counties in which agricultural activities are prominent, two members from agricultural associations or groups, two members representing labor interests and two members from the general public, complete with provisions for a full-time executive officer with staff; required committee to make studies, conduct educational programs, hold public meetings, advise and consult with various groups, and make legislative recommendations regarding working and living conditions of agricultural labor. Supported strenuously by Federation and various church groups. Killed in Senate Committee on Labor.

**SB 1541 (Short).** As amended and enacted, requires farm labor contractor to register with Labor Commissioner all vehicles used by him in his operation as a farm labor contractor but not owned by him, and have in effect insurance policies covering such vehicles; requires contractors to use such vehicles on a fixed fee basis only. Chapter 1703.

**SB 1542 (Short).** As amended and enacted, includes so-called "day haulers" employed by farm labor contractors to transport, or who transport for a fee, farm laborers by motor vehicle within the meaning of the term "farm labor contractor," thereby subjecting such day haulers to regulation as farm labor contractors. Chapter 1704.

**SB 1543 (Short).** Required farm labor contractors to keep records showing earnings and payments to employees on forms specified by Labor Commissioner. Died in Senate committee.

**SB 1544 (Montgomery).** As amended and enacted, requires all vehicles used by a farm labor contractor for the transportation of workers in his operations as a farm labor contractor to have displayed prominently at the entrance of the vehicle the name of the farm labor contractor and the number of his license issued by the Labor Commissioner. Chapter 1705.

**SB 1545 (Montgomery).** As amended and enacted, requires chauffeur's license of farm labor contractor or any of his employees who regularly operate a bus or a truck in the transportation of farm workers in connection with labor contractor operations. Chapter 1706.

### **Bad Bills**

**SR 42 (Murphy and others).** Under guise of state's rights and adequate state standards, urged the President and the Secretary of Labor to direct the Bureau of Employment Security to forego its new program of enforcing housing standards in labor camps used to house Mexican nationals imported into the state. An attempt to sneak this resolu-

tion through during the bill-introducing part of the session was repulsed. The bill died on the Senate inactive file during the second half of the session after proponents were unsuccessful in attempts to muster up sufficient votes to secure adoption.

A similar resolution, **HR 61**, was actually slipped through the Assembly during the bill-introducing portion of the session by roll call vote of 46-26.

## **FIRE FIGHTERS**

Bills marked \* were sponsored by the Federation

### **Good Bills**

**AB 346 (Johnson).** Allows county to lend funds to fire protection district within county for acquisition and construction of district property; requires Board of Supervisors to specify date and manner for repayment within certain established limits. Chapter 859.

**AB 525 (Bonelli).** Requires that when territory withdraws from a fire protection district and is included within a city, the city must use funds received as a result for fire protection purposes; provides that a city or portion thereof desiring to be included in a fire protection district need not be adjacent to the fire protection district. Chapter 760.

**\*AB 526 (Bonelli).** Provides that within one year after incorporation or before January 1, 1958, whichever is later, an incorporated city must decide whether it wishes to withdraw from the fire protection district, or thereafter the withdrawal can only be effected by vote of the people or by petition pursuant to the provisions of Article 12, Chapter 2, Part 3, Division 12 of the Health and Safety Code. Chapter 797.

A similar bill sponsored by the Federation, **\*AB 1730 (Masterson and others)**, was dropped in favor of passage of this bill.

**AB 532 (Johnson).** Fixed minimum non-service-connected disability retirement pension of safety members of a county retirement system at one-third, rather than one-fourth, of final compensation. Died in Assembly committee.

Senate companion, **SB 898 (Richards)**, died in Senate committee.

**AB 533 (Johnson).** Reduced from 15 to 5 years the number of years of service required of safety members in county retirement system before heart trouble shall be presumed to be service-connected. Died in Assembly committee.

Senate companion, **SB 895 (Richards)**, died in Senate committee.

**AB 994 (Ernest R. Geddes and others).** As introduced, deleted provisions for modification of benefits for injury in line of duty under county employees retirement systems when workmen's compensation is awarded for the same injury or disability; provided that non-safety member who dies or suffers disability while engaged in active fire suppression when acting as volunteer fire fighter, etc., shall have his disability or death benefit determined as though such member were a safety member.

As liberalized by amendment and enacted, extends safety member disability benefits for service-connected injuries to all members, and incorporates the provisions of **\*AB 1716 (Masterson and others)** allowing member entitled to retirement for non-service-connected disability who dies prior to retirement to have elected, in lieu of death benefit, an optional death allowance of 60 percent of pension for non-service-connected disability, retroactive to the date of member's death, for life of spouse, and same amount for unmarried surviving children under the age of 18 of the deceased member if the spouse dies. Provides for similar election on behalf of surviving unmarried children under 18 of deceased member leaving no spouse. Chapter 1161.

**AB 1236 (Donald D. Doyle and others).** Established a voluntary arbitration procedure for fire fighters. Died in Assembly committee.

Similar measures, **AB 3357 (Donahoe and others)** and **SB 2149 (Miller)**, also died in committee of their respective house of origin.

**AB 1585 (MacBride and others).** Fixed the minimum disability retirement allowance under state employees retirement system at one-third, rather than one-fourth, of final compensation. Died in Assembly committee.

**\*AB 1716 (Masterson and others).** The provisions of this Federation-sponsored bill were amended into **AB 994 (Ernest R. Geddes and others)** and enacted into law. See above. Bill therefore dropped on the Senate side after passage by Assembly.

**\*AB 1717 (Masterson and others).** As introduced, allowed transfer of funds from state to county retirement systems or vice versa in the event of consolidation or annexation of a city to a fire protection district. The provisions of this Federation bill were dropped in favor of similar provisions in **AB 3998 (Bradley and Ernest R. Geddes)**, enacted into law. The bill was then amended by the fire fighters to further secure their already existing exclusion

from coverage under the federal old age and survivors' insurance program. Chapter 2302.

**\*AB 1728 (Masterson and others).** Provided for a 56-hour week for fire fighters employed by local governmental agencies meeting certain conditions. Died in Assembly committee.

**\*AB 1729 (Masterson and others).** Prohibited the state, any county, political subdivision, incorporated city, town or other municipal corporation from obstructing the right of fire fighters to join any bona fide labor organization of their own choice. Died in Assembly committee.

**\*AB 1730 (Masterson and others).** Essentially the same as **\*AB 526 (Bonelli)** and dropped in favor of that bill which was enacted into law.

**AB 2578 (Donald D. Doyle).** Provides for payment of service retirement allowance under county employees retirement system upon retirement for disability of member who has obtained age 55, rather than 65, and for payment of disability retirement allowance upon retirement for disability of member under age 55, rather than 65; provides that in retiring for disability, the disability retirement allowance shall be as presently provided for or the sum to which the individual would be entitled as service retirement, whichever is greater; establishes minimum disability retirement pension and non-service-connected disability retirement pension of safety members at one-third, rather than one-fourth, of final compensation. Chapter 2348.

**AB 3998 (Bradley and Ernest R. Geddes).** Provides for transfer of funds between retirement systems in event of consolidation or annexation. Chapter 2399.

**SB 812 (Regan).** Makes intentional and fraudulent impersonation of an officer or member of a fire department a misdemeanor. Chapter 779.

**SB 1091 (Regan).** Revises and brings up to date Local Fire Districts Act of 1881. Chapter 1624.

**SB 1092 (Regan).** Authorizes and prescribes procedure by which a local fire district board may create special fire protection zones in a district for the purpose of paying for installation of capital improvements of sole benefit to a zone or for purchase of equipment or employment of personnel over and above equipment and personnel the district can afford to furnish the zone out of general district taxes; requires district board to levy a tax upon all taxable property in a zone to provide funds for such purposes; provides for abolition of such zones. Chapter 1623.

**SB 1209 (Desmond).** Amends county employees retirement system provisions to provide for extension of safety member benefits to fire and police employees of counties not subject to the fixed benefit formula. Chapter 568.

### Bad Bills

**AB 2568 (Bradley).** Provides for annexation of territory of city into fire protection district when the territory has been annexed by city served by the district; becomes operative with respect to city annexations completed by filing of ordinance with the Secretary of State on or after October 1, 1957. Chapter 1339.

### Other Bills

**AB 4037 (Lanterman).** Adds skeleton chapter to Health and Safety Code relating to county consolidated fire protection districts. Referred to interim committee for further study.

## FISHING

### Good Bills

**AB 1505 (Pattee and Belotti).** As introduced, extended from June 1, 1957 to June 1, 1959, prohibition against taking sardines for salting, curing, smoking, drying or packing in quarter round or square cans of less than 10 oz. As amended and enacted, also extends the period during which sardines may be taken for use in a reduction plant or by a packer from between October 1 and February 1 to between September 1 and December 31 in districts 4, 4¾ and those portions of districts 3½ and 18 lying south of a line running east and west through Point Arguello, 19, 20A, and 21, and from between August 1 and December 31, instead of January 15, elsewhere in the state except in districts 19A and 20. Chapter 778.

**AB 2500 (Thomas).** Prohibited sale or purchase of white sea bass, barracuda, or yellowtail, less than 30 inches in length. Died in Assembly committee.

**AB 2501 (Thomas).** Required publication and distribution within 45 days of adoption of all Fish and Game Commission regulations affecting commercial fishing; required, after April 15, 1957, annual publication in booklet form, on or before April 15, of all such regulations and mailing to each district attorney, judge of municipal or justice court and commercial fishing licensees. Died in Assembly committee.

**AB 2504 (Thomas).** Authorizes owner or person entitled to possession of a seized net to apply in

superior court in county of residence for leave to file bond and regain possession. Chapter 632.

**AB 2506 (Thomas).** As introduced, permitted use of drift gill nets and set gill nets in district 19B. Amended to appropriate \$5,000 for study of the feasibility and construction and operation of round nets and traps in inland river waters. As so amended, referred to interim committee for further study.

**AB 2821 (Belotti and others).** As introduced, extended effective date of Code provision setting crab season for two more years and removed limitation on effective date of provision requiring 4-inch ridge in opening in crab traps. As amended and enacted, also changes crab season in districts 6, 7, 8 and 9 from between December 15 and June 30 to between December 15 and July 15. Chapter 201.

**AB 2833 (Thomas).** Specifically provides that albacore, tuna and skipjack, which may not be sold, also may not be purchased or processed; deletes prohibition against sale of yellowfin and bluefin tuna weighing more than 150 lbs. Chapter 902.

**AB 3974 (Bradley and others).** Continues for two more years the five cents per hundred pounds privilege tax on sardines, Pacific mackerel, jack mackerel, squid, herring and anchovies purchased, received or taken by licensed persons, for continued support of Marine Research Committee. Chapter 1459.

**SB 78 (Abshire).** As amended and enacted, modifies prohibition against use of nets within one nautical mile radius of any pier or dock in district 118.5 to permit use within not less than 750 feet of any pier or dock in the district, except in that portion lying northerly of Point Arguello, of lampara or round haul nets, having no rings along the lead line or any method of pursuing the bottom of the nets. Chapter 359.

**SB 785 (Harold T. Johnson and others).** As introduced, denied Fish and Game Commission the power to restrict any river, stream, lake or other body of water to fishing by use of artificial lure only.

As amended and enacted, restriction on the commission is confined to Placer, Nevada, and Sierra Counties. Chapter 1678.

**SB 1790 (Arnold and others).** Extends provisions prohibiting log jams or debris conditions deleterious to fish or preventing passage of fish to entire state rather than only designated counties; pro-

vides that person convicted of polluting or contaminating or obstructing waters to the detriment of fish life shall be either required to remove substances to extent possible or to pay costs of such removal by the department. Chapter 2039.

**SB 1929 (Byrne and Ed. C. Johnson).** Prohibits use or possession of any gaff or any hook with more than one point within 100 feet of portions of Feather River and of Butte Creek while closed to salmon fishing as salmon spawning areas. Chapter 256.

**SB 2679 (Miller).** Introduced after the passage of **SB 525 (Sutton and others)**—the anti-netting bill. This bill declares legislative policy to reimburse where possible persons whose boats, nets and other fishing equipment owned by them on May 15, 1957 have been rendered valueless by the enactment of **SB 525**. Permits all fishermen so affected to file claims with the Board of Control within six months of the effective date of **SB 525** for reimbursement of all boats, nets and other fishing equipment and facilities rendered useless by enactment of the bill, which boats, nets, fish, fishing equipment shall become property of the state on payment of such claim. Requires Board of Control to receive, analyze and tabulate such claims, taking into consideration the value of the equipment, and making a full report thereon to the legislature at the 1958 regular session. Chapter 2099.

### **Bad Bills**

**AB 340 (McCollister).** Prohibited taking of abalone for commercial purposes north of Point Lobos in San Francisco county. Died in Assembly committee.

**AB 3258 (Chapel).** Prohibited sale or purchase of white sea bass of any size; present prohibition, like that applying to barracuda and yellowtail, prohibits sale of sea bass of less than 28 inches in length. Died in Assembly committee.

**AB 3344 (Grant and Kloksiem).** Prohibited the sale or purchase of California halibut. Died in Assembly committee.

**AB 3380 (Johnson).** Established quotas for Pacific mackerel of 10,000 tons taken for commercial canning for twelve-month periods beginning May 1, 1957 and May 1, 1958; specified season for such taking and provided procedure for determining and announcing closing of season when quota reached. Referred to interim committee for further study.

**AB 3404 (Levering).** Raised the privilege tax from five cents to \$5.00 per ton of wet kelp harvested. Referred to interim committee for further study.

**AB 3405 (Levering).** Prohibited cutting or harvesting of kelp in any portion of District 19 lying offshore of Los Angeles county. Referred to interim committee for further study.

**AB 3721 (Shell).** Gave Fish and Game Commission full power to exercise control over commercial salt water fishing "in a manner to provide the maximum yield possible of salt water fish consistent with maintaining a stable and continuous supply of such fish for the future". Died in Assembly committee.

**SB 525 (Sutton and others).** As introduced, prohibited the use or possession of nets in tidal waters lying upstream from Carquinez Bridge, except hauling nets, shad dip nets, carp traps and crayfish traps.

As amended and passed by the Senate by roll call vote of 29-5, prohibited use and possession of nets in tidal waters lying upstream from Carquinez Bridge to take salmon or shad for commercial purposes; repealed conflicting provisions regarding seasonal use of nets in district 12B.

On the Assembly side, the Committee on Fish and Game, which a month earlier had sent a similar bill to interim committee (**AB 49**, Lowrey and others), fell short two votes of sending the bill to the floor. Following this failure in committee, the bill was withdrawn by floor action by roll call vote of 53-20. After being amended to establish effective date of May 16, 1957, measure was passed by roll call vote of 67-11. Chapter 960.

### **Other Bills**

**AB 616 (Bradley and Davis).** Revises and brings up to date Fish and Game Code. Chapter 456.

**AB 1065 (Coolidge).** Requires certificate of registration number given vessels to be permanently affixed to bow in letters not less than three inches in height in such color and manner as to be distinctively visible and legible. Chapter 320.

**AB 1506 (Pattee and Belotti).** Provides that salmon may be taken by hook and line under authority of commercial fishing license between April 15 and September 15, instead of between May 1 and September 30 in districts 6, 7, 10, 11, 15, 16, 17, 18 and 19; also provides that king salmon may be taken by hook and line under authority of a commercial fishing license between April 15 and September 15, instead of between May 1 and September 30, in districts 6, 7, 10, 11, 15, 16, 17, 18 and 19. Also provides that silver salmon may be taken by hook and

line between July 1 and September 15, instead of present September 30 terminal date. Chapter 74.

**AB 1687 (Belotti).** As amended and defeated on the Assembly floor, continued 3,000 ton limit on yellowtail for commercial canning for the twelve-month periods beginning July 1, 1957 and July 1, 1958; provided that 40,000 tons of anchovies may be taken for canning for period beginning April 1, 1957 to March 31, 1958; established same 40,000 ton limit for period from April 1, 1958 to March 31, 1959.

**AB 2505 (Thomas).** As amended and enacted, re-defines bait net. Chapter 633.

**AB 2997 (O'Connell).** Changes method of tagging catfish that may be sold. Chapter 1380.

**AB 2998 (O'Connell).** Provides that spiny lobsters may be imported into California until the 26th day after the close of the California season; provides that lobsters imported into California and lobsters legally taken in California during the open season prescribed by the Fish and Game Code may be possessed and sold during the closed season, subject to the regulations of the commission. Chapter 1381.

**AB 3081 (Belotti and Lindsay).** Prohibits taking of salmon by net in Pacific; ties ban to reciprocity agreement in Oregon, Washington and Canada in accordance with the recommendations of Pacific Marine Fisheries Commission. Chapter 424.

**AB 3607 (Grant).** As amended and enacted, allows whole frozen crabs or parts thereof which are taken in open season to be sold under regulations of the Fish and Game Commission, regardless of whether such frozen crab is cooked or not. Chapter 851.

**SB 325 (Brown).** As amended and enacted, increases various license and license tag fees for hunting and fishing, including commercial fishing license, from \$10 to \$15. Chapter 1887.

**SB 2313 (Murdy).** As introduced, provided yellowtail, barracuda, or white sea bass may not be possessed on any boat carrying or using bait nets, as well as round haul or purse seine nets. As amended and enacted, in face of prohibition, authorizes department to issue permits to hook and line commercial fishermen to possess a bona fide bait net on their vessels for the purpose of taking bait for their own use only. Chapter 2057.

**SCR 126 (Cobey and others).** Creates joint interim fish and game special study committee; sets

the scope of a study of the Department of Fish and Game and the Fish and Game Commission. Filed with the Secretary of State. Resolutions, Chapter 339.

## HARBORS

### Good Bills

**SB 782 (Breed).** Increases pilotage rates through Golden Gate from \$5.75 to \$6.00 per draft foot of the vessel's deepest draft. Chapter 1608.

**SB 981 (Robert I. McCarthy).** Amended state employees retirement system law to create a class of "harbor police member", consisting of harbor police members employed by the Board of State Harbor Commissioners for San Francisco Harbor; provided non-industrial and industrial disability retirement allowances and special death benefits if death of such member was industrial. Referred to interim committee for further study.

**SB 988 (Robert I. McCarthy).** As amended and enacted, provides for the issuance and sale of state bonds in the amount of \$50 million to create a fund for the use of the San Francisco Port Authority, improving that harbor and its facilities, including the wharves, piers, seawalls, railroads, spurs, appurtenances thereto and any necessary dredging and filling in connection therewith. Chapter 2238.

**SB 1648 (Robert I. McCarthy).** Provides that Board of State Harbor Commissioners for San Francisco shall establish and adjust salary ranges for laborers, workers and mechanics employed by the commissioners. Chapter 2242.

Assembly companion, **AB 3502 (Weinberger)**, died in Assembly committee.

### Other Bills

**AB 3259 (Biddick).** Prohibited unlicensed piloting between San Francisco Harbor and all bays, rivers, tributaries thereto which are west of the easterly boundary of Suisun Bay. Referred to interim committee for further study. See also **AB 3576 (Biddick)**.

**AB 3576 (Biddick).** Established three-member Board of Pilot Commissioners for Inland Waters easterly of Suisun Bay with authority to license pilots in accordance with the provisions of the bill, who would have had exclusive authority to pilot vessels on the inland waters between the easterly boundaries of Suisun Bay and points easterly thereof; set absolute minimum and maximum on number of licenses that may be issued; established pilot fees and conditions under which pilot's license may be revoked. Referred to interim committee for further study.

**SB 984 (Robert I. McCarthy).** As introduced, de-

leted requirement that governing body of San Francisco Harbor fix compensation of officers or employees other than governing body members, and made other technical changes. As amended and enacted, provides that a public corporation, if authorized to establish, operate and maintain a foreign trade zone, may, in addition to other powers, provide for such indemnity or assurance to the U. S. or its agencies as they may request, and deposit such sums of money with the United States as the U. S. or its agencies may request, providing such money is available therefor by direct appropriation or otherwise. Chapter 755.

**SB 987 (Robert I. McCarthy).** As amended and enacted, provides San Francisco Port Authority, when it finds it necessary to construct or alter a wharf, bulkhead, breakwater or appurtenances thereto, may lease such facilities or enter into a lease prior to or during the construction or alteration, under the following conditions: (a) that the lessee may make such construction or alteration itself or pay a portion of the cost of construction and alteration and amortize the cost so paid under the terms of the lease, or may enter into a lease, (b) that the rents derived may be applied in whole or in part in payment of the cost of construction and the construction contracts may so provide, and

(c) that no lease may be made for a period exceeding 40 years. Chapter 1662.

**SB 989 (Robert I. McCarthy).** As introduced, vested in San Francisco Port Director the authority formerly invested in the governing board to appoint and supervise assistants and employees, and required he act as secretary to the governing body; deleted existing provisions regarding secretary and assistant secretary of the governing board, collectors, chief engineer, and with the exception of a provision specifying jurisdiction and duties of the chief wharfinger regarding abandoned and drift vessels, also wharfingers; required harbor governing board to adopt rules and regulations necessary to safe, convenient and efficient operation of any port facility, requiring such rules and regulations to be obeyed by all operators of vessels, tugboats, ferries and other crafts, and requiring they be enforced by authorized officers and employees of the port; made other technical changes. As amended and enacted, also changes name of Harbor Board to Harbor Authority; makes it permissible rather than mandatory that the authority construct required wharves, repair, maintain and erect improvements necessary for safe landing, etc. Chapter 1663.

## HOUSING

The focal point of attack in this field of legislation was the Division of Housing in the Department of Industrial Relations. A bill to abolish the division was introduced, but was not taken up as such. Instead, the attack was shifted to the budget bill where an attempt was made in the Senate to restrict division funds to the administration of only the Labor Camp Act. After many conferences with the Director of Industrial Relations and members of the legislature, the restricting language was eventually taken out of the budget, with the understanding that there would be more and stricter enforcement of the Labor Camp Act, closer liaison between cities and counties in the promotion of building codes and building department and trailer park ordinances, and less emphasis on enforcement of state laws in cities and counties which have adopted building codes and trailer park ordinances that meet the state minimum requirements.

In other areas of legislation, the major enactment was a bill permitting redevelopment agencies to undertake parallel "urban renewal projects" with emphasis on rehabilitation and conservation,

rather than complete redevelopment. An attempt to further hamstring the operation of redevelopment agencies, on the other hand, was repulsed by the defeat of **SB 2273 (Desmond)**, which would have imposed unreasonable owner-participation requirements and otherwise prohibit the functioning of redevelopment agencies except by two-thirds vote of the electorate.

### Good Bills

**AB 1581 (Nielsen and others).** Amends state veterans' farm and home purchase law to increase from \$13,500 to \$15,000 the maximum amount which the Veterans Department may expend pursuant to a contract for the construction of a house and other improvements. Chapter 68.

**AB 1884 (Hanna).** Originally an excellent bill, prohibiting any home building corporation from being dissolved or collapsed for at least 18 months after the last sale of a house built by the corporation. As amended and enacted, is less protective: permits superior court of county, upon petition of three or more persons who have purchased homes from a construction corporation, to make orders and adjudge as to any and all matters concerning the windup of affairs of the corporation; provides that if corporation has, within 18 months prior to the commencement of the proceedings for winding up its affairs, been in the building business as a contractor or subcontractor for residential purposes, the court shall make such provision in its orders as it deems reasonably necessary to protect the rights of the purchasers of the homes, including rights which might arise against the corporation for breach of warranties in connection with the construction. Chapter 1256.

**AB 3336 (Burton and others).** Appropriated \$50 million from general fund to State Allocation Board for allocation to public housing authorities upon local application for the construction of low-cost public housing units for senior citizens of low income, required public housing authorities in each housing project thereafter constructed to set aside an unspecified percent of the dwellings for rentals to senior citizens, and establish priority therefor. Referred to interim committee for further study.

**SB 665 (Miller and others).** Increased from \$12,500 to \$18,000 the maximum actual cash value of property which may be homesteaded by head of a family and from \$5,000 to \$10,000 the value of property which may be homesteaded by any other person. Died in Senate committee.

**SB 2259 (Richards).** As amended and enacted, makes it unlawful to sell in the state any trailer coach manufactured after July 1, 1958 which contains plumbing, heating or electrical equipment that does not meet the requirements of the State Division of Housing on installations; provides for enforcement on a statewide basis. Chapter 2093.

### **Bad Bills**

**AB 739 (Hegland and others).** Required public housing authorities to pay property taxes to school districts on all housing projects owned and operated by the authority, including temporary housing. Sent to interim committee for further study.

**AB 1431 (Hanna).** Amends state veterans' farm and home purchase law to declare two-year moratorium, except in hardship cases, on use of veterans' program for refinancing of homes that could not originally be purchased under the state pro-

gram because of former high down payment requirement, etc. Chapter 1148.

**AB 3078 (Sumner).** As amended, completely rewrote state law regulating motels, auto courts and resorts; deleted a number of necessary health and safety standards. Referred to interim committee on Senate side for further study.

**SB 1135 (Brown).** Gives cities and counties local option in regard to rules and regulations for the enforcement of auto and trailer park law, regardless of whether Division of Housing rules and regulations are more adequate. Chapter 1629.

**SB 2099 (Kraft).** Prohibited a redevelopment agency of a city from exercising any of its powers unless two-thirds of the voters of the city vote in favor of such exercise of powers. Died in Senate committee after numerous amendments restricting bill to agencies hereafter established and to require majority vote.

**SB 2520 (Donnelly and Berry).** Transferred to Commissioner of Corporations the functions of the Commission of Housing in the Industrial Relations Department regarding limited dividend housing corporations. Died in Senate committee.

**SB 2521 (Donnelly and Berry).** Abolished Division of Housing within the Department of Industrial Relations and transferred its functions to local health officers subject to supervision of the Department of Public Health. Died in Senate committee.

### **Other Bills**

**AB 781 (Henderson).** Deletes power of housing authority to hire secretary to serve at pleasure of commission; provides that authority shall determine the terms of employment, as well as classifications, duties and compensation of all employees. Chapter 764.

**AB 977 (Stewart).** As introduced, authorized redevelopment agencies to undertake urban renewal projects the same as redevelopment projects for the primary purpose of rehabilitation and conservation of blighted, deteriorated and deteriorating areas; defined powers of agency, community legislative body, planning commission and other public officers and bodies with reference to such renewal projects, which, as defined, crossed redevelopment lines so that redevelopment, rehabilitation, and conservation may be carried on simultaneously in one project as well as on a coordinated basis; prohibited urban renewal provisions from becoming operative in any community until legislative body declares by written resolution the need for urban renewal.

As amended several times and passed by the Assembly, contained additional provisions protecting displaced persons in renewal plan areas in regard to relocation; also imposed new procedures for contesting the validity of a plan, permitting review by the superior court of the coun-



ty in which the land affected by the plan is situated. Amended further on the Senate side along these lines and to require longer notice and public hearings prior to adoption of redevelopment plan, and sent to interim committee for further study.

Essential provisions were amended into **SB 1234**, enacted into law.

**AB 3274 (MacBride and Nielsen)**. Increases from 4½ to 6 percent the maximum interest rate that a redevelopment agency may fix for its authorized bonds. Chapter 1981.

**AB 3406 (Dahl)**. As amended and enacted, permits a legislative body to dissolve a redevelopment agency and to assume the functions itself. Chapter 849.

**SB 1081 (Hollister)**. As amended and enacted, provides that no provisions of the State Housing Act, instead of only those relating to design, construction, reconstruction, improvement, conversion or alteration of buildings, shall apply within any city having and enforcing a local ordinance prescribing minimum standards equal to or greater than provisions of the state law; provides that such local ordinances shall supersede the provisions of state law. Chapter 1620.

**SB 1234 (Robert I. McCarthy)**. As introduced, permitted community redevelopment agencies to pay relocation costs to persons, businesses, etc., displaced by redevelopment. Following defeat of **AB 977** (Stewart), in Senate committee, was amended on Assembly floor to include the essential provisions of **AB 977** to permit redevelopment agencies to undertake urban renewal projects. Bill was returned directly to the Senate floor where amendments were concurred in. Chapter 1696.

**SB 1371 (Breed)**. As amended and enacted, requires that gas ranges in buildings hereafter erected shall be ventilated by a vent located approximately over the top surface cooking facilities. Chapter 682.

**SB 2273 (Desmond)**. As introduced, was merely a skeleton bill. Later amended to impose harsh restrictions on community redevelopment and the acquisition and disposition of property therefor: imposed unreasonable owner participation requirements on redevelopment projects and prohibited functioning of redevelopment agency except by two-thirds vote of community voting at an election called for that purpose. Later amended to remove objectionable provisions and passed by the Senate, but was referred to interim committee for further study on the Assembly side.

## INDUSTRIAL SAFETY

Activity in this field of legislation was focused on legislation to establish an overall state agency or commission charged with coordinating functions in the protection of workers and the public from the hazards of radioactive materials. The Federation followed this legislation closely to assure the workability of any legislation passed, and to secure labor representation on commissions and advisory bodies proposed by the various bills. The two major bills were **SB 654** (Miller) and **AB 4126** (Bruce Allen), but neither was enacted because of failure of the Assembly and Senate to iron out conflicting viewpoints. In their final form, labor representation was provided for in both bills.

Despite the failure to enact overall radiological safety legislation, passage was secured of another bill, **AB 3092** (Chapel) to provide specifically that the state Division of Industrial Safety has full authority to issue safety orders protecting workers against exposure to ionizing radiation and radioactive materials.

Bills marked \* were sponsored by the Federation

### Good Bills

**AB 310 (McCollister)**. As introduced, required all

cranes to be equipped with automatic boom stop approved by Division of Industrial Safety. As amended and approved by Assembly committee on Industrial Relations, bill was restricted to crawler-track or rubber tire lifting cranes, and specifically exempted equipment used exclusively for non-lifting purposes such as ditch digging, clam shoveling or agricultural purposes. Died in Ways and Means Committee.

**AB 537 (Thomas and others)**. Established statutory safety standards for longshore, stevedore and waterfront warehouse operations. Sent to interim committee for further study.

\***AB 674 (Gaffney and others)**. Made it a misdemeanor for employer to fail to make available proper ambulance and first aid facilities on a construction job site to insure prompt and adequate treatment in case of industrial injury; required Division of Industrial Safety to enforce provisions. Died in Assembly committee.

**AB 1498 (Backstrand)**. As amended, prohibited bulk transportation of gas under pressure unless tank has been

manufactured in compliance with rules and regulations adopted by the Department of Industrial Relations. Referred to interim committee for further study.

**AB 1499 (Backstrand).** Prohibited trailers and semi-trailers from being used for the transportation of workmen, excepting any semi-trailer originally designed and constructed by a manufacturer as a passenger carrying vehicle and registered as such prior to January 1, 1958. Died in Assembly committee.

**AB 1609 (Thomas J. Doyle).** As amended, makes three years' service requirement for steam locomotive engineers applicable to all locomotive engineers, and provides that service requirement for train conductors must be in road service. Chapter 180.

**AB 3092 (Chapel and others).** Includes the danger of exposure to ionizing radiation and radioactive materials within the meaning of "safety device" and "safeguard" for purposes of provisions regulating workmen's safety by the Division of Industrial Safety. Chapter 528.

**AB 4058 (Meyers).** Required employers employing persons to make excavations more than five feet in depth to have work supervised to protect employees from cave-ins. Died in Assembly committee.

**SB 1981 (Cunningham).** Provides that all trains and engines however propelled shall provide a first aid kit for persons who may be injured in the course of train operation; repeals requirement of first aid kits in steam trains only. Chapter 716.

### Other Bills

**AB 3093 (Chapel and others).** Required Department of Public Health to prescribe rules, not inconsistent with those established by National Bureau of Standards, to control transportation, storage, packaging, sale, distribution, production and disposal of radioactive materials which may affect public health or the health of persons exposed to radioactivity or carrying radiation; prescribed penalties for violation of rules and manner of enforcement; prohibited operation of provisions to prevent Department of Industrial Relations from establishing rules for the protection of the health and safety of employees. Died in Assembly committee.

**AB 4126 (Allen and Lindsay).** As amended and passed by the Assembly, created State Radiological Safety Agency headed by director appointed by the Governor and assisted by a technical council of seven members, also appointed by the Governor, with specified powers and duties for the protection of the health and safety of the people from the dangers of radioactivity; provided that agency shall serve as a technical advisory group for the

coordination of regulations of state agencies pertaining to the production and utilization of atomic energy and the ownership, transportation and operation of radioactive materials and radiation equipment so as to avoid conflict. Provided that no regulation of an agency could become effective without being submitted to the Radiological Safety Agency for its advice. Also provided for a radiation protection coordinating committee composed of representatives of various state agencies involved in the field, including Division of Industrial Safety of the Department of Industrial Relations. Contained no provision for labor representation on the technical council within the Radiological Safety Agency.

Amended in Senate to provide for labor representation on technical council and to give the agency authority to adopt rules and regulations necessary to carry out its functions and at the same time to prohibit a regulation of any other state agency on the subject of atomic energy and the use and handling of radioactive materials and radiation equipment from becoming effective unless approved by the State Radiological Safety Agency. As such, died in Senate committee.

**SB 654 (Miller and others).** As amended and passed by the Senate, established within the state a Radiation Safety Commission consisting of five members, without labor representation, with specified duties and powers and with general study and coordinating functions for the purpose of protecting the health and safety of individuals from the hazards of radioactive materials. Specifically prohibited regulation of any state agency pertaining to the production or utilization of atomic energy from becoming effective until approved by the Radiation Safety Commission and the legislature except on an interim basis in an emergency situation with the approval of the Governor for later submission to the legislature.

Amended several times in the Assembly, and as passed by that body, provided for labor representation on the Radiation Safety Commission, and eliminated the requirements that the legislature approve interim and emergency regulations by various state agencies on the subject of radiation, and carried a new chapter providing for air pollution research in accordance with a bill that had been killed on the Senate side.

Senate refused concurrence in Assembly amendments. A free conference committee was appointed and its report was adopted by the Senate, but rejected by the Assembly, thereby allowing the bill to die in conference committee. Conference committee report deleted the provisions for air pollution research and eliminated altogether the requirement that the legislature approve regulations of various state agencies; also restored absolute authority of Radiation Safety Commission to veto any state agency regulation.

**SB 655 (Miller and others).** As amended and passed by both houses, appropriated \$25,000 from the general fund for the support of the Radiation Safety Commission proposed in SB 654, but defeated. Accordingly, vetoed by the Governor.

## INSURANCE (Including Health and Welfare)

The major Federation accomplishment at the 1957 session in this area of legislation was the passage of **AB 1773** (Rees), containing the provisions of a workable law regulating employee health and welfare programs. As was the case at the 1955 session, two years earlier, the Federation was faced with a large number of regulatory bills to correct alleged abuses, some of which, although not necessarily bad in purpose, contained a number of ill-advised provisions which would have seriously impaired the efficient and continued operation of many funds. The Federation, desirous of assuring the passage of a workable bill at the 1957 session, accordingly sponsored **\*AB 256** (Donald D. Doyle), a measure similar to one defeated the previous session, giving 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 AFL measure immediately came under attack of the powerful banking and employer interests who had killed the Federation measure two years ago, and who secured an amendment to exempt their unilaterally administered programs from regulation. The battle at the 1957 session, therefore, centered around getting a bill through that would apply uniformly in workable form. A further complicating factor was the determination of leading Democratic legislators that the bill enacted be a measure authored by one of their members, namely, **AB 1773** (Rees), a bill containing more detailed provisions for regulation than **\*AB 256**, but nevertheless generally acceptable. In an extended series of conferences on these bills, agreement was finally reached on the support of **AB 1773** as the Rees-Doyle Act, with amendments to provide detailed regulatory authority without sacrificing the flexibility necessary for a workable law. The opposition of the banking interests and employers with unilateral plans was finally circumvented by carefully drawn language, which, while exempting their funds and trustees from the provisions of the bills, nevertheless covers their "programs".

Bills marked \* were sponsored by the Federation

### Good Bills

**\*AB 256** (Donald D. Doyle and others). As introduced, gave state Insurance Commissioner authority to supervise and investigate all health and welfare programs created by, or on account of contracts between, labor organizations and employers; required all records of such health and welfare programs to be open to investigation by the

Insurance Commissioner in accordance with rules and regulations which he may adopt; made it the duty of the commissioner to determine whether such programs are being expended and used only for authorized purposes. Amended in Assembly committee, over the opposition of the Federation, to confine regulation to "trust funds" instead of "programs" and to exempt any trust fund of which all the trustees are subject to supervision and regulation by the state Superintendent of Banks, the Controller of Currency of the United States, or the Board of Governors of the Federal Reserve System. Amended again by the Federation to apply to "programs" rather than "trust funds", under a revised exemption provision excluding from the regulatory authority of the Insurance Commissioner a corporate trustee and funds or insurance policies or both placed with such trustee, which is subject to the jurisdiction of the Superintendent of Banks of the state, the Board of Governors of the Federal Reserve System or the Controller of Currency of the United States, thus providing for the regulation of all employee health and welfare "programs". As such, carrying a \$414,600 appropriation, was passed by the Assembly as a trailer bill to **AB 1773** (Rees), which was accepted by the Federation as the agreed health and welfare bill, should this latter bill fail to secure passage. Dropped on the Senate side upon passage of **AB 1773**.

**AB 353** (O'Connell). Regulated advertising regarding disability insurance and prohibited false and misleading advertising. Died in Assembly committee.

**AB 354** (O'Connell). Regulated advertising regarding accident and sickness insurance and prohibited false and misleading advertising. Died in Assembly committee.

**\*AB 686** (Munnell and others). As introduced, was a Federation bill extending full unemployment insurance and unemployment disability insurance coverage to state and local government employees. Following defeat of original bill in Assembly committee, was used by author for reenactment of a measure vetoed by the Governor as being technically defective. As so used and enacted, exempts a labor organization or its incorporated entity for insurance purposes from all provisions of the Insurance Code relating to insurance protection against wage loss from any cause in respect to benefits promised, not exceeding \$3,000 in the aggregate for any one loss and the transactions connected therewith. Chapter 1126.

**AB 1732** (Masterson). As amended and enacted,

prohibits the cancellation of an auto liability policy prior to the mailing or delivery to the named insured at the address shown in the policy of a written notice of the cancellation, stating that not less than 10 days after the date of such mailing or delivery, the cancellation shall become effective. Chapter 723.

**AB 1773 (Rees).** As amended six times and enacted, contains the agreed provisions of a workable law regulating employee health and welfare programs: subjects to supervision and investigation of state Insurance Commissioner all health and welfare "programs" created by, or on account of contracts between labor organizations and employers, while excepting from such investigation and supervision the corporate trustee and the funds and insurance policy placed with such corporate trustee which is subject to the jurisdiction of the state Superintendent of Banks, the Board of Governors of the Federal Reserve System or the Controller of Currency in the United States; permits funds of health and welfare programs to be used and expended only for purposes authorized in the creating or governing instrument; requires registration with commissioner of covered health and welfare programs in accordance with rules and regulations which he may adopt, which rules may except from reporting and regulation any program which the commissioner finds (1) is a program in which there is no potential detriment to the beneficiaries, or (2) the number of persons employed in this state covered by the plan is less than 25, or (3) the trustees of the program, whose principal place of business is not in the state, are subject to and comply with requirements of any law or any other state or of the United States with respect to registration, filing, examination, statements of reports, but at the same time permitting such exemptions only to the extent that the requirements are substantially complied with by the trustees of the programs complying with the other laws; permits commissioner to examine programs as often as deemed necessary, but not less than once every three years, with power to dispense with such examination wherever an employee health and welfare program is audited by a certified public accountant or a public accountant and the Insurance Commissioner is satisfied with the report; requires all covered programs to open books to commissioner, and gives commissioner authority to administer oaths and examine any person relative to the business of a program; re-

quires commissioner to make a report of all examinations together with conclusions and recommendations, and requires such report to be on file for inspection of any bona fide beneficiary of the program or contributing employer or employee, but only after prior service of the report on the management of the program examined, which must be given opportunity to file with the commissioner additional information and objections with reference to the facts, conclusions or recommendations of the report; requires each program to file an annual report with the commissioner in accordance with his rules and regulations; gives commissioner additional power to address to any employee health and welfare program or its officer or agents any inquiry in relation to its transactions or condition, etc., under conditions of compulsory response; requires program management to make annual report to every contributing employer and covered employee who requests the report; contains stringent provisions against kick-backs in any form to participating employers or labor organizations or agents, officers, or employees thereof from insurance companies, insurance brokers, or suppliers of medical services in connection with the solicitation, sale, service, or administration of a contract providing employee benefits under the program; provides for enforcement and appointment by Governor of an advisory council to make recommendations to the Insurance Commissioner concerning supervision of programs; appropriates \$326,000 from Insurance Fund for administration; contains terminal date of June 30, 1960. Chapter 2167.

**AB 3468 (O'Connell).** Defined and prohibited unfair methods of competition and unfair or deceptive acts or practices of business of insurance. Amended to confine bill to advertising, and referred to interim committee for further study on Senate side.

**\*SB 533 (John F. McCarthy).** Companion bill to **\*AB 256** (Donald D. Doyle and others). Died in Senate committee.

### **Bad Bills**

**AB 920 (Levering and Shell).** Provided for stringent and punitive type regulation of negotiated health and welfare and pension trust funds, while exempting plans administered unilaterally by management. Died in Assembly committee.

**SB 2400 (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 Senate committee.

### Other Bills

**AB 66 (Levering).** Authorizes issuance of blanket life insurance policy to newspaper or other periodical publication covering newsboys and others engaged in sale, distribution or marketing or participating in employer-sponsored trip; authorizes issuance of certificate to person insured who pays premium. Chapter 366.

**AB 67 (Levering).** Authorizes issuance of blanket life insurance policy to newspaper or other periodical publication insuring newsboys and others without requirement of individual enrollment, with premium to be paid by policyholder; permits individual to refuse coverage; authorizes non-liability or limited liability provision for war, military service or aviation; requires approval of form by Insurance Commissioner. Chapter 367.

**AB 635 (Kelly).** As amended and enacted, provides that no group life policy may be issued which provides term of insurance on any person which, together with any other term insurance under any group life insurance policy or policies issued to employers or any of them, or to the trustee or the fund, established in whole or in part by the employers or any of them, exceeds \$50,000 instead of present \$20,000. Chapter 495.

**AB 1028 (Crawford and Schrade).** Provides that

group life policies insuring employees may be issued to trustees of a fund established by employer members of an association that is statewide, has over 500 members, in existence over 10 years, and consists of employer members engaged in any one or more of the manufacturing, fabricating or processing industries; also includes retired employees, partners, or individual proprietor within term "employee". Chapter 2248.

**SB 408 (Grunsky).** Contains portion of **AB 1028** above that includes retired employees, individual proprietors and partners in the term "employee" with regard to group life policies issued to the trustee of a fund established by employer members of a trade association. Chapter 2247.

**SB 1969 (Robert I. McCarthy).** As amended and enacted, provides that retirement plans under Corporations Commissioner may be funded for past service credit over a reasonable period of time not to exceed 15 years. Chapter 2043.

**SB 2280 (Breed).** Provides that each individual covered by non-profit hospital service plan shall be given his own certificate, except where the individual makes no regular contribution toward the payment of the premium of the group policy and the certificate given the individual is in a form setting forth a clear statement of the conditions of eligibility from which the person covered can determine the circumstances under which he is insured under the master policy. Chapter 354.

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## LABOR CODE CHANGES—GENERAL

In this important field of legislation, progress was limited at the outset by the necessity of all bills going through the the reactionary Senate Labor Committee. The Federation was successful, however, in securing the passage of two of its eight measures sponsored in this category of legislation. **\*AB 463 (Unruh)** requires employers to pay the cost of medical examinations required by law of employees as a condition of continued employment, while **\*AB 599 (Davis)** secures wages of employees in logging operations. Another important Federation bill, **\*AB 464 (Unruh)**, prohibiting discrimination in employment because of age, was passed through the Assembly for the first time, but was killed by Senate Labor Committee.

Also worthy of special note is the fate of **AB 245 (Burton)**, the Federation's \$1.25 per hour minimum wage bill. Unfortunately, the Federation was placed in the awkward position of being forced to

disown the bill because of the willingness of the author to accept amendments that were completely unacceptable to the Federation. Although the bill traveled all the way to the Senate floor before it was finally killed, this was only because of the manner in which it was literally riddled with exemption amendments. These amendments are detailed below.

In other areas, a noteworthy advancement was the passage of **AB 3350 (Donahoe)**, strengthening the women's equal pay law in accordance with Federation policy.

Defensively, the Federation was occupied in battling the proposals of the Business and Professional Women to emasculate the women's eight-hour law by removing so-called occupations of a "professional, technical or clerical" nature from its protections. These were embodied in **Senate Bills 127 and 128**, both by Abshire, which were introduced with two years of "interim study" backing by the Abshire Committee following the 1955 session. The pressure worked up in support of these bills made it impossible to stop them on the Senate side. On the Assembly side, the Federation was successful in securing their defeat by obtaining referral to an interim committee for two more years of study, this time, however, by the more impartial Assembly Committee on Industrial Relations, and within the context of the need for overall revision of related protective provisions of the Labor Code and possible enactment of a state fair labor standards act.

Bills marked \* were sponsored by the Federation

### Good Bills

\***AB 191 (Wilson)**. Required state and local public agencies to make contributions to pension funds for their employees engaged in construction, repair, or maintenance work in the same manner and on the same basis as private employers. Died in Assembly committee.

\***AB 245 (Burton and others)**. As introduced, established a statutory minimum wage of \$1.25 per hour for all employees in all occupations, trades, or industries; provided that minimum wage fixed by order of Industrial Welfare Commission for women and minors shall not be less than the statutory minimum.

Amended in Assembly committee, over protest and objections of Federation, to reduce proposed statutory minimum to \$1.10 and to exclude from coverage domestic service employees except those employed to do house cleaning, cooking or house repair and maintenance work, outside salesman, public employees, employees of religious and non-profit organizations, switchboard operators in exchanges with less than 750 stations, and motel managers of unspecified number of units.

As such, bill was disowned by Federation, but nevertheless was sent to the floor of the Assembly where it was further riddled by amendments to exempt minors covered by orders of the Industrial Welfare Commission, agricultural workers, including after harvest occupations involved in the canning and processing of agricultural products and dairy products, and motel managers of less than 31 units.

In this form, bill was passed by roll call vote of 41-33 and sent to Senate, where it was further amended three times in the Senate Committee on Labor and once on the Senate floor to reduce the proposed statutory minimum

further to \$1.00, exempt all motel managers, broaden exemption for minors to include all persons under 21 years of age regardless of whether covered by Industrial Welfare Commission order, broaden domestic service exemption to exclude all domestic servants, and further exclude from coverage any person being rehabilitated or trained under rehabilitation or training programs in charitable, educational or religious institutions, as well as any member of a religious order, and any individual employed by a motion picture exhibitor.

In this grossly inadequate form, bill was taken up for passage on the Senate floor, but was re-referred to the Senate Labor Committee, where it died, by roll call vote of 16-13, following rejection of an amendment by Abshire to insert the provisions of his defeated bill **SB 127**, exempting occupations of a professional, technical or clerical nature from the women's 8-hour law.

\***AB 369 (Don A. Allen)**. Required restaurants to secure wages of every employee by depositing in a bank necessary cash or saleable securities. Died in Assembly committee.

\***AB 460 (Unruh and others)**. Required payroll stubs or deduction statement to show, in addition to deductions, the period of time covered by each payment of wages, the number of hours worked in such period, the name of the employee, the wage rate or premium pay, if any, and the name and mailing address of each employer. Died in Assembly committee.

\***AB 463 (Unruh and others)**. As introduced, prohibited requiring an employee to pay for medical or physical examination required as a condition of continued employment.

As amended, adds to existing law that an employee who is required, as a condition of continued employment, to submit to a medical examination, in accordance with a federal, state or local requirement, shall not be required to pay for or have a deduction from his wages for the cost of such medical examination. Chapter 1113.

\***AB 464 (Unruh and others)**. Prohibited refusing to employ a qualified person solely because such person is older than the limit prescribed by such employer by agreement, employment policy or otherwise. Passed Assembly by roll call vote of 45-22, and killed by Senate Committee on Labor.

\***AB 493 (Gaffney and others)**. Authorized Labor Commissioner to take assignments of, and enforce claims of health and welfare plan payments in the civil as well as criminal court. Died in Assembly committee.

\***AB 599 (Davis and others)**. As amended and enacted, insures that individuals performing services in so-called logging operations shall have some assurance of receiving wage payments, as the result of specified deposit requirements. Chapter 593.

**AB 849 (Donahoe and Davis).** Contains numerous revisions of Industrial Home Work Act, designed to clarify language without altering the scope of the law, and to improve the enforceability of the law. Chapter 420.

**AB 955 (O'Connell).** Required a written contract specifying the terms and conditions of employment when a person is hired to do door-to-door selling. Died in Assembly committee.

**AB 1806 (Henderson).** As introduced, was a bad bill, amending the Labor Code relating to prohibitory orders against industrial home work to permit the Industrial Welfare Division to allow a limited exemption from such ban in hardship cases to any person, instead of only those engaged in the industry as a homemaker on or prior to the effective date of the order, who satisfied the requirement of existing law.

As amended and enacted, the possibility for abuse is removed by allowing limited extension of the homework prohibition to persons who were not employed as homeworkers prior to the effective date of the prohibitory order, so long as rigid and desirable conditions and controls exist to allow bona fide home work in connection with rehabilitation programs. Chapter 1246.

**AB 2822 (O'Connell and others).** As introduced, contained the essentials of a state fair labor standards act with a \$1.25 statutory minimum, but also contained broad exemptions for agricultural labor, fishing, retail trade within certain limits, and other workers.

Amended by Assembly Committee on Industrial Relations to provide for \$1.00 statutory minimum and received favorable recommendation. Died in Assembly Committee on Ways and Means after being amended again to simply extend the jurisdiction of the Industrial Welfare Commission regarding wage orders, etc. to men as well as women and minors.

**AB 2841 (Unruh).** Provided that all employees shall be allowed time off for service on juries without loss of pay. Died in Assembly committee.

**AB 3100 (Burton).** Made employer of seamen who fails, within 10 days after demand, to pay for maintenance and care of seaman employee who sustains injury or illness in course of employment, guilty of misdemeanor and liable in civil action brought by seaman. Referred to Rules Committee for further study.

**AB 3350 (Donahoe and others).** As amended and enacted, materially strengthens the equal pay law for women by (1) removing provision allowing rate differentials based on interruptions of work for rest periods and variations based on collective

agreements, while continuing provisions for differences based on seniority, length of service, ability, skill, difference in duties or services performed, whether generally or occasionally, differences in the shift or time of day worked, hours of work, restrictions or prohibitions on lifting or moving objects in excess of specified weight, or other reasonable differentiation, factor or factors other than sex, when exercised in good faith; (2) making employer who violates equal pay provisions liable to the employee affected in the amount of wages deprived by reason of such violation; (3) permitting any affected employee to register with the Division of Industrial Welfare a complaint that wages paid to her are less than the wages to which she is entitled under the equal pay provisions; (4) requiring Division of Industrial Welfare to take all proceedings necessary to enforce the payment of sums found to be due and unpaid to such female employee; (5) permitting females receiving less than equal pay to take civil action to recover the balance of wages due them together with the cost of the suit, notwithstanding any agreement to work for a lesser wage. Continues burden of proof on person bringing claim to establish pay differentiation based on the factor of sex, although this provision had been removed in the original bill. Chapter 2384.

**\*SB 459 (Richards).** Senate companion to **\*AB 245 (Burton and others)**, establishing statutory minimum wage of \$1.25. Died in Senate committee.

**SB 1755 (Miller).** Established a state fair labor standards act with a statutory minimum wage of \$1.25, essentially the same as **AB 2822 (O'Connell and others)**, but did not contain the broad exemptions of that bill in its original form. Died in Senate committee.

**SB 2333 (Regan).** As amended and enacted, permits the legislative body of a political subdivision in the state which has received or is going to receive a federal loan or grant for public works within the subdivision to provide in its call for bids that all bid specifications and contracts and other procedures in connection with such bids or contracts shall be subject to modification to comply with revisions in the federal minimum wage schedules without the necessity of republication or reduplication of other formal statutory requirements. Chapter 1992.

#### **Bad Bills**

**SB 127 (Abshire and others).** Exempted women 18 years of age or over in office occupations defined as

“professional, technical or clerical” from the women’s 8-hour law where such occupations are governed by order of the Industrial Welfare Commission. Passed by Senate over strenuous objections of the Federation by roll call vote of 33-2.

On Assembly side, sent to interim committee for further study by Committee on Industrial Relations after holding of full scale hearing.

A series of bills on the Assembly side providing for a similar modification of the women’s 8-hour law but establishing a statutory time and a half provision for all overtime work, died in Assembly committee.

**SB 128 (Abshire and others).** Permitted women in occupations rendering public service to be employed beyond 8 hours a day in a loosely defined concept of an emergency. Passed by Senate over strenuous objections of Federation by roll call vote of 33-2. Referred to interim committee for further study along with **SB 127** by Assembly Committee on Industrial Relations.

**SB 1002 (Sutton).** As amended and sent to the floor of the Senate with a favorable recommendation, exempted from the women’s 8-hour law an employee-manager of a motel of 40 units or less who is provided with living quarters and utilities and receives, in addition, a salary of not less than \$6.50 per unit per month. Refused passage by roll call vote of 13-17.

**SB 1020 (Murdy).** Exempted women and minors employed in agricultural labor from provisions of Labor Code relating to wages, hours and working conditions of women and minors, including the jurisdiction of the Industrial Welfare Commission. Died in Senate committee.

**SB 1084 (Hollister).** Originally was a “watch” bill, amended into a “bad” bill amending the sanitary provisions of the Labor Code governing labor camps to allow use of materials, appliances, installations, devices and methods of construction not specifically prescribed, if the enforcement agency determines that they are at least the equivalent of those prescribed by the law, and to allow two-tier bunks with 8-foot ceilings instead of 12-foot ceilings. As so amended, passed by the Senate by roll call vote of 29-2.

Amended at the request of the Federation in Assembly committee to require adequate standards of heating and ventilation, and as so amended, was recommended favorably to Assembly floor.

Amended on the Assembly floor to include the original provisions of **SB 1955**, which was tabled on the Senate floor after FEPC amendments had been added on the Assembly side (see CIVIL RIGHTS). As passed by the Assembly, the bill contained the original provisions of **SB 1955** exempting from the

8-hour law for minors the employment of any minor by engineers engaged in survey work as part of a survey crew.

Inasmuch as this last amendment did not limit the exemption for minors in survey crews to those over 16 as had been amended into the original bill, the Federation requested a Governor’s veto. Chapter 1903.

**SB 1569 (Abshire).** As amended and passed by the Senate, permitted county boards of supervisors to specify prevailing rates in call for bids for public works by reference to previously published and posted resolution setting forth the prevailing rates in the area. Killed on the Assembly floor.

### Other Bills

**AB 480 (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, and also in types of work prohibited by law. Accepted by Federation upon showing of proof of need for extension. Chapter 1117.

**AB 540 (Conrad).** As amended and enacted, establishes special provisions for the payment of screen extras in order to satisfy the requirements of immediate payment under the Labor Code upon discharge; requires that wages must be paid within such reasonable time as may be necessary for computation of payment, but not to exceed 24 hours after discharge, excluding Saturdays, Sundays and holidays; provides that such payment may be mailed and that the date of mailing is the date of payment. Chapter 1118.

**AB 2606 (Levering).** Provides that a qualified elevator inspector employed by an insurance company and a certified inspector employed by an insurer or by an employer for the purpose of inspecting only tanks and boilers under his jurisdiction need not be a citizen or an elector. Chapter 1347.

**AB 2614 (Cunningham).** Permits hospital districts or county hospital to employ professional persons actually licensed by the State of California who are aliens. Chapter 639.

**SB 1140 (Farr).** As amended and enacted, permits employment as public employees of any alien professional person who has declared his intention to become a citizen or any alien professional libra-



rian other than a chief librarian employed for not more than one year. Also contains the provisions of **AB 2614** (Cunningham). Chapter 1631.

**SR 198 (Murdy)**. Directs the Senate Interim Committee on Social Welfare to study the subject of

restrictions of employment of minors, and authorizes and directs the committee to ascertain, study and analyze all facts relative to this subject and to the desirability of or necessity for legislation in the field. Approved by roll call vote of 21-3.

## LABOR UNIONS

For the second straight general session, the Federation was spared the necessity of battling so-called "right to work" and "hot cargo" legislation. The absence of the introduction of any such hostile bills can be traced directly to Governor Knight's firm pledge, repeated again in his message to the 1957 legislature, that he would veto such legislation, or any other legislation that tipped the scales in favor of either labor or management.

The Governor's pledge, however, did not prevent the introduction of "skeleton" bills obviously designed for anti-labor amendments should the occasion have arisen to permit such amendment. Nor did the Governor's blunt warnings prevent the introduction of a new type of anti-labor bill purportedly designed to prevent "organizing from the top." This was **SB 2229** (Abshire), which consumed a good portion of the Federation's time and energies to assure its defeat.

The bill, like "right to work" legislation, employed the language of "democracy" to give employers a club to break the back of the organized labor movement. Simply stated, it made it unlawful for any employer to enter into any agreement which would "deny to a majority of employees" the right to choose their bargaining agent at the time an agreement is being negotiated or is executed. But it created no positive machinery for conducting the representation elections, which would have been required for every contract negotiated, including renewal of contracts in established bargaining units. This was the indication of the sponsors' purpose, namely, to create a legal "no man's land" to disrupt and destroy collective bargaining under the guise of majority representation, and to prohibit peaceful organizational activities of labor organizations.

The measure received favorable recommendation by the Senate Labor Committee following prolonged hearings, during which the Federation exposed in full detail the destructive purposes of the bill. On the floor of the Senate, the Federation continued this work, undertaking a time-consuming project of educating the Senators to the real pur-

poses. This time and effort paid off handsomely, when the author, Senator Abshire, after several days of trying to muster up support for his bill, finally gave up and tried to move the bill to inactive file to let it die quietly. The real feeling of the Senate, however, was expressed when Senator Collier rose, and successfully moved that the vicious measure be "stricken from the file." The favorable action, however, was by voice vote.

On the positive side, all Federation-sponsored and supported bills to extend collective bargaining rights to public employees were turned back. A related measure, **\*AB 261** (Nielsen), merely declaring the right of public employees to be free to join an organization of their own choice without collective bargaining right, was secured out of Assembly committee, but only for a short period until pressure on the floor forced it back to committee by motion of the author.

Bills marked \* were sponsored by the Federation

### Good Bills

**\*AB 260 (Nielsen)**. Declared state policy against obstruction of the right of all public employees, as well as persons employed by private enterprise, to become or remain a member of a bona fide labor organization. Received favorable recommendation by Assembly Committee on Civil Service and State Personnel after rejection of "right to work" amendments offered by Assemblyman Thelin. On Assembly floor was re-referred to committee by motion of author, where it died.

**\*AB 261 (Nielsen)**. Made statement of public policy regarding workmen's right to organize and bargain collectively applicable to all governmental agencies in the state. Refused approval in Assembly Committee on Civil Service and State Personnel.

**AB 1104 (Wilson and others)**. Creates Los Angeles Metropolitan Transit Authority; contains

right to bargain collectively for employees of the district with satisfactory procedures for determining bargaining unit and voluntary arbitration. Chapter 547.

**AB 2398 (Munnell and others).** Removed a number of provisions in the state Jurisdictional Strike Act which have been used by employers to enjoin legitimate trade union activity. Died in Assembly committee.

**AB 2793 (Rumford and others).** Established collective bargaining procedure for employees of municipal utility districts. Killed in Assembly Committee on Industrial Relations.

**SB 850 (John F. McCarthy and others).** Creates San Francisco Bay Area Rapid Transit District; contains provisions giving employees of district right to bargain collectively, including satisfactory provisions for selection of bargaining unit and voluntary arbitration. Chapter 1056.

### Bad Bills

**AB 988 (Weinberger and others).** As introduced, was a bad bill, including labor disputes and the arbitration thereof under a proposed uniform commercial arbitration act. Amended by Federation to delete the inclusion of labor arbitration. Referred to interim committee on the Senate side for further study.

Senate companion to the original bill, **SB 820 (Regan and others)**, died in Senate committee.

**AJR 16 (Weinberger and Caldecott).** As originally introduced, was a very bad bill, combining in a resolution relating to water laws a request to Congress that it enact legislation giving states the power to regulate labor management relations affecting interstate commerce in accordance with the aims of reactionary employer groups, such as the NAM, for the purpose of extending the "right to work" principle to outlaw strikes and picketing by state action. These bad labor provisions were defeated by being amended out of the resolution before adoption.

**SB 2229 (Abshire and Murdy).** Made it unlawful for any employer to enter into any agreement which would "deny to a majority of employees" the right to choose their bargaining agent at the time an agreement is being negotiated or is executed. Killed on Senate floor when stricken from file by voice vote.

**SB 2230 (Abshire and others).** Permitted 20 per cent of members of a local under international receivership to demand from the international, or if refused, 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. Died in Senate committee.

## MOTOR VEHICLES

### Good Bills

**AB 1480 (Dahl and others).** As amended, requires applicant for instruction permit to be otherwise qualified for a driver's license rather than to be over the age of 14 years, and specifies that permit may be used only under immediate supervision of a licensed operator or chauffeur who is 18 years of age or over. Chapter 284.

**AB 1481 (Dahl and others).** As amended and enacted, provides that all original drivers' licenses hereafter issued shall expire on the third birthday of the holder and each renewal license thereafter on the fifth birthday of the holder, unless the holder, during the first two years after renewal, is convicted of two or more traffic violations, except parking violations in the case of an operator's license, or four or more violations in the case of a chauffeur's license, or has been convicted of any felony involving use of a motor vehicle, in which cases renewed license expires on the second birthday of the holder after renewal. Establishes procedure for renewal, and exempts from licensing fees disabled persons unable to move about as pedestrians who apply for license to operate a self-propelled wheel chair or invalid tricycle. Chapter 611.

**AB 1624 (Meyers and Burton).** Made it a misdemeanor for any person to engage in the business of selling, buying or exchanging motor vehicles on Sundays. Referred to interim committee for further study.

**AB 1696 (Busterud).** Substitutes a system of points for certain Vehicle Code violations, in place of a system based on the number of certain violations, in determining whether a person is a negligent operator and subject to refusal, revocation or suspension of license; requires Department, in applying the point system, to give due consideration to the amount of use or mileage travelled. Effective on the expiration of present licenses; also permits the Department to issue (1) a general chauffeur's license, (2) a restricted chauffeur's license, (3) an operator's license, (4) an endorsed operator's license permitting the operation of motor vehicles having an unladen weight in excess of 12,000 lbs., and the towing of vehicles having a gross weight in excess of 6,000 lbs.; requires Department, in issuing a restricted chauffeur's license or an endorsed operator's license, to indicate thereon the type of vehicle or combination of vehicles the licensee is licensed to operate. Chapter 2283.

**AB 2650 (Porter).** As amended and enacted, provides that cities may not prohibit commercial vehicles or vehicles with gross weight exceeding the amount specified by ordinance from using any city street on which state highway funds have been used, except in such cases as the legislative body of a city, after notice of hearing, determines to reduce weight limits on such streets. Establishes hearing standards. Chapter 1350.

**AB 2685 (Levering).** Prohibits person owning vehicle or employing or directing a driver from "causing" rather than "requiring" the operation of the vehicle in a manner contrary to law. Chapter 1358.

**AB 2814 (Rees and others).** Requires vehicles registered after January 1, 1958 to be equipped with electrical turn signals of a type approved by the Department of Motor Vehicles. Chapter 1371.

**AB 3392 (Backstrand and others).** As amended and enacted, provides that no person shall drive more than 10 hours in a 24-hour period any vehicle designed or used for transporting persons for compensation unless off eight hours, nor drive any vehicle designed for use of transporting property more than 12 hours in a 24-hour period unless off eight hours; retains present exemption of person driving any vehicle used in the transportation of persons or property as a common carrier for compensation. Chapter 1417.

**SB 1171 (Collier).** As amended and enacted, prohibits issuance of license to applicant who is unable to read and understand simple English used in highway traffic and directional signs; does not affect persons already holding valid licenses on effective date of bill. Chapter 2274.

**SB 2408 (Breed).** As amended and enacted, essentially the same as **AB 1481** (Dahl and others). Chapter 576.

### **Bad Bills**

**AB 165 (Lindsay and Bruce F. Allen).** As amended several times, revised speed laws; permitted use in courts of evidence of speeding obtained by radar; required submission to chemical tests for determination of intoxication; established mandatory jail sentence upon first conviction of misdemeanor for drunk driving, and made a number of changes in grounds for requiring revocation of license. Died in committee.

**AB 996 (Wilson).** Prohibited operation of trucks on highways on Saturday afternoons and Sundays with cer-

tain exceptions. Referred to interim committee for further study.

**AB 1391 (MacBride).** Authorized court to suspend driver's license as a condition of probation for such time as it determines irrespective of code limits. Referred to interim committee for further study.

**AB 1657 (Bruce F. Allen and others).** Made evidence obtained by use of radar equipment admissible in prosecutions for speeding. Passed Assembly and died in Senate committee.

**AB 1983 (Weinberger and Henderson).** Permitted admission of chemical tests for intoxication as competent evidence in criminal prosecutions for drunk driving; established presumptions based on use of such tests. Passed Assembly and died in Senate committee.

**AB 1984 (Weinberger and Henderson).** Required suspension of driver's license of person refusing to submit to chemical test for intoxication. Passed Assembly and died in Senate committee.

**AB 4065 (Lanterman).** Placed driving under influence of "tranquilizing drugs" in same category as driving under influence of intoxicating liquor, and applied same penalties. Referred to Rules Committee for further study.

### **Other Bills**

**AB 19 (Francis and others).** As introduced, was bad bill, providing mandatory jail sentence and fine for any conviction of drunk driving; prohibited granting of probation or suspension of execution of such mandatory sentence.

As amended and enacted, requires mandatory jail sentence on second conviction of misdemeanor for drunk driving and on first conviction of felony for drunk driving and prohibited any probation or suspension of such mandatory sentences. Also generally increased minimum penalties. Chapter 532.

**AB 524 (Marsh and others).** As amended and enacted, establishes 45 miles per hour as absolute speed limit for any motor truck or truck tractor having three or more axles, or any motor truck or truck tractor with any trailer or semi-trailer or any combination thereof, but not any bus having three or more axles. Also provides that Department of Public Works with respect to state highways, and local authorities with respect to highways in their jurisdiction, establish specific lanes or lane for travel of heavy vehicles, requiring posting of signs accordingly, otherwise former law as to right-lane driving applies. Chapter 486.

**AB 1377 (Gaffney and others).** As amended and enacted, provides that operator's license permits

operation of any vehicle or combination of vehicles except motor vehicles having an unladen weight in excess of 12,000 lbs. or vehicles towing a vehicle having a gross weight in excess of 6,000 lbs., except special mobile equipment or an implement of husbandry, in which case a valid chauffeur's license is required or a valid operator's license which has been endorsed by the Department of Motor Vehicles permitting such operation, except in the case of persons expressly exempted by the Vehicle Code. Requires scope of examination for license to include test on ability to read and understand simple English used in highway traffic and directional signs. Requires applicant for an endorsed operator's license to drive a vehicle weighing more than 12,000 lbs., or to tow a vehicle having a gross weight in excess of 6,000 lbs. to submit to examination appropriate to the vehicle or combination of vehicles desired to be driven. Accordingly, provides for issuance of endorsed operator's license and requires such license to indicate thereon the type of vehicle and combination of vehicles that the licensee is licensed to operate. Chapter 2273.

**AB 1617 (Kilpatrick).** Requires person operating motor vehicle within offstreet parking facility to have driver's license. Makes violation of this provision, as well as existing provision forbidding employment of unlicensed persons, criminal violation of Vehicle Code. Chapter 1320.

**AB 1620 (Backstrand).** As amended and enacted, permits Department of Public Works, on the basis of engineering and vehicle equipment studies and traffic survey, to reduce 45 mile per hour speed limit for trucks descending a grade. Chapter 777.

**AB 1760 (Masterson).** Required permits for operating ambulances and ambulance driver's license for operators thereof; imposed requirements regarding equipment and insurance. Referred to interim committee for further study.

**AB 1761 (Masterson).** As amended and enacted, requires turning out of slow moving vehicles on two-lane highways where passing is dangerous when line of five or more vehicles has formed behind slow moving vehicle. Chapter 402.

**AB 1800 (Backstrand).** As amended and enacted, increases speed limit when passing schools from 15 to 25 miles per hour and removes authority to increase such limit. Provides 15 miles per hour limit applicable to blind intersection does not ap-

ply to intersection protected by stop signs or yield-right-of-way signs or controlled by efficient traffic control signals rather than on through highway or traffic controlled intersections. Also authorizes Department of Public Works to establish variable limits on freeways during night and day. Chapter 2306.

**AB 2170 (Gaffney and others).** As amended and enacted, increases requirements under Financial Responsibility Law and provisions regarding security following accidents from \$5,000 to \$10,000 with respect to one person, and from \$10,000 to \$20,000 with respect to all persons in one accident, and from \$1,000 to \$5,000 property damage. Makes companion increase in cash deposit provisions from \$11,000 to \$25,000. Bill is effective July 1, 1959. Chapter 1653.

**AB 2442 (Rumford).** Provides that identification mark on commercial vehicles shall be legible during daylight hours from a distance of 50 feet, instead of in letters at least 6 inches high; provides in case of vehicle combinations that the identification need be displayed on both sides of only one of the vehicles in the combination. Chapter 835.

**AB 2813 (Rees and others).** As amended and enacted, makes it a felony to injure property or person when driving knowingly under the influence of a dangerous drug other than a narcotic to the degree that driving is rendered unsafe; makes it a rebuttable presumption that person so driving a vehicle had knowledge that he was under the influence of the drug. Chapter 1966.

**AB 3159 (Wilson).** Provides for the licensing of vehicle salesmen. Chapter 1318.

**AB 3549 (Rees and others).** Defines a driver's license as including both operator's and chauffeur's licenses and original driver's license, and original driver's license to be first license issued. Chapter 482.

**SB 301 (Robert I. McCarthy).** Originally a bad bill, providing for permanent revocation of operator's or chauffeur's license of any person convicted of driving under influence of liquor.

As amended and enacted, provides for permanent revocation upon second conviction within three years of a felony for drunk driving. Chapter 301.

## PRINTING

See also CONSTRUCTION,  
ELECTIONS and SCHOOLS

Bills marked \* were sponsored by the Federation

### Good Bills

**\*AB 934 (MacBride and others).** Required wage rate paid to compositors, bookbinders, pressmen or assistants in the State Printing Plant to include a health and welfare contribution equal to that paid in Sacramento for such occupations, or payments in lieu thereof. Dropped in favor of **AB 3257** (Nielsen) enacted into law.

**AB 1877 (Brown).** Provides for the printing and distribution of state laws relating to publishing and publications, appropriates \$12,700 for this purpose. Chapter 2309.

**AB 3257 (Nielsen).** As amended and enacted, requires pressmen, typographers, linotypers, compositors, bookbinders, lithographers, engravers, apprentices and assistants and all other employees of State Printing Plant and in allied work to be paid on an hourly basis with a basic wage similar and comparable to that paid by private business in Sacramento; requires, in addition to all rights and privileges under State Civil Service Act, and other statutes, that such employees be paid, either directly or to a health and welfare fund, an amount equal to contributions paid to health and welfare plans to employees in comparable employment in private business in the city of Sacramento. Chapter 2414.

**SB 633 (Desmond).** Directs state printer to compile and publish State Blue Book to be paid for from legislative printing appropriation. Chapter 913.

### Bad Bills

**AB 2356 (Donald D. Doyle).** Made publishing by the state of the real estate directory permissible instead of compulsory. Died in Assembly committee.

**AB 2379 (Conrad).** Permitted registrar of voters to supply tapes for addressing envelopes. Died in Assembly committee.

## PRISON LABOR

### Good Bills

**SB 2263 (Burns).** Originally a skeleton bill, amended to provide that production of warning, regulatory and guide sign plates by prisoners shall not exceed two percent of total production in this state, while maintaining

the present \$1.5 million enterprise limit. Died in Senate committee.

### Other Bills

**AB 2643 (Donahoe and Kelly).** Permits county board of supervisors to contract with the United States or State of California for performance of work by county prisoners in industrial farms or road camps in suppression of fires, including preventive work, such as construction of fire breaks, in the state or national forests or parks or other state or national lands; provides that payments for such labor be credited in whole or in part to the person on such conditions as the board of supervisors shall determine; makes such service subject to workmen's compensation, and requires county to provide accident, death and compensation insurance for such persons while so employed. Chapter 470.

**SB 580 (Cobey and others).** Originally a 'watch' bill, amended into a very bad bill providing for so-called work furloughs for prisoners in county jails convicted of misdemeanor, or imprisoned for non-payment of fine for contempt, or as a condition of probation for any criminal offense: permitted such prisoner to be continued in his regular employment or to be allowed to secure employment for himself in the county; required payment of prevailing wage to be collected by work furlough administrator and used to pay prisoner's board and personal expenses inside and outside of jail and the per capita cost of administering the law, with the balance to be retained for the prisoner upon discharge after paying for the support of the prisoner's dependents as directed by the court.

Amended into satisfactory form on the Assembly side by Federation amendments requiring prevailing conditions as well as prevailing rates, and by prohibiting employment where there is a labor dispute in the establishment in which the prisoner is or is to be employed. Also provision for payment of pre-existing debts out of funds earned. Chapter 1580.

**SB 859 (Farr).** As introduced, was a bad bill, creating migratory system of prison labor by allowing boards of supervisors of two or more counties to enter agreement permitting commitment of persons in jail in any contracting county and transfer therefrom to any industrial, farm or road camp in any such county; allowed court to make commit-

ments and county classification committee to make transfers as permitted by agreement, and made support of persons a charge against the committing county.

Amended into satisfactory form by eliminating the provision permitting transfer from the jail to the industrial road camp or the industrial farm. Also in final form, deletes power of county classification committee to make transfers, and restricts prisoner from being placed in a jail of another county located more than 50 miles from the prisoner's residence. Chapter 1618.

**SB 881 (Robert I. McCarthy and Farr).** As amended and enacted, allows Director of Corrections to dispose of surplus prison goods by sale to persons in markets outside of the United States, including sale to foreign governments, corporations for distribution in foreign countries, as well as to private persons and their agents. Chapter 1645.

**SB 894 (Harold T. Johnson).** Authorizes Department of Corrections to establish and operate regional jail camps for confinement of persons sentenced to long terms, including alcoholics, drug addicts and county jail prisoners received pursuant to contracts with counties. Establishes conditions under which Department of Corrections is required or permitted to accept or return prisoners, provides for financing, and allows employment of such prisoners. Chapter 1646.

## PUBLIC HEALTH

### Good Bills

**AB 39 (Rumford and others).** Appropriates \$3 million from general fund to Department of Public Health for purchase of poliomyelitis vaccine and administration of vaccine program during 1956-1957 fiscal year. Chapter 35.

**AB 305 (McCollister).** As introduced, required poultry marking to include the words "California grown" if the poultry was raised in California.

As enacted, makes it permissive with California growers to so label their poultry, and prohibits false marking. Chapter 62.

**AB 984 (Rumford and others).** Extends for two years power of Nurses' Board to issue temporary permits to practice nursing to applicants licensed

in other states; likewise extends validity of permits. Chapter 601.

**AB 2359 (Weinberger).** Created Cancer Council providing for the regulation and control of the diagnosis, treatment and cure of cancer. Passed Assembly by substantial majority of 60-6 and referred to interim committee for further study by Senate committee.

A grossly watered down version was introduced in **SB 2666 (Dolwig and others)**, following Senate committee rejection of the Weinberger bill. It merely made it a misdemeanor to wilfully, falsely represent a device, substance or treatment as an effective cure, and a felony upon third violation, while empowering Department of Public Health, in cooperation with local health officers, to enforce bill. Died in Assembly committee.

**AB 2712 (Grant and others).** As amended and enacted, creates Committee of Psychological Examiners to issue certificate of registration as psychologist to person meeting specified requirements set forth in the law; places such examining committee, appointed by the Governor, under the jurisdiction of the State Board of Medical Examiners. Chapter 2320.

**AB 2987 (Hawkins).** Provides that blood eggs to be used for breaking out purposes when prepared, loaded, shipped or sold to or in possession of a licensed egg breaking plant, shall not be considered as inedible. Chapter 1379.

**AB 3936 (O'Connell and Burton).** Created commission with labor representation to study the health needs of California and report recommendations for legislation. Died in Assembly committee.

**AB 3978 (Bruce F. Allen and others).** Requires container of eggs produced in California to be marked "produced in California"; makes mislabeling a misdemeanor. Chapter 857.

**ACR 59 (McCollister).** Requests joint interim committee on agriculture and livestock problems to investigate and study the present conditions of the California poultry industry and to report thereon to the legislature with recommendations as to needed legislation; scope of study and investigation is to include "shipment into this state of poultry from areas that do not employ union labor in the production or processing of poultry for marketing, and areas with much lower health and inspection standards than are required of poultry producers in California". Resolutions, Chapter 155.

**SB 244 (Short and others).** As amended and enacted, provides financial encouragement and assis-

tance to local governments in the establishment and development of mental health services, including services to the mentally retarded, through locally administered and locally controlled community mental health programs.

Harsh eligibility provisions in the Senate version restricting eligibility to those meeting county hospital admittance requirements were amended out on the Assembly side so as to permit services to any one unable to obtain private care. Chapter 1989.

**SB 245 (Short and others).** Appropriates \$850,000 for first fiscal year operation of community mental health services bill, **SB 244** (Short and others). Chapter 1990.

**SB 508 (Gibson and others).** On pilot program basis, authorizes Board of Nurse Examiners to accredit a school of nursing which has been approved by the board and which gives course of instruction prescribed by the board covering not less than two years and providing quality of education not less than current standards established and adopted for a basic two-year course of professional nurse education by the National League for Nursing and the American Association of Junior Colleges; carries terminal date of 1963. Chapter 1567.

**SB 803 (Byrne).** As amended and enacted, amends poultry meat inspection for wholesomeness law to require applicant for inspector's license to demonstrate, in written or oral examination, knowledge of conditions affecting wholesomeness in poultry meat and poultry meat products and poultry meat sanitation, in addition to other standards set by **SB 2227** (Abshire); provides that rules and regulations adopted by Director of Agriculture to carry out provisions of poultry inspection law may include standards for poultry meat food products which shall conform as far as possible to the standards adopted by the U. S. Department of Agriculture pertaining to preparation and processing of poultry meat food products and the poultry meat used therein. Amends U. S. D. A. inspection exemption provision to provide that if any packing, repacking, cutting up or recutting is done in California in other than a retail store or public eating house, it must be done in a poultry plant under federal or state inspection, regardless of whether the container in which the poultry came bore the official mark of the Poultry Division of the Agri-

cultural Marketing Service of the U. S. D. A. Chapter 2378.

**SB 1105 (Miller).** Applies to clinical laboratory technologists the same provision as **SB 1106** relating to vocational nurses. Chapter 1024.

**SB 1106 (Miller).** As amended, removes authority of Vocational Nurses Board to require proof of applicant's qualifications when vocational nurse licensee fails to renew license and seeks restoration; provides instead, that if renewal fee is not paid for five or more years, the board may require an examination prior to reinstatement unless the original license was issued without an examination. Prohibits any such examination if license was forfeited solely for non-payment of renewal fee where such non-payment was for less than five years. Chapter 1025.

**SB 1118 (Miller).** As amended, contains same provisions for professional nurses as in **SB 1106** (Miller), relating to vocational nurses. Chapter 1626.

**SB 1582 (Abshire).** As amended, makes a number of changes in state law providing for classification of poultry and rabbit meat; excepts classification of giblets; broadens definition of poultry plant to preclude any escapement so long as the poultry meat is prepared for human consumption; exempts bulk shipments of poultry prepared for use by institutions, public eating houses or for processing, defined to include cutting up in smaller than customary parts and deboning, from individual marking requirements as to classification so long as the bulk shipping container is clearly and conspicuously marked with the proper designation class; requires poultry parts to be displayed by classes clearly designated, and cut up poultry to be from one classification and so designated on the package containing the various parts of the bird; narrows so-called farmer exemption by defining a producer to mean any person engaged in the business of growing poultry for a period of three weeks or more for the purpose of increasing the size and weight of such poultry, thereby prohibiting exemption of importers operating on farms or sidings, and confining the farmer exemption to cases where the poultry meat is slaughtered on the premises and (1) sold by the producer at retail on the premises where produced, (2) sold at retail by the producer off the premises, either direct to consumers at their homes or at a retail stand operated by such producer in a

farmer's market, (3) or sold by the producer on or off the premises to retail stores or public eating houses, but at the same time denying the exemption if the producer employs anyone other than members of his immediate family except in unforeseeable exigencies; exempts also from classification, poultry derived from poultry which is slaughtered, dressed or sold on the premises where produced for purposes other than resale where the entire poultry output of the producer is so sold (gourmet birds); enumerates powers of enforcing officers regarding inspections and violations and declares non-complying poultry meat a public nuisance. Also contains severability clause in case any one of the provisions, i.e., farmer's exemptions, is declared unconstitutional; also permits Director of Agriculture to adopt any necessary new class designations or modifications of existing class designations and specifications promulgated by the U. S. Department of Agriculture. Chapter 1748.

**SB 1840 (Donnelly).** As enacted, identical to **SB 2226** in several of its provisions. Chapter 1038.

**SB 2006 (Kraft).** Requires passage of examination by medical corps veterans seeking state vocational nurse license. Chapter 690.

**SB 2102 (Kraft).** Makes non-transferable, licenses for slaughtering horses, mules, cleansing and sterilizing bottles, processing walnuts, canning foods, frozen food locker plant operation or egg processing. Chapter 353.

**SB 2226 (Abshire).** As amended, makes a number of changes in state Poultry Plant Sanitation Law: narrows so-called farmer exemption the same as **SB 1582 (Abshire)**, and contains the same broader definition of poultry plant as in that bill; provides that plant marking shall be on each container or each carcass as the case may be in accordance with provisions of the law and regulations of the Department of Agriculture; makes violation of plant sanitation regulations a misdemeanor, and removes \$500 fine as a specified penalty for a misdemeanor; permits Director of Agriculture to refuse to issue or renew, or to revoke or suspend license for sanitation violations, after hearings, and makes several technical changes. Chapter 1827.

**SB 2227 (Abshire).** As amended, makes numerous changes in state poultry meat inspection for wholesomeness law: narrows so-called farmer exemption as in **SB 1582 (Abshire)**, and broadens definition of poultry plant as in that bill; requires poul-

try meat inspector's license to be renewed annually and establishes fees therefor: specifies that applicant for inspector's license must show knowledge of the anatomy of poultry and of routine processing techniques and equipment used in poultry processing plants, as well as his ability to interpret laws and regulations pertaining to poultry meat inspection; removes reference that poultry container be closed for marking; provides that inspection marking shall be on each container or each carcass as the case may be in accordance with provisions of the law and regulations of the department; permits Director of Agriculture to refuse to issue or renew a license for violation of inspection provisions. Chapter 2377.

### **Bad Bills**

**AB 2761 (Stewart).** Permitted seasoning solution containing not to exceed two-tenths percent by weight of papain to be added to fresh meat. Died in committee.

**AB 2984 (Crawford and others).** Rewrote law regarding county hospitals and inserted many harsh provisions, including a relative's responsibility provision in regard to reimbursement for expenses of services that might have been rendered. Died in Assembly committee.

### **Other Bills**

**AB 1154 (Dahl).** As introduced, was a bad bill, converting Board of Vocational Nurse Examiners from a seven to a five-member board composed exclusively of licensed vocational nurses.

As enacted, increases vocational nurses on board from two to five and deletes representation by one licensed public health nurse member, thus increasing size of board from five to seven; makes other changes. Chapter 1682.

**AB 2136 (Rumford).** As amended and enacted, establishes labeling requirements for containers in which the ingredients of animal origin such as horsemeat, horsemeat byproducts, meat, meat byproducts, animal, whale or any combination thereof are 50 percent or more. Chapter 2155.

**AB 2676 (Schrade and others).** Provides that it is unlawful to sell fresh eggs, ranch eggs or farm eggs so labeled, or to represent the same as being fresh eggs which are below the quality of grade A or held in cold storage over 30 days. Chapter 476.

**AB 2720 (Grant and Klockslem).** As amended, modifies law regarding use of hot plates. Chapter 2353.

**AB 2872 (Bruce F. Allen and others).** Directs



Department of Mental Hygiene to require personnel working directly with patients to complete, or to have completed, training with regard to care and treatment of patients; authorizes department to negotiate with institutions of higher learning and hospitals for educational and training programs and to arrange for clinical experience and intern and resident physicians in hospitals and clinics operated by it. Chapter 2162.

**AB 2880 (Shell and others).** Requires state Department of Public Health to enforce section of Penal Code regarding fraudulent sale or offer for sale of meats and preparations as kosher meats and preparations. Chapter 2409.

**ACR 129 (Bonelli).** As enacted, inquires of the Secretary of Agriculture if he has the power to recognize California State Meat Inspection Service to certify plants under this service for interstate commerce, for export transportation, and for sales to federal agencies in the armed forces; requests Secretary of Agriculture, if he has this authority, to permit meat from California inspected plants to carry the legend "California inspected and passed, U. S. approved" to enable such plants to participate in barred commerce. Resolutions, Chapter 156.

**AJR 26 (Hegland and others).** Asks Congress to conduct such investigations as are necessary to develop a program of legislation to insure equitable conditions for production of poultry throughout the nation as a means of approaching problems of California's depressed poultry industry. Resolutions, Chapter 212.

**SB 274 (Gibson and others).** Revises fee schedules for licensing of clinical laboratory technologists so as to make them flexible with board within certain limits; makes conviction of felony or crime involving moral turpitude arising from practices ground for suspension or revocation of license; provides that record of conviction or certified copy is conclusive evidence of conviction; defines conviction and authorizes board to suspend, revoke or decline license after such conviction; provides that right of licensee to practice is suspended on adjudication or commitment to a state hospital or other mental institution because of mental illness and provides conditions for restoration of such right. Chapter 1803.

**SB 277 (Gibson and others).** Makes amendments in regard to registered physical therapists essen-

tially the same as those in **SB 274** relating to clinical laboratory technologists. Chapter 1532.

**SB 278 (Gibson and Desmond).** Makes changes for licensed physical therapists essentially the same as **SB 274**, except for provisions relating to fees. Chapter 1533.

**SB 292 (Gibson and others).** Provides that right to practice is suspended for vocational nurses upon adjudication of commitment to state hospital or other mental institution because of mental illness; provides conditions for restoration of such right and deletes obsolete provisions. Chapter 300.

**SB 293 (Gibson and others).** Applies to professional nurses the same provisions as in **SB 292** relating to vocational nurses. Chapter 558.

**SB 849 (Cobey and Desmond).** Prohibits sale of meat or meat food products unless stamped "inspected and passed" at establishment where slaughtered and where prepared or manufactured, rather than unless stamped by establishment operating under inspection; provides specifically that rules and regulations may include standards for meat products; makes it unlawful for meat or meat food products to be mislabeled, adulterated or fail to conform to rules and regulations, and authorizes seizure of such meat and products. Chapter 1018:

**SB 960 (Desmond and Cobey).** Provides that prohibition against sale at retail of fowl or rabbit in dressed form and smoked, fresh, frozen or pickled meats, or fish, except by weight shall also apply to fowl and rabbit in dressed form that is cooked or uncooked and to cooked and dried fish; exempts above items from requirement of sale at retail by weight if particular commodity is sold or offered for sale with other foods as part of a prepared meal (television meals in frozen form). Chapter 566.

**SB 961 (Desmond and Cobey).** Originally a bad bill, requiring Director of Agriculture to adopt rules and regulations governing procedures of sealers weighing and measuring amounts of commodities in individual packages or containers or package or container lots; authorized director to establish tolerances allowing for normal deviation from standard minimum weights or measures incident to commercial packaging.

As enacted, carries Federation amendment confining tolerance provisions to processed and pack-

aged goods so as to prohibit the establishment of tolerances in the case of fresh meats. Chapter 1658.

**SB 1029 (Thompson).** Provides that clinics operated jointly by two or more employers, without profit to them, for employees only may be licensed as employers' clinics. Chapter 1666.

**SB 1471 (Byrne).** As amended and enacted, reconstitutes California Beef Council for stimulation of use of beef and beef products; provides for fi-

nancing by 10 cents per head tax on cattle and calves with certain exceptions. Chapter 2241.

**SB 2101 (Kraft).** As amended and enacted, provides that chopped or ground beef or hamburger containing substances approved by state Department of Public Health will not be deemed adulterated; makes a number of technical and clarifying changes and somewhat strengthens provisions regarding use of stamp indicating U. S. inspection without using official grade. Chapter 390.

## SCHOOLS

The central and overriding issue in school legislation was the proposal of the California Teachers Association, embodied in **AB 3045** (Ernest R. Geddes), to secure some \$70-plus million in added state school aid by tying the proposed boost to increases in regressive consumer taxes on already overburdened workers. These consumer tax measures consisted of proposals to impose a 3-cent per pack cigarette tax (**AB 3046**, E. R. Geddes), and to increase the beer excise from 3 to 10 cents per barrel (**AB 3047**, E. R. Geddes), both of which were conclusively dumped by the legislature. (See TAXES.)

The Federation, ably assisted by the AFL Teachers' Union, maintained from the outset that school needs should be handled on their merits and that revenues needed to finance our schools should be met on their merits, separately and apart from each other. Because of the pressing needs of the schools, the Federation and the AFL teachers accordingly urged that increased aid be granted as justified by using surplus funds at the outset to make up any deficit in the general fund resulting thereby until a comprehensive review of California's tax structure could be made to determine the most justifiable means of providing additional revenues to meet the state's overall, growing fiscal needs. As pointed out in the summary of **AB 3045** below, the labor viewpoint prevailed in the aid bill finally enacted.

Not only was the CTA soundly defeated on the "tie-in" question, but its views on the apportionment of the increased aid were also dumped. Instead of giving rich districts a good portion of the increased aid, as proposed by the CTA to the bitter end, the bill finally enacted restricts the amount of increased aid to rich and poor districts alike to \$5 per average daily attendance, while giving the bulk of the increase to poor districts on an "equalization basis."

In a very real sense the victory won in this field

of legislation was a victory for the schools over an organization which professes to have the best interests of the schools at heart. Throughout the fight on the school aid-tax issue, the CTA made it abundantly clear that it was willing to sacrifice an increase in aid altogether by its insistence upon the consumer tax "tie-in."

See also **TEACHERS**.

### Good Bills

**AB 26 (Henderson and others).** Authorizes state negotiation of agreements with federal agency for construction of housing and other educational facilities for students and faculties of colleges under jurisdiction of Department of Education, if interest and principal borrowed can be repaid from the property, income, rents and charges. Chapter 1084.

**AB 151 (Weinberger and others).** Requires visual acuity tests of all children enrolled in public schools or at the latest by the third grade. Chapter 1093.

**AB 600 (Donahoe and Porter).** As amended, created state competitive junior college grants up to \$250 per academic year for textbook and other instructional material and supplies, subsistence and transportation. Referred to Rules Committee for further study.

**AB 831 (Donald D. Doyle).** Requires the Superintendent of Public Schools to allow school districts excess costs for purchase of braille books and special school supplies and equipment for blind pupils, as well as excess costs of readers for such pupils;

increases total amount which may be allowed for such costs from \$20,000 to \$40,000. Chapter 596.

**AB 1082 (Donahoe).** Authorizes Department of Education to cooperate with American Printing House for the Blind in provision and distribution of braille books and other materials and equipment available from the printing house for blind pupils in public schools. Chapter 2269.

**AB 1237 (Donald D. Doyle and others).** Created California Citizens' Commission for the study of public, elementary and secondary education in California, including all phases of education. Passed Assembly and died in Senate committee.

**AB 1245 (Shell).** Provides that increase in maximum tax rate of school district for community recreation and civic center shall be in addition to other school district taxes. Chapter 887.

**AB 1348 (Donahoe and Hanna).** Permits minors with speech disorders to be admitted to schools for physically handicapped for individual instruction at the age of three, by cooperative agreement with Bureau of Vocational Rehabilitation; makes other related changes. Chapter 1201.

**AB 1886 (Britschgi).** Requires state Board of Education to provide adopted textbooks in braille characters for pupils enrolled in elementary schools whose corrected vision is 2-200 or less. Chapter 1058.

**AB 2267 (Donahoe).** Provided for scholarships for training of teachers of mentally retarded children. Referred to Rules Committee for further study.

**AB 2576 (Bradley).** At the expense of school districts, requires county registrar of voters or county clerk to mail to registered voters a card designating the polling place and time of election and statement of purposes of school district election. Chapter 637.

**AB 3045 (Ernest R. Geddes).** As introduced, was a bad CTA bill tying some \$70 million in added state school aid to the imposition of a cigarette tax and an increase in beer tax as proposed in **AB 3056** and **AB 3057** (see TAXES, CONSUMER). Bill also carried increase in teachers' minimum salary from \$3400 to \$4200.

Tie-in provision was deleted by Assembly Committee on Education and reinserted by Ways and Means Committee over objections of State Federation of Labor. On Assembly floor, bill was passed without any major alteration with tie-in provision

after vigorous political skirmishes and numerous roll calls on reduction of amount of state aid and deletion of tie-in provisions.

On Senate side, it was thoroughly overhauled to contain essential provisions of bill as finally enacted without tax tie-in provisions: provided for increase in state aid of \$37 million for school year 1957-58, increased in subsequent years in proportion to increases in school enrollments, such aid to be primarily in equalization aid rather than basic aid as originally proposed by the CTA; also increased minimum salary for teachers from \$3400 to \$4200 a year.

Senate amendments were rejected by Assembly and bill was sent to conference committee. As amended in conference and approved by both houses, contains same provisions as Senate version, plus two-year terminal date on increased aid, to be financed from the general fund and reserves as follows, in place of consumer taxes proposed by CTA: \$16 million from funds set aside for school bond retirement, \$37 million from funds set aside for school teachers' retirement permanent fund, and the balance (\$24 million) of estimated \$77 million cost over the two-year life from the state's general fund. Chapter 1073.

**AB 3351 (Donahoe).** As amended, provides for advancement of state apportionments to school districts for mentally retarded classes. Chapter 1994.

**AB 4118 (Henderson and others).** Provides for revision of Education Code. Chapter 2419.

**ACA 33 (Lindsay).** Proposed constitutional amendment to require a majority, instead of two-thirds vote, for passage of school district bond issues. Died in Assembly committee.

**SB 61 (McBride and others).** Increases from \$400 to \$500 per unit of a.d.a. the maximum amount allowable annually to school districts and county school service funds for excess current expense of educating severely mentally retarded minors. Chapter 1511.

**SB 62 (McBride and others).** Appropriates \$68,000 to be expended by Department of Education for study of special educational program for emotionally disturbed children in public schools, and \$40,000 to the department for a study of special educational programs designed to meet the needs of gifted pupils in public schools. Chapter 2385.

**SB 66 (McBride and others).** Increases maximum allowance to school districts and county school service funds from \$400 to \$600 per unit of a.d.a. for education of physically handicapped minors; permits purchase of braille books or sound recordings and special supplies and equipment with allowance. Chapter 2060.

**SB 617 (Dilworth).** Appropriated \$20 million for state school building aid from tideland oil revenues in investment fund. Pocket-vetoed by Governor.

**SB 1240 (McBride).** Increases allowance to meet excess costs of educating mentally retarded pupils from present 75 per cent of excess costs not exceeding \$150 per unit of a.d.a. to the full amount of the excess costs not to exceed \$200 per unit of a.d.a. Chapter 1913.

**SB 1474 (Byrne).** Provided for state aid to cover excess costs of educating physically handicapped minors and mentally retarded minors within present maximum over and above the \$180 per unit a.d.a. amount. Died in Senate committee.

**SB 1476 (Byrne).** Provides special a.d.a. allowances for project-connected pupils in area of major state construction project. Chapter 2031.

**SB 2077 (Kraft).** Provided for up to \$300 per unit of a.d.a. in state aid to school districts for minors in continuation education schools or classes that comply with standards established by the Department of Education. Referred to Rules Committee for further study.

**SB 2150 (Miller).** Requires clerk of school board to keep minutes of board meetings, in addition to other records, open for public inspection, eliminating restriction of records to electors of district. Chapter 926.

**SB 2673 (Byrne).** Provides for state school building aid for construction of schools in state project areas. Chapter 2383.

**SCA 43 (Dilworth and others).** As introduced and passed by the Senate, would have placed \$150 million school building aid bond issue on November, 1958 ballot. Amount of bond issue was increased to \$225 million in Assembly committee, and died in committee for lack of agreement on amount by interested parties.

### Bad Bills

**AB 882 (Bruce F. Allen and Henderson).** Removed jurisdiction of state Board of Education over state colleges and created a separate state college board consisting of nine members. Referred to interim committee for further study.

**AB 3488 (Bee).** Exempted children 14 years of age or

more who have completed course of study equivalent to graduation from eighth grade from provisions of compulsory education law, if approved by parent or guardian and certain school officials. Referred to Rules Committee for further study.

**AB 3938 (Crawford).** Permitted school district to designate a teacher as "patriotic instructor" to assist or advise teachers on appropriate duties. Died in committee.

**ACA 10 (Donald D. Doyle and others).** Proposed constitutional amendment to provide that county superintendents of public schools in chartered and non-chartered counties shall be appointed by county boards of supervisors at salary determined by the supervisors with state authority to determine the amount of salary to be borne by the state. Passed Assembly by roll call vote of 56-17 and died in Senate committee.

### Other Bills

**AB 542 (Hegland).** Allows school board vacancies to be filled by majority of remaining members of board until next regular governing board member election, rather than by county superintendent of schools for remainder of unexpired term; authorizes filling of vacancy at regular election; permits calling of special election by county superintendent of schools when vacancies exist in majority of positions of school board of an elementary district for election of members to fill vacancies and to fill out unexpired terms. Chapter 371.

**AB 1535 (Weinberger and others).** Permits school districts to negotiate either singly or with other districts to procure educational programs for school use without authority to own, lease or operate a T.V. station; permits state Board of Education to do same on behalf of state colleges. Chapter 907.

**AB 3730 (Donald D. Doyle).** Permits school district board to consider expulsion, suspension or disciplinary action in connection with any pupil in executive session, if public hearing would unlawfully disclose personal information concerning pupil; prescribes procedure of conducting such executive sessions. Chapter 1998.

**AB 4085 (Donald D. Doyle and others).** Revises and clarifies procedure for adoption, readoption, printing, distribution and ordering of state textbooks. In process of enactment, a bad provision contrary to the concept of uniform textbooks for each level of achievement was amended out of the bill, thus preserving the basic state textbook law, including printing provisions. Chapter 1464.

**AB 4087 (Donald D. Doyle and others).** Requires school boards, county superintendents of schools

and county librarians to report to Superintendent of Public Instruction each fiscal year, commencing with 1957-58 fiscal year, the amount expended for supplemental text books; requires computation of total amount expended for such books and makes reports available for public inspection. Chapter 1460.

**AB 4088 (Donald D. Doyle and others).** As introduced, was a bad bill, removing penalties and forfeitures for failure of teachers, school officials and employees to use regularly adopted textbooks in public schools. As amended and enacted, only eliminates penalties and forfeitures against teachers, places burden upon city, county and district superintendents and principals to require use of state-adopted textbooks. Chapter 1466.

**SB 52 (Gibson).** Starting July 1, 1959, provides that members of county boards of education shall be elected by voters in their respective trustee areas rather than at large. Chapter 1507.

**SB 618 (Dilworth).** Appropriated \$25,000 to state Board of Education to make study, together with special four-member joint legislative interim committee, of specified problems currently confronting public schools. Pocket-vetoed by Governor.

**SB 728 (Dolwig).** Provides for lease-purchase construction of school buildings upon approval of voters in district; contains prevailing wage rate and benefit protection provisions for construction workers. Chapter 2071.

**SB 1270 (Dilworth).** Revises procedures for handling of federal funds for vocational education. Chapter 1725.

**SB 1786 (Dolwig and others).** Requires all school employees to undergo examination to determine freedom from active tuberculosis; contains usual in lieu provision for Christian Scientists. Chapter 918.

**SB 1839 (Donnelly and others).** As introduced, was a very bad bill, requiring governing boards of school districts to prescribe procedures for selection and review of textbooks, library books and other instructional materials purchased by the district, and prohibited selection, purchase or retention of books or materials which propagate ideas contrary to the principles of morality, truth, justice and patriotism.

This censorship bill was made less objectionable by amendment to retain only the provisions requiring the establishment of procedures for selection and review of books. Pocket-vetoed by Governor.

**SB 2492 (McBride).** As amended, permits Bureau of Vocational Rehabilitation to contract with qualified non-profit organizations for services to the disabled, including training, work for pre-work education and research; permits contracts to include leasing or use of necessary machinery, equipment and other facilities; appropriates \$50,000 from general fund. Pocket-vetoed by Governor.

**SB 2595 (Dilworth).** As passed, authorized Director of Education to authorize junior college heads to establish and maintain teacher training centers in the vicinity of any junior college maintained by high school or junior college district. Pocket-vetoed by Governor.

**SB 2609 (Dilworth).** Provides that before final adoption of basic textbooks by state Board of Education, same shall be available for public inspection in public libraries for 30 days. Chapter 1860.

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## SOCIAL WELFARE

The large number of "good" bills listed below as having been enacted into law are indicative of the excellent progress made during the 1957 session of the legislature in the field of social welfare legislation.

Although some of the more liberal measures were refused signature into law by the Governor on grounds of revenue deficiencies, almost all recipients of assistance will nevertheless realize substantial improvements. Particularly noteworthy are the measures increasing the level of assistance payments for the various categories of aid, and the enactment of a new category of aid for the totally and permanently disabled in accordance with the assistance provisions of the federal Social Security Act. These are embodied in **SB 1509 (Sutton)**, **AB**

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**2883 (Gaffney)**, and **SB 566 (Murdy)**. Also of major importance is **AB 679 (Coolidge)**, establishing a new program of health insurance for recipients of public assistance.

Of the bills pocket-vetoed, the most significant are **AB 1738 (Masterson)**, extending old age assistance to aliens with 25 years' residence, and **AB 1391 (Richards)**, liberalizing the relatives' responsibility provisions of the aged and blind assistance programs, as well as **AB 3124 (Elliott)**, which

provided a more liberal formula than SB 1509 for increasing aid to the aged.

### Good Bills

**AB 29 (Kilpatrick).** Prohibits consideration of OAS benefits as income to dependents of recipients who are applicants for general relief. Chapter 260.

**AB 679 (Coolidge and others).** Provides for medical services for recipients of public assistance through payments to suppliers of such service; makes eligibility for public assistance under one of the state assistance categories the basic eligibility requirement; requires need for medical services to be determined and provision of such service when recipient does not have income to buy it as a special need within the limits of funds appropriated for administration of program; prohibits flat allowance for medical service for any recipient of aid; payments for medical services must be made directly to vendor for services rendered to recipients; provides for administration by same county agency that determines eligibility for public assistance. Chapter 1068.

**AB 1148 (MacBride and others).** Increases from \$3,500 to \$5,000 assessed valuation, less encumbrances of record, the amount of real property a recipient of old age security and aid to the needy blind may retain and qualify; increases from \$3,000 to \$5,000 assessed valuation, less encumbrances of record, amount a child and/or his family may retain. Chapter 31.

**AB 1553 (Bee).** Reduces period for investigation of eligibility of applicant for OAS and aid to needy blind and children by 15 days. Chapter 893.

**AB 1582 (Munnell and others).** Provided for state administration and state financing of programs for aid to the aged, needy blind, partially self-supporting blind and needy children; eliminates county role. Died in Assembly committee.

**AB 1684 (Rumford).** Provides that recipient of old age security shall be permitted to receive special need allowances for at least 24 months to repay a debt incurred for physician's services, medical needs and hospitalization. Chapter 895.

**AB 1738 (Masterson).** Provided that non-citizens who are otherwise qualified shall receive old age security if they have resided in the U. S. since January 1, 1932; required such non-citizens to declare under oath desire to become citizens and annually thereafter submit evidence of proceeding diligently within limits of ability to qualify for citizenship. Pocket-vetoed by Governor.

**AB 1913 (Hawkins).** Established state machinery for distribution of federal surplus foods to needy persons and charitable institutions, including hospitals, to the extent needy persons are served in such institutions; prohibited distribution of such food from resulting in reduction of assistance grants. Died in Assembly committee.

**AB 1916 (Hawkins).** Provides support money for the Department of Social Welfare to administer the program for the needy and permanently disabled established by SB 1509 (Sutton). Chapter 2312.

**AB 1917 (Hawkins).** Eliminated relatives' responsibility provisions in public assistance programs. Died in Assembly committee.

**AB 1918 (Hawkins).** Provides that cost of hospitalization furnished by a county to a recipient of old age assistance or blind aid shall not constitute a lien against the personal property, personal effects or interment plot owned by such recipient. Chapter 828.

**AB 2452 (Bruce F. Allen).** Among other things, increases maximum amount of real and/or personal property for recipient of aid to partially self-supporting blind from \$3,500 to \$5,000 assessed valuation, less encumbrances of record. Chapter 1960.

**AB 2455 (Bruce F. Allen).** Requires board of supervisors or county agency authorized by county charter to adopt assistance standards for general relief and makes such standards available to the public. Chapter 1323.

**AB 2883 (Gaffney and others).** Provides for increase from \$1.00 to \$11.00 per month for recipients of aid to the blind, payable when the recipient has a monthly income from the sum of his grant and income of less than \$110.00 per month; requires Social Welfare Board to revise the standard of assistance by increasing the amounts for the existing basic allowances.

**AB 3124 (Elliott and others).** Provided for increase from \$1.00 to \$11.00 per month for recipients of old age security payable when the recipient has a monthly income from the sum of his grants and income of less than \$100 per month; required Social Welfare Board to revise standard of assistance by increasing the amounts for the existing basic allowances. This bill would have given all OAS recipients \$100 per month, but was pocket-vetoed by Governor in favor of SB 1509 (Sutton), which provides a higher maximum benefit per month but on a need concept which would provide substantially less in total benefits than AB 3124. Estimates are that AB 3124

would have extended the \$100 benefit to about 165,000 pensioners as against 115,000 in the Sutton bill.

**SB 329 (Collier).** Exempts as personal property a motor vehicle needed for transportation by recipient of old age security. Chapter 1009.

**SB 566 (Murdy).** Eliminates county residence as a basis of determining which county is responsible for paying aid to needy children; increases maximum aid payable on one child families by \$30 per month; increases from \$67.50 to \$75.00 maximum amount for which the state will reimburse a county for children in boarding homes and institutions; increases state's share of assistance from 66 $\frac{2}{3}$  percent to 67.5 percent to compensate for loss of revenue to county for children with no county residence where state now pays 100 percent; eliminates sub-ceilings on household operations, incidentals, etc. Chapter 2293.

**SB 1388 (Richards).** Requires counties to "properly and promptly" comply with laws and standards of the state Social Welfare Board; requires Department of Social Welfare to withhold funds if county does not so promptly comply; directs board of supervisors in counties to take action to dismiss, suspend or demote any employe whose conduct is inimical to the purposes and proper administration of the old age security program. Chapter 246.

**SB 1389 (Richards).** Provides that whenever old age security aid or blind aid is obtained illegally, restitution shall be sought by request, civil action or other suitable means prior to bringing of criminal action. Chapter 570.

**SB 1390 (Richards).** Limits actions of county to recover from responsible relatives payments for old age security and aid to the blind made subsequent to the date the board of supervisors made a finding of the relatives' ability to so support; also provides that whenever board of supervisors or court frees a relative from liability because parent deserted such relative during childhood, the freeing action shall be retroactive to include all unpaid demands. Chapter 571.

**SB 1391 (Richards).** Liberalized relatives' responsibility contribution scale to begin at \$301 instead of \$201, and increased all other income items by \$100; maximum liability set in scale for old items remained the same for the new items. Pocket-vetoed by Governor.

**SB 1509 (Sutton).** Provides up to \$16.00 a month increase to maximum of \$105.00 in grant to reci-

ipients of old age security who have special needs requiring this amount and do not have outside income to meet such special needs; establishes a new public assistance program for aid to the totally and permanently disabled as follows: definition of disabled person limits program to persons so disabled as to require "constant and continuous care," strictly construed; amount of grant to be based on need budget up to maximum of \$105.00, prohibiting income from being added to this maximum; establishes eligibility standards in addition to disability to require applicants to be 18 years of age or over, citizen or resident of the United States since 1932, resident of state five out of last nine years, \$600 personal property less encumbrances of record, and \$5,000 real property less encumbrances of record; provides final administration of eligibility to be made by Department of Social Welfare based on reports filed by counties. Chapter 2411.

Estimates are that benefits will be increased by some \$27.5 million: \$16 million for recipients of old age security, and \$5.5 million for the new disability program from the state, plus an additional \$6 million from the federal government.

**SB 1698 (Murdy).** Eliminates county residence as a basis of determining which county is responsible for making payments of aid under old age security and blind assistance programs. Chapter 2330.

**SB 1792 (Arnold).** Requires recipients of old age security to be granted an allowance for a telephone as a "special need" when a telephone is not readily available on the premises in which he resides. Chapter 1776.

**SB 1891 (Cunningham).** Provides for payment of retroactive aid under all categories of assistance where underpayments occur because of administrative error or inadvertence on the part of the county. Chapter 388.

**SB 2336 (Sutton).** Provides that recipient shall be given itemized statement of the computation of his grant within ten days of a request for it or after each change in grant, provided, however, state Social Welfare Board may waive requirement of itemized statement to recipient for statutory changes in grant. Also provides that budgetary allowances for goods and services provided by a responsible relative shall not be reduced on the basis that such

are provided by such relative, except that allowances to the recipient shall not exceed the cost to the relative of such goods and services. Chapter 2095.

### **Bad Bills**

**AB 1232 (Collier).** Provided for payment to qualified recipients of old age security in amount sufficient to increase maximum monthly grant to such recipients to \$100 and gave the state a claim against the estate of such recipient of supplemental aid upon death. Died in Assembly committee.

**AB 3658 (Hansen).** Required county to proceed against

relatives of recipients of indigent aid at any time they have sufficient ability to reimburse county for all or part of aid given, rather than only if financial ability exists when aid is given and when matter comes before board of supervisors. Died in Assembly committee.

**AB 3659 (Hansen).** Required responsible relative as well as recipient to transfer property or interest therein as security of indigent aid granted, and required transfer by recipient or responsible relative where aid is granted to recipient's dependent spouse, parent or child as well as to recipient; gave county claim for aid granted against property acquired by spouse, parent or adult child of recipient as well as against property acquired by recipient. Died in Assembly committee.

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## STATE, COUNTY AND MUNICIPAL EMPLOYEES

Generally speaking, the most significant advancements in this area of legislation have been covered in the preface to CONSTRUCTION, inasmuch as the bills relate primarily to construction workers in public employment. These are **\*AB 257** (Donald D. Doyle), permitting state contributions into trust funds for group life and disability insurance, and **AB 1267** (Nielsen), allowing the State Personnel Board to permit state health and welfare contributions into private funds on behalf of non-permanent per diem employees hired as mechanics, workmen and laborers.

In other areas of legislation in this field, progress was made in the direction of facilitating federal OASI coverage for public employees at the local level. **AB 1396** (MacBride), the major piece of legislation on the subject, provides for a division of a retirement system coverage group for referendum purposes into those who desire coverage and those who do not, in anticipation of authorizing federal legislation. On the same subject, **AB 1238** (Donald D. Doyle), establishes a permissive formula for integration with OASI for local retirement systems, should counties desire integration in lieu of supplementation. During the course of passage of this measure, the Federation was able to secure satisfactory amendments protecting the right to "supplementation" as desired by organized public employees.

Of significance also was the passage of two important "check-off" bills for public employee organizations, making former authorizing provisions compatible with the practical needs of bona fide labor organizations in the public employment field.

Federation-sponsored bills relating to the right of public employees to organize and bargain collectively are reported under LABOR UNIONS. See also FIRE FIGHTERS and TEACHERS.

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Bills marked \* were sponsored by the Federation

### **Good Bills**

**AB 46 (Nielsen).** Requires that salaries of laborers, workers and mechanics employed by the state on an hourly or per diem basis include fringe benefits or payments in lieu thereof that prevail in the locality where the work is performed. Died in Assembly Committee.

**\*AB 257 (Donald D. Doyle).** As amended and enacted, permits contribution by state as well as all of its political subdivisions into trustee health and welfare funds the same as private employers. Chapter 2255.

**\*AB 258 (Nielsen).** Provided that all temporary public employees shall receive social security, unemployment and other negotiated benefits being paid by private employers for similar service under similar conditions. Died in Assembly committee.

**\*AB 259 (Nielsen).** Allowed state employees entitled to bonus compensation one bonus day vacation for each five-year period of service at completion of each such period. Died in Assembly Committee.

**\*AB 262 (Nielsen).** Provides that persons employed by the state in construction, repairs or maintenance work be paid wages which include health and welfare plans, unemployment insurance, pension and travel expense benefits equal to the prevailing rates in private industry. Died in Assembly committee.

**AB 855 (McCollister).** Required all full time employees of any city to be granted eleven specified holidays plus election days; required holidays falling on Sunday to be granted on Monday, and required compensation or compensatory time off for any employee who is required to work on a holiday. Died in Assembly Committee.

**AB 1238 (Donald D. Doyle and Masterson).**



Amends county retirement law of 1937 to establish formula for integration of local retirement system with OASI upon adoption of election resolution by governing board of county or district in which the members are employed. Contains Federation amendment requiring approval of majority of employees before provisions can be adopted, and to clarify that nothing in the bill shall negate a referendum whereby county employees voted for supplementation. Chapter 663.

A more liberal integration formula embodied in **AB 1131** (Luckel), favored by the Federation, died in Assembly Committee.

**AB 1267** (Nielsen). As amended, permits State Personnel Board to authorize payments to private health and welfare funds on behalf of non-permanent state employees on a per diem basis where State Personnel Board finds such payments are the prevailing practice by employers in the particular locality. Chapter 1187.

**AB 1395** (MacBride). Authorizes petition to governing body signed by majority of eligible employees as a condition for application for OASI coverage of employees of public agencies in lieu of an affirmative vote by majority of eligible employees in a coverage group. Makes other minor changes. Chapter 465.

**AB 1396** (MacBride). As introduced, applied to all retirement systems, redefining such systems for purposes of OASI coverage so as to provide for the division of each retirement system into two groups, one of which is composed of members of said system desiring OASI coverage and the other composed of members who do not desire such coverage, in anticipation of permissive federal amendments to Social Security Act. As amended several times and finally enacted, permits a division of only local retirement systems for purposes of OASI coverage. Statewide systems such as teachers' retirement system and state employees' retirement system are excluded. Chapter 1993.

**AB 1486** (MacBride and Nielsen). Permits State Personnel Board by rule to provide for compensation to state employees for call-back time in accordance with prevailing practices in private industry and other public employment. Chapter 1214.

**AB 1488** (MacBride and Nielsen). As introduced, provided for overtime compensation for state employees at

time and a half, with an upper limit of six dollars; if employee requested compensative time off, required that such time off be granted at rate of time and a half of each hour of compensable overtime work. Amended to give authority to Personnel Board to set overtime rate of compensation on the basis of practices in private industry and public employment not to exceed time and a half. Died in Assembly Committee.

**AB 1489** (MacBride and Nielsen). Provided for a normal work week of 40 hours for state employees, and deleted provisions for establishment of work weeks of different hours to meet needs of different state agencies and for classes and positions. Died in Assembly Committee.

**AB 1490** (MacBride and Nielsen). Provided that ban on political activities for state employees did not apply to ballot measures. Passed Assembly but died in Senate Committee.

**AB 1510** (Nielsen and MacBride). As amended and enacted, permits sick leave, subject to rules of State Personnel Board, to be granted to employees for purposes of physical examinations. Chapter 1218.

**AB 1569** (Henderson and others). As amended and enacted, permits dues check-off for state employees for any bona fide association, if such association or unit thereof is comprised principally of employees or former employees of the State of California, at the expense of the organization. Chapter 1683.

**AB 1570** (Henderson and others). Authorizes payment above minimum salary limit for any crafts in order to meet state recruiting problems in obtaining a person who has extraordinary qualifications. Chapter 2279.

**AB 1576** (Nielsen and MacBride). Permits state employees to use accumulated compensable overtime as well as sick leave or vacation to make up difference between workmen's compensation benefits and full salary or wage. Chapter 400.

**AB 1603** (MacBride and others). Authorizes all state departments to pay cost of repairing or replacing damaged eyeglasses, hearing aids and other articles of state employees when damaged in line of duty without fault of the employee, rather than when damage results from an act of persons in specified institutions and facilities. Chapter 2144.

**AB 1812** (Caldecott). As amended and enacted, permits the state appointing power, in actual emergencies when necessary to prevent a stoppage of public business or when work to be completed

is less than 30 working days, to make emergency appointments for a period not to exceed 30 days without utilizing employment lists; defines emergency employee and emergency appointment. Chapter 1078.

**AB 1813 (Caldecott).** Originally a bad bill, giving appointing power authority to require state employee to submit to mental or physical examination and to demote or transfer such employee who, as a result of examination, is deemed by the appointing power to be unable to perform work required in position held, but capable of performing the work of another position, including one of less than full time.

Amended at insistence of Federation to give employee right to designate a consulting physician to consult with appointing power physician as to need for and advisability of medical examination, and the right, should such an examination be required, to submit other medical evidence to the examining physician or to the appointing power; Federation amendment also makes right to a hearing mandatory before demotion is permitted. Chapter 1247.

**AB 1922 (Hawkins).** Permits appointive power to grant leave of absence without pay to pregnant permanent or probationary state civil servants for a period not exceeding one year, instead of a period of at least six month. Chapter 404.

**AB 2421 (Nielsen).** Rescinded June 1956 order of Personnel Board transferring certain positions in hourly or per diem rate classifications for laborers, workmen and mechanics to monthly range positions; required such transfers to be reinstated to former classifications. Passed by the Assembly and favorable recommendation secured from the Senate Committee on Governmental Efficiency, but killed by Senate Finance Committee.

**AB 2742 (Donald D. Doyle).** As amended, rewrites provisions providing for health and welfare benefits for public employees of local agencies; enlarges the classification of service type organizations in the health and welfare field eligible for payroll deductions and employer contributions; liberalizes restrictions on extent of employer contributions permitted for health and welfare benefits; broadens the classes of employees eligible for benefits thereunder. Chapter 944.

**AB 2857 (Bruce F. Allen).** As amended, provides for state payment of travel expenses for interview and moving expenses in connection with the re-

cruitment of professional and technically trained persons, for which there is a shortage of qualified applicants; spells out limitations. Chapter 2321.

**AB 3695 (Rumford).** Broadens bona fide association for which employees of local 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. Chapter 2396.

**AB 3819 (Meyers and others).** As introduced, provided that minimum and maximum salary limits for workmen and mechanics employed by the state on a monthly basis, as well as an hourly and per diem basis, need not be uniform throughout the state, and required State Personnel Board, in fixing such minimum and maximum salary limits, to take into account the kind and nature of the work and skills required. The bill, like **AB 2421**, was aimed at undoing a Personnel Board decision transferring construction workers employed on a permanent basis to monthly ranges.

Following indications that **AB 2421** would have difficulty in passing, this bill was amended to delete the provision for payment of so-called "red circle" rates to transferred classifications, and to specify that prevailing rates in localities shall be in accordance with private business practices. The amended bill was accompanied by an Assembly concurrent resolution referring specifically to the bad State Personnel Board decision and calling for its review in light of the proposed amendments in **AB 3819**.

This resolution, **ACR 197**, passed the Assembly and died in Senate Labor Committee. **AB 3819**, on the other hand, died in the Assembly Ways and Means Committee after being approved by the Committee on Civil Service and State Personnel.

See also **House Resolution 321** on the subject finally adopted by the Assembly.

**HR 321 (Nielsen).** Calls upon State Personnel Board to review decision of June 2, 1956, whereby certain laborers, workmen and mechanics employed in the state service on a permanent basis were transferred from prevailing rate positions to monthly range positions; specifies that, in making such review, the State Personnel Board shall place primary emphasis on the nature of the work performed and the skills required in comparison with similar positions and work in private industry. Adopted without opposition.

**SB 1307 (Desmond).** As amended, permits legislative body of local agencies to pay up to 50 percent of the premium for group accident and health insurance and hospital and medical service on the spouse and dependent children under 21 of such

officers and employees subject to the jurisdiction of the agency and for whom group health and welfare insurance has been procured. Chapter 1030.

**SB 1640 (Miller).** Prohibited OASI coverage for employees of public agencies other than the state except on a purely supplemental basis without diminution of benefits of existing retirement systems. Died in Senate committee.

**SB 1641 (Miller).** Imposed same restrictions for state employees as in **SB 1640**. Died in Assembly Committee.

**SB 1679 (Desmond).** As passed by both houses, provides that a state employee who has been served with a notice of punitive action may file, in addition to his answer to the notice, his own written notice in which he may object to the notice of punitive action or its form, or set up a special defense; provided that such written notice shall entitle the state employee to hearing by board before a hearing on the merits of the notice of punitive action. Pocket-vetoed by Governor.

### **Bad Bills**

**AB 1270 (Nielsen).** Provided for payment of unspecified amount to state employees for purchase of health and welfare benefits from plans approved by Department of Employment. Contained "bad" provisions which would have prohibited Department of Employment from approving any group plan of an organization which is not made up exclusively of state employees, thereby restricting benefits of the bill to "company union" type of associations. Referred to Rules Committee for further study.

**AB 2583 (Donald D. Doyle and others).** Imposed harsh restrictions on right of state employees to attempt to influence legislation. Died in Assembly Committee.

**SCR 102 (Short).** Instructs Department of Mental Hygiene and Department of Finance to make a study of long term training needs of psychiatric technician personnel, in cooperation with the California State Employees Association, and make recommendations regarding legislation to meet the immediate and future needs of this state for training of employees and the improvement of mental hygiene care and treatment; prohibits other organizations from cooperating in study. Resolutions, Chapter 251.

### **Other Bills**

**AB 122 (Thomas J. Doyle and Stewart).** As amended and enacted, gives school district boards the power to require non-certificated school district employees to submit duplicate personal identification cards provided by the district, upon which shall appear a legible fingerprint and a personal description of the applicant or employee for purpose of ascertaining whether applicant has been convicted of any crime. Chapter 1003.

**AB 774 (Elliott).** Increases from seven to ten days the period for filing written charges against non-certificated school employees in the classified service. Chapter 763.

**AB 2671 (Porter).** Provides that non-certificated school district employee in the permanent classified service, who has not served time designated by commission as probationary for the class, may be demoted to the class from which promoted without recourse to an appeal or hearing by the commission except as may be otherwise provided by the commission; provides that such demotion shall not result in the separation of employee from the permanent classified service. Chapter 1354.

**AB 2672 (Porter).** Permits establishment of one-year probationary period for classes designated as executive or administrative in classified service for non-certificated school district employees. Chapter 1355.

**AB 3434 (Samuel R. Geddes and others).** Provides that whenever an open or a promotional eligible list has fewer than three names of persons who are willing to accept employment in the state service, all names on the list may be removed even though one year has not elapsed from the date of adoption of the list. Chapter 1421.

**AB 3437 (Samuel R. Geddes and others).** As amended, permits ordering of state employee on mandatory leave of absence for not exceeding 15 days pending investigation of accusations against the employee involving mistreatment of persons in a state institution or immorality; provides that leave shall be with retroactive pay if punitive action is not taken on or before date such leave is terminated; if punitive action is taken, such action may be made retroactive to date leave was ordered. Chapter 1986.

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## STATE GOVERNMENT

### **Good Bills**

**AB 1611 (Munnell and others).** Created a Reapportionment Study Commission for purpose of studying the decennial establishment of congressional and assembly districts. Died in Senate Finance Committee after passage by Assembly.

**AB 2035 to 2106 inclusive (Brown and others).** Requires that meetings of various state agencies be open to the public. Chapters 2170 to 2235 inclusive.

**AB 4169 (Miller).** Creates a Citizens Advisory Commission with labor representation to assist in the investigation of procedures of the legislature; requires report to legislature. Chapter 1481.

**ACA 1 (Elliott).** As amended, increased by 13 the number of Senate seats as follows: one additional seat in San Bernardino, Sacramento, San Diego, San Francisco, Fresno, Alameda, Santa Clara, Orange and Contra Costa counties, and four additional seats in Los Angeles County. Referred to Rules Committee for further study.

**ACA 36 (Miller).** As amended and adopted, proposes a constitutional amendment increasing the duration of general sessions by excluding within the 120 calendar day limit the counting of Saturdays and Sundays; eliminates bifurcated session; and removes limitation on introduction of bills, except that no bill other than the budget bill may be heard by any committee or acted upon by either house until 30 calendar days have elapsed following the date the bill was first introduced, unless consent of  $\frac{3}{4}$  of members of the house is obtained. Resolutions, Chapter 320.

**ACR 158 (Miller).** Contingent upon the adoption of **ACA 36** by the people, provides that no bill shall be introduced into either house of the legislature unless accompanied by an accurate digest, which shall be reviewed by the legislative counsel and modified if necessary; requires digest to be printed in the journal upon introduction of bill and printed in loose-leaf form, one digest to the page, for distribution the same as other legislative publications. Resolutions, Chapter 288.

**HR 18 (O'Connell).** Amended Assembly Rule 62 to remove requirement that all bills carrying any kind of an implied appropriation, no matter how small, go to Ways and Means Committee. Rule has been consistently used to place roadblocks in path of labor bills such as bills on unemployment insurance, disability insurance and workmen's compensation, as well as other liberal legislation. Failed by roll call vote of 32-42.

**SCA 7 (Richards).** Proposed constitutional amendment

providing for reapportionment of assembly and congressional districts to (1) apportion congressional districts on the basis of population with the population variation not to exceed 10 per cent between districts, (2) apportion assembly districts on the basis of three districts to each congressional district with the population variation not to exceed 15 per cent between districts (thus increasing assembly seats to three times number of congressional districts), and (3) grant state Supreme Court original jurisdiction in all cases challenging the validity of reapportionment. Refused adoption on Assembly floor by roll call vote of 10-23.

### Bad Bills

**AB 3574 (McGee).** Created a California Administrative Court with jurisdiction over all proceedings before state agencies in which an administrative order or decision is required. Died in Assembly committee.

**AB 3749 (McGee).** Permitted court, in any judicial review of administrative determinations, to inquire into all facts and make a separate determination thereon, without being bound to uphold the agency on the basis of substantial evidence in the record to support the agency's ruling, holding, determination or order. Died in Assembly committee.

**AJR 20 (Hegland).** Requested legislators of various states to create a committee to meet with a California appointed committee for purposes of discussing formation of nationwide organization to represent states in Washington in matters in which states, including legislatures, have a mutual interest. A watered down version was adopted by the Assembly, but was referred to interim committee for further study on the Senate side.

**SB 1600 (Abshire and others).** Created Office of Administrative Procedure under Director of Administrative Procedure to be appointed by Governor; charged office with maintaining hearing officers to conduct hearings for all state agencies, with cost of such service to be paid by the agencies served; also charged office with executing other duties now performed by Division of Administrative Procedure. Died in Senate Committee.

**SB 2274 (Miller).** As amended and enacted, provides that preference for American-made goods in public contract purchases in the state does not apply to sewing machines. Chapter 1829.

## TAXES

The major threat of adverse tax legislation at the 1957 session was contained in the consumer tax proposals "wired" into the California Teachers Association's school aid bill, **AB 3045** (E. R. Geddes). These consisted of a 3-cent per pack cigarette tax and a 2- to 10-cent boost in the beer tax, embodied in **Assembly Bills 3046** and **3047**, respectively (also by E. R. Geddes), both of which were dumped on the Assembly side following the defeat of the CTA "wiring" provision in **AB 3045**. See **SCHOOLS**.

As a precaution in coping with the eventuality

that the legislature might possibly impose new taxes, the Federation caused the introduction of **\*AB 4159** (Bee), proposing a progressive increase in the state's personal income tax law as a means

of raising an estimated \$65 million in added revenues. This was offered as labor's "ability to pay" alternative to "soaking the workingman" in the CTA bills, but the position maintained throughout the session was that the more logical approach would be to forego all tax increases temporarily by dipping into reserves as necessary pending completion of a comprehensive review of the California tax structure.

Although it was anticipated from the outset that this would be the position adopted, as indeed it was, the CTA nevertheless attempted to move its consumer tax bills. The Federation set its income tax bill for hearing the same night as the CTA bills, and all three were held in committee. Following this defeat, the CTA unsuccessfully attempted withdrawal from committee, and this ended the consumer tax threat. A like effort to withdraw the Federation's income tax bill also failed at that time, although it secured a larger vote than the cigarette tax bills.

Also defeated was a concerted effort to give corporations a tax reduction bonanza by writing into California law the provisions of the Eisenhower tax revision bill of 1954 permitting the rapid write-off for depreciation of plant and equipment expenditures by business. Of some dozen bills on the subject, **SB 2410** (Breed) became the chosen vehicle. It sailed through the Senate and the Assembly Committee on Revenue and Taxation, but was dumped in the Assembly Ways and Means Committee.

For the fifth year in a row, a resolution in support of a "millionaires' amendment" to the federal constitution was introduced, and for the first time was adopted by the Senate. It was stopped, however, in Assembly committee.

On the positive side, a repeal of the sales tax on candy was passed by the legislature, only to be pocket-vetoed by the Governor on grounds that the substantial loss in revenue could not be withstood at this time.

Bills marked \* were sponsored by the Federation

### Good Bills

**AB 47 (Miller and others).** As amended and enacted, establishes mandatory sliding scale tidelands oil royalty requirement beginning at 16 $\frac{2}{3}$  per cent and gives State Lands Commission option of employing provisions for cash bonuses in competitive bidding if commission so deems it desirable; re-

peals former flat royalty of 12 $\frac{1}{2}$  per cent for unproven lands and 16 $\frac{2}{3}$  per cent for proven lands, plus a cash bonus.

**AB 47** was enacted in the eleventh hour of the 1957 session, over oil lobby-supported bills sponsored by Assemblyman Shell and Senator Cunningham which would have yielded substantially less in revenue from tideland oil royalties, after prolonged legislative skirmishes which produced wide divisions in the ranks of legislators. Chapter 2166.

**AB 423 (Crawford and Luckel).** As amended and passed by the Assembly by roll call vote of 56-16, exempted drugs dispensed by pharmacists from state sales and use taxes. Died in Senate Committee.

**AB 2637 (Hawkins).** Prohibited retailer from collecting sales tax from consumer that exceeds the amount such retailer must forward to the state on any particular sale. Died in Assembly Committee.

**AB 4145 (Coolidge and others).** Appropriated \$250,000 for use of California Tax Commission, composed of 15 members appointed by the Governor, with provision for labor representation, and members of the legislature, for comprehensive study and review of California tax structure, including findings of impact among income groups.

Died in Assembly Finance Committee, but essential provisions for a \$100,000 study by the joint legislative tax committee was approved in **ACR 206**.

\***AB 4159 (Bee and others).** Introduced late in the session at request of Federation to place before legislature an "ability to pay" tax bill countering the regressive consumer tax measures (**AB 3046** and **3047**, Ernest R. Geddes) sponsored by the CTA company union as an expedient means of financing school aid: proposed a \$65 million increase in the yield of the state personal income tax by increasing and extending on a progressive basis the tax rate on taxable incomes above \$7,500. Died in Assembly Committee on Revenue and Taxation along with above mentioned consumer tax bills, all of which are understood to fall within the scope of the tax study provided by **ACR 206**.

An attempt to withdraw **AB 4159** from committee at the time efforts were being made to withdraw CTA-sponsored consumer tax bills failed by roll call vote of 30-39.

**ACR 206 (Coolidge).** Provides for comprehensive study and review of California tax structure, including ascertainment of impact of structure among income groups; appropriates \$100,000 to joint legislative tax committee for this purpose. Resolutions, Chapter 330.

**SB 192 (Robert I. McCarthy).** As passed by the Senate, increased the deduction from state personal income tax from \$400 to \$600 for each dependent. Refused passage

on Assembly side by roll call vote of 20-34 after it was announced by Governor Knight that he would veto the measure because of budget balancing problem.

**SB 194 (Robert I. McCarthy).** As passed by the Senate, allowed deductions from state personal income tax law for medical and adoption expenses in excess of 3 per cent of adjusted gross income, instead of 5 per cent under present law. Amended on Assembly side to also exempt cost of medicine and drugs exceeding 1 percent of adjusted gross income, but denied passage on floor by roll call vote of 25-34 after Governor announced that he would veto bill in view of budget balancing problem.

**SB 487 (Robert I. McCarthy).** Increased income tax personal exemption by \$500 in case of single person, head of household, or married persons. Died in Senate Committee.

**SB 596 (Sutton and Erhart).** Removed state sales and use tax on candy and confectionery. Passed Senate by roll call vote of 29-5, and Assembly by vote of 49-10. Pocket-vetoed by governor as he warned he would during process of passage, because of budget balancing problem.

**SB 1309 (Desmond).** As passed by the Senate, increased from \$400 to \$800, and thereby doubled, state personal income tax deduction for dependents. Died on Assembly floor for failure to take up.

**SB 2468 (Miller).** As amended and enacted, beginning with January 1, 1957, reduces from 3 to 1½ per cent motor vehicle transportation license tax as based on gross receipts from operations; in turn repeals various credit provisions against payment of tax. Chapter 1067.

**SJR 2 (Collier).** Requests Congress to repeal federal transportation excise taxes. Resolutions, Chapter 88.

### **Bad Bills**

**AB 394 (Hegland and others).** Provided for the taxation of municipal public utility districts owning property used for gas or electricity business for school purposes. Referred to interim committee for further study.

**AB 597 (Coolidge).** Allows retailers credit against tax for sales and use taxes paid on worthless accounts charged off for income tax purposes; requires that upon collection of such accounts the amounts so collected be included in first sales tax return filed thereafter. Chapter 733.

**AB 598 (Coolidge).** Provides, in regard to refunds for returned merchandise, that return of sales tax paid need not be allowed for charges which the seller may subsequently deduct from the purchase price as expenses for delivery, handling and restocking; seller is permitted to pocket the sales

tax collected but not returned in such cases. Chapter 592.

**AB 2770 (Hansen).** As sent to Assembly floor with favorable recommendation from committee, exempted from personal property taxation property shipped into or manufactured or produced in state which is held in storage only in public warehouses or certified places of storage on first Monday in March and not longer than 90 days thereafter for shipment outside of state in the same form as it was as of tax date.

Referred to interim committee by Assembly when discovered that bill would cost counties millions of dollars in taxes lost.

**AB 3046 (Ernest R. Geddes).** Contained California Teachers Association proposal to impose 3 cents per pack tax on cigarettes in support of increased school appropriations proposed in **AB 3045** (Ernest R. Geddes) listed under SCHOOLS. Died in Assembly committee after failure of motion to withdraw by vote of 29-43.

**AB 3047 (Ernest R. Geddes).** Contained other half of CTA proposal for raising funds for school aid proposed in **AB 3045** (Ernest R. Geddes) listed under SCHOOLS; increased excise on beer effective June 30, 1957, from 2 cents to 10 cents per gallon. Died in Assembly committee after failure of attempt to withdraw **AB 3046**—the cigarette tax bill—and notice to withdraw this bill was dropped.

**AB 3113 (McGee).** Proposed a new uniform local sales tax on a compulsory basis providing for combined uniform local and state tax of 4 percent. Died in Assembly Committee.

**AB 3119 (Coolidge).** Provides an offset against franchise tax of financial corporations for use tax paid by building and loan corporations. Chapter 748.

**ACA 28 (Thelin and others).** Proposed a constitutional amendment known as "taxpayers' bill of rights," which in general established legal remedies available to taxpayers against tax agencies that would be a legal bonanza for tax attorneys. Referred to interim committee for further study.

**AJR 28 (Wilson and others).** As introduced, was a modified millionaires' amendment in that it memorialized Congress to make numerous cuts in upper income tax brackets, coupled with a minor increase in the personal income tax exemption. As amended and adopted by Assembly, was substantially less objectionable. In general terms, called for reduced income tax rates and an increase in the exemptions, plus other afforded relief from existing "oppressive taxation of income." Died in Senate committee.

**SB 2410 (Breed).** As passed by Senate by roll call vote of 27-9, offered tax bonanza to corporations by writing into California income tax and corporation tax laws, federal provisions for rapid write-off for depreciation of

plant and equipment expenditures or other properties used in the production of income.

Amended on Assembly side to make up loss in revenue by an increase in tax rates for banks and corporations from 4 percent to 4.35 percent, but nevertheless was refused favorable recommendation by committee and sent to interim committee for further study.

Numerous other bills on the same subject, including the following, died in committees of the respective house of origin: **SB 177** (Collier), **SB 178** (Collier), **SB 610** (Hollister and others), **SB 2493** (McBride), **AB 676** and **AB 677** (Cunningham and Chapel), **AB 719** and **AB 720** (Bonelli), **AB 1674** and **AB 1675** (Bruce F. Allen).

**SCA 18 (Desmond)**. Proposed constitutional amendment placing severe limitations on tax equalization functions of State Board of Equalization. Died in Senate Committee.

**SCR 7 (Desmond and others)**. Millionaires' tax amendment: as adopted by the Senate by roll call vote of 21 to 17, 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 favorable consideration in Assembly Committee and referred to interim committee for further study.

### Other Bills

**AB 861 (Thelin)**. As amended and enacted, suspends for three years the effective date of Chapter 1466 of the Statutes of 1949, due to have become effective this March, which provides for assessment and equalization of property for tax and state fund allocation purposes. Chapter 2119.

**AB 3334 (Coolidge)**. Provided essentially that state personal income tax shall be based on taxable income and federal return to the extent that such income is derived from sources within the state, thus writing into California all the exemptions and deductions of the federal law. Referred to interim committee for further study.

**SB 968 (Robert I. McCarthy and Cobey)**. As passed by the Senate, amended personal income tax law to allow a deduction for political contributions not to exceed \$100 for any person, except corporations, in primary elections and general elections. Amended in the Assembly to allowed the exemption for corporations as well as individuals and passed by a roll call vote of 31 to 15. Reconsideration refused in roll call vote after failure of motion to refer back to committee by roll call vote of 19 to 37. Chapter 255.

**SB 1350 (Dolwig)**. As amended and enacted, provides that motor vehicle transportation license tax shall not apply to a passenger stage corporation under jurisdiction of PUC when motor vehicles of such corporation are operated exclusively in urban or suburban areas or between cities in close proximity for commuting purposes not exceeding fifty miles in one direction. Chapter 2404.

**SB 2267 (Cunningham)**. As enacted, provides that motor vehicle transportation license tax does not apply to transportation operations of construction contractor carried on incidental to the performance of written public works lump sum or a public works cost plus a fee construction contract. Chapter 2053.

**SB 2435 (Robert I. McCarthy)**. As amended and enacted, provides, for purposes of bank and corporation tax, that in allocating to California income from sources within and without the state on the basis of sales, payroll, property or other factors, there should be taken into account income from sources outside the state by transporting by sea or air throughout the state. Bill allocates revenues to high seas and practically wipes out corporation tax revenue from shipping industry. Chapter 2097.

## TEACHERS

An increase in the minimum salary from \$3,400 to \$4,200 was the major advancement won by teachers at the 1957 general session of the legislature. Originally passed in **SB 555** (Miller), a bill sponsored by the AFL Teachers' Union, the increase was also contained in **AB 3045**, the CTA school aid bill. In signing the aid bill, therefore, **SB 555** was pocket-vetoed by the Governor as unnecessary. The major purpose of the AFL measure was accomplished, however, in assuring a minimum salary increase against the risky procedures of the CTA in tying the salary increase to the aid bill and consumer taxes. Fortunately, the aid bill was passed in spite of the CTA. (See SCHOOLS.)

In other areas of teacher legislation, the failure of the legislature to act favorably on tenure measures and the extension of social security coverage to teachers must be placed squarely at the door of the CTA. All bills on the subject of tenure extension and probationary teacher protections, sponsored by the Federation and the AFL Teachers'

Union, were opposed by this so-called teachers' organization, and as a result, were sent to interim committee along with the weak, compromising proposals of the CTA designed to confuse the issues.

On the question of OASI coverage for teachers, the CTA likewise sought to keep every avenue closed that might possibly bring OASI coverage to even a single teacher desiring coverage. The CTA went so far as to secure an amendment exempting teachers from the provisions of **AB 1396** (MacBride), reported under STATE, COUNTY and MUNICIPAL EMPLOYEES, which merely provided that retirement system coverage groups in the state may be divided for purposes of coverage referendums into two groups: those who wish coverage and those who do not. This exclusion of teachers was sought by the CTA even though such a division could not be accomplished for teachers without specific authorizing legislation. But the real irony of the CTA's antics was that two years earlier the CTA struggled to come under the very omnibus bill being amended by **AB 1396**. But that was when the CTA was maneuvering to kill an AFL teachers' bill to give teachers the right to vote for OASI coverage by school district referendums.

On all measures of fundamental importance to teachers, apart from administrators, the Sacramento story of 1957 was one of consistent opposition by the CTA. Despite this opposition, the AFL teachers, with Federation assistance, were able to secure the enactment of several beneficial measures, including bills declaring state policy against discrimination in hiring of teachers because of age or marital status, and requiring school board minutes to be kept open for public inspection.

Another AFL teachers' bill secured into law, aimed at alleviating racial discrimination in the employment of teachers, is reported under CIVIL RIGHTS.

Bills marked \* were sponsored by the Federation

### Good Bills

**AB 140** (Ernest R. Geddes). As amended, provides that sabbatical leave shall not constitute a break in service. Chapter 1038.

\***AB 705** (Bee and Donahoe). Requires that substitute teacher employed by school district for 75 per cent of

school days during one semester shall thereafter be classified as a probationary employee. Died in Assembly committee.

Senate companion, \***SB 658** (Farr), died in Senate committee.

\***AB 707** (Bee and Donahoe). Extended to all districts provision now applicable to San Francisco and Los Angeles only, which prohibits dismissal of probationary teachers except for cause; also provided that no probationary teacher shall be denied the right to a hearing to determine the cause for dismissal. Died in Assembly committee.

Senate companion, \***SB 791** (Farr), died in Senate committee.

**AB 766** (Donald D. Doyle and Masterson). Required governing board of school district to grant employee requesting it a leave of absence not exceeding one year to permit study, travel or rest, rather than allowing board to grant employee leave not exceeding one year for study or travel; fixed limitation on number of district employees who may be absent on sabbatical leave at any one time. Died in Assembly committee.

\***AB 1001** (O'Connell and others). As introduced, increased minimum salary for teachers from \$3,400 to \$5,000 a year; extended minimum to substitute teachers.

Amended in Assembly committee to provide for \$4,200 minimum and recommended favorably, but was killed by Assembly Ways and Means Committee. See also **SB 555** (Miller) and **AB 3045** (Ernest R. Geddes), both of which passed the legislature and provided for \$4,200 minimum, with **AB 3045** signed into law.

**AB 1151** (Rumford and others). Declares it contrary to state policy for a person charged with the responsibility of interviewing and recommending persons for employment as teachers who fail or refuse to do so for reason of the age or marital status of any applicant. Chapter 810.

**AB 1381** (MacBride). Provides that disability retirement shall not be less than for service. Chapter 2136.

**AB 1478** (Unruh). Prohibited employing teacher with provisional credential unless the hiring school board has advertised for and failed to receive any applications with standard credentials; required any person employed as a teacher by school district to receive at least a minimum salary payable to a teacher with standard credentials. Died in Senate committee.

Senate companion **SB 868** (Schwartz) died in Senate committee.

**AB 1491** (MacBride and Nielsen). Provides that state college employee transferring to new state college retains all sickness and injury, sabbatical



and other leave rights and all seniority and tenure rights accumulated. Chapter 2137.

**AB 1727 (Masterson and Burton).** As introduced, recognized the right of teachers to organize into organizations, associations or unions of their own free choosing, without coercion, for purposes of collective bargaining. Amended to delete references to collective bargaining and passed by Assembly by roll call vote of 49 to 19. Tabled by Senate Labor Committee.

**AB 1735 (Masterson).** Extended provisions of teacher tenure law to all districts regardless of size. Sent to interim committee for further study along with other tenure bills.

**\*AB 1736 (Masterson).** Required the Department of Employment to establish a placement service for teachers. Died in Assembly Ways and Means Subcommittee.

Senate companion **\*SB 660 (Farr)** was sent to interim committee for further study.

**AB 1777 (Rees and Bee).** As introduced, required minimum free lunch period for teachers of 45 minutes; amended to require average of 30 minutes for lunch period per day during each week in manner prescribed by regulation of State Board of Education, and referred to interim committee for further study.

**AB 2117 (Meyers).** Authorized school boards to fix time of closing of schools, thereby preventing boards or administrators from assigning duties to teachers after school hours without adopting a regulation to that effect. Referred to interim committee for further study.

**AB 3174 (O'Connell and Burton).** Prohibited "company unions" in teaching profession. Referred to Rules Committee for further study.

**AB 3175 (O'Connell and Burton).** Prohibited private entities from accepting fees for securing employment of certificated school personnel with school district or for processing their applications or documents. Referred to interim committee for further study.

**AB 3506 (Munnell and others).** Required all districts to classify as permanent their certified employees who are employed by one or more school districts, rather than by one district only, for four consecutive school years; required classification as permanent of any teacher who is employed by a school district and who had tenure in another district prior to such employment, thus making teacher tenure transferable on a statewide basis. Sent to interim committee for further study along with other tenure bills.

**SB 555 (Miller and others).** Increased minimum salary for teachers from \$3,400 to \$4,200. Passed both houses, but vetoed by Governor in view of same provision in **AB 3045**.

The passage of this bill was secured by the AFL Teachers' Union prior to the enactment of **AB 3045** to insure an increase in minimum salaries, should the aid bill fail

because of CTA efforts to tie it to an increase in consumer taxes.

**SB 1455 (Short and Robert I. McCarthy).** Companion bill to **AB 1735 (Masterson)**, extending tenure to employees of all school districts. Died in Senate Committee on Education.

**SB 1638 (Miller).** In accordance with anticipated changes in the federal law, provided that members of the State Teachers Retirement System requesting federal OASI coverage shall constitute a "retirement system coverage group" entitling them to vote on their inclusion in the federal system; declared policy that inclusion is entirely voluntary for the teachers.

Bill was sponsored by AFL Teachers and opposed by the CTA, which worked diligently to prohibit federal OASI coverage from being extended to any teacher. Killed in the Senate Committee on Governmental Efficiency.

**SB 1739 (Miller).** Allowed school boards to pay whole amount of health insurance plans for employees, rather than no more than half of such amount. Passed both houses, and vetoed by the Governor in favor of **AB 2742**, a companion measure accomplishing the same end for all local public employees.

**SB 2150 (Miller).** Requires clerk of school board to keep minutes of board meetings and other records open to public inspection. Chapter 926.

**SB 2151 (Miller).** Provided that members of State Teachers Retirement System shall receive retirement service credit for service rendered in public schools of other states. Sent to interim committee for further study.

**SB 2152 (Miller).** Gave teacher right to inspect all personnel records kept by the principal, administrator, governing board, county superintendent of schools, county boards of education, State Department of Education or the State Board of Education, or any officers or employees of such board or department. Died on Senate floor.

**SB 2153 (Miller).** Prohibited any officer or employee of school systems from keeping secret files or records concerning teachers. Killed in Senate committee.

**SB 2154 (Miller).** Gave retirement service credit for service in adult and night school teaching for which contributions were deducted under State Teachers Retirement System before the 1955 revision of the retirement system. Sent to interim committee for further study.

**SB 2155 (Miller).** Permitted persons to enter State Teachers Retirement System without redepositing the contributions previously withdrawn; established rate of contribution on re-entry as that for person of his age at time he first became a member of the system. Died in Senate committee.

### **Bad Bills**

**AB 2411 (Porter).** Permits members of so-called "commission on personnel standards" of a state-

wide association of school board administrators to testify as an expert witness at a trial for dismissal of a tenured teacher. Chapter 2341.

**AB 3363 (Donald D. Doyle).** Provided that protection for probationary teachers against dismissal except for cause shall apply only in school district with average daily attendance of 200,000, instead of present 85,000. Referred to interim committee for further study, along with all other tenure and probationary protection bills.

**AB 3365 (Donald D. Doyle).** Repealed protections of probationary teachers in school districts with an ADA of 85,000 or more against dismissal except for cause. Referred to interim committee the same as AB 3363.

**AB 3939 (Crawford).** Requires school district board, as a condition of employment, to require applicant teachers to furnish statement of military service, and if any was rendered, a copy of discharge or release from service. Chapter 1454.

**SB 867 (Short and others).** As amended and enacted, permits teachers to make revocable authorization for deduction from salary of dues for membership in any local professional organization or in any statewide professional organization and/or in any other professional organization affiliated or otherwise connected with a statewide professional organization, which authorizes the statewide organization to receive membership dues on his behalf. Introduces new principle of permitting direct dues deductions for a statewide organization, i.e. CTA, and as such is a special interest bill. Chapter 2253.

#### Other Bills

**AB 17 (Donahoe and others).** Extended teacher tenure

law to districts of ADA of 250 or more, instead of 850 as at present; contained weak CTA compromise proposal on probationary teacher protections. Referred to interim committee for further study along with all other tenure and probationary protection bills.

**AB 141 (Ernest R. Geddes).** Originally a skeleton bill, amended after the referral of AB 17 to interim committee to include a feeble CTA compromise on protection of probationary teachers to merely require that a probationary teacher, upon request to the governing board, shall be given a written statement of reasons for dismissal. Died on floor of Assembly.

**AB 2324 (Porter).** Permits all school boards, instead of only San Francisco School Board, to exclude all or any portion of the Christmas vacation in computing a school month of 20 days, or four weeks of five days each, including legal holidays. Chapter 1311.

**AB 3366 (Collier).** Permits retired member of Los Angeles School District Retirement System, who is entitled to allowances from the local system as well as State Teachers Retirement System, to elect to relinquish his right to allowances under such local system; prescribes manner with which such relinquishment shall be made. Chapter 1412.

**SB 890 (Dilworth).** Contains CTA proposal, in lieu of federal OASI coverage, to provide survivors' benefits under State Teachers Retirement System. Referred to interim committee for further study.

**SB 1255 (Cobey).** CTA-sponsored measure giving school boards greater authority in granting maternity leaves; provides teacher need not be paid. Chapter 1724.

## UNEMPLOYMENT INSURANCE

In a very real sense, the achievements in unemployment insurance at the 1957 session of the legislature reflect the extent to which it was possible to utilize developments in related areas of legislation as leverage to secure advancements in this major field of legislation. Such was the case in maximizing the advantages gained from the unemployment disability insurance settlement and the early tests in the Assembly on workmen's compensation (see UNEMPLOYMENT DISABILITY INSURANCE and WORKMEN'S COMPENSATION), to win the unemployment insurance settlement embodied in \*AB 687 (Munnell and others).

As detailed below, \*AB 687, among other things, increases the maximum weekly benefit amount for eligible claimants from \$33 to \$40, without in any way giving ground to the employers in their

demands for increasing the eligibility requirements. The concessions granted employers, on the other hand, will not adversely affect workers' rights. The concession modifying the so-called "high" contribution schedule for employers, given the existence of a "merit rating" system of financing, cannot in the long run possibly relieve employers of their legal obligations to finance unemployment insurance benefits. With regard to the other concession, namely, the statutory assessment of a uniform disqualification against claimants who

leave their employment voluntarily, this does nothing more than write into law what has been standard administrative practice for some time.

In terms of dollar benefits, the Department of Employment conservatively estimates that, in a high employment year like 1957, eligible claimants will receive total added benefits equal to about \$11,096,000, and many times this amount should a major recession develop causing substantial increases in unemployment among the more stable and employable members of the labor force; i.e., primarily organized workers.

In regard to other unemployment insurance bills, apart from non-controversial bills introduced at the request of the Department of Employment and enacted into law, attention is called to the two minor extensions of exemptions from coverage in **AB 1985** and **AB 746** (both by Pattee). Although listed under "bad," the bills are so minor as to hardly deserve any comment at all.

The real significance of the advancement won at the 1957 legislature in unemployment insurance benefits can only be appreciated and understood when measured against all the other "bad" bills listed below which embodied the employer's program, but did not pass. At point specifically is **SB 268** (Desmond). This bargaining bill, introduced by the employers, which tied a \$2 increase in benefits to the imposition of a \$350, two-quarter eligibility test, would have actually reduced total benefits in a year like 1957 by about \$11.4 million. **\*AB 687**, embodying the settlement negotiated, as pointed out above, increases benefits by just about that amount.

Bills marked \* were sponsored by the Federation

### Good Bills

**\*AB 363 (Elliott and others)**. Excluded compensation for personal service, whether performed as an employee or as an independent contractor, in determining whether a claimant meets the unemployment test. Died in Assembly committee.

**\*AB 364 (Elliott and others)**. Removed the 18-week limitation on the maximum amount of benefits chargeable against an employer's reserve account. Died in Assembly committee.

**\*AB 365 (Elliott and others)**. Removed Department of Employment authority to extend for eight weeks the statutory disqualification period for successive disqualifications for voluntary quits, discharges for misconduct, fraud and refusal of suitable employment. Died in Assembly committee.

**\*AB 459 (Unruh and others)**. Removed the prohibition against use of "lag quarter" earnings in the base period in order to qualify for benefit. Died in Assembly committee.

**\*AB 461 (Unruh and others)**. Increased from \$3.00 to \$8.00 a week the amount of wages a claimant may earn without reduction of benefits. Died in Assembly committee.

**\*AB 462 (Unruh and others)**. 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 683 (Munnell and others)**. Increased ceiling on taxable wages for both employer unemployment insurance contributions and worker unemployment disability insurance contributions from \$3,000 to \$4,200. Died in Assembly committee. See, however, **\*AB 233** under UNEMPLOYMENT DISABILITY INSURANCE.

Senate companion, **\*SB 871** (Miller), died in Senate committee.

**\*AB 686 (Munnell and others)**. As introduced, extended full coverage for both unemployment insurance and unemployment disability insurance to state and local government employees. The original measure died in Assembly committee, and later in the session was used for entirely different purposes. See INSURANCE.

Senate companion, **\*SB 873** (Miller), died in Senate committee.

**\*AB 687 (Munnell and others)**. As introduced, increased the maximum weekly benefit amount from \$33 to \$55 in accordance with a completely liberalized benefit schedule providing for a \$1.00 benefit increment for each \$15 high quarter earnings interval over \$150 starting with a minimum benefit of \$10.

As amended to incorporate the 1957 settlement of unemployment insurance issues and enacted into law, accomplishes the following:

- (1) Increases the maximum benefit amount payable from \$33 to \$40 per week by adding to the present benefits schedule seven steps, each providing a \$1.00 benefit increment for each added \$40 in high quarter earnings;
- (2) Revises the employer's so-called high contribution schedule (presently not in effect) to provide flexible contribution rates of 2.7 percent to 0.3 percent in accordance with individual employer reserve balances in a sixteen-step schedule, instead of the present flexible rates of 2.7 percent to 1 percent in accordance with a five-step schedule;

- (3) Writes into law the present administrative practice of assessing a uniform five-week disqualification against claimants who leave their employment voluntarily without good cause or who are discharged for misconduct;
- (4) Provides that the increased benefits shall be applicable to new claims filed on and after September 10, 1957; and
- (5) Makes certain technical amendments permitting the allocation of wages in various quarters to insure the possibility of receiving the new maximum benefit of \$40 per week, since only the first \$3,000 in wages paid are taxable under the law.

#### Chapter 1126.

Senate companion to original bill, **\*SB 869** (Miller), died in Senate committee.

**\*AB 688 (Munnell and others)**. Repealed merit rating and required all covered employers to pay a uniform tax of 2.7 percent on individual's wages to \$3,000 per year. Died in Assembly committee.

Senate companion, **\*SB 870** (Miller), died in Senate committee.

**\*AB 689 (Munnell and others)**. Extended full unemployment insurance and unemployment disability insurance coverage to employees of non-profit organizations. Died in Assembly committee.

Senate companion, **\*SB 874** (Miller), died in Senate committee.

**\*AB 690 (Munnell and others)**. Extended full unemployment insurance and unemployment disability insurance coverage to domestic workers. Died in Assembly committee.

Senate companion, **\*SB 872** (Miller), died in Senate committee.

**\*AB 691 (Munnell and others)**. Extended full unemployment insurance and unemployment disability insurance coverage to agricultural workers. Died in Assembly committee.

Senate companion, **\*SB 876** (Miller), died in Senate committee.

**\*AB 692 (Munnell and others)**. 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 875** (Miller), died in Senate committee.

**\*AB 693 (Munnell and others)**. Increased weekly benefit amount by \$5.00 for a dependent spouse and \$2.50 for

each of the first two dependent children under 18 years of age. Died in Assembly committee.

Senate companion, **\*SB 877** (Miller), died in Senate committee.

**\*AB 721 (Rumford and others)**. Removed disqualification period for claimants who leave their employment for marital or domestic reasons. Died in Assembly committee.

**\*AB 722 (Rumford and others)**. Prohibited the assessment of double penalties for a single refusal to work. Died in Assembly committee.

**\*AB 723 (Rumford and others)**. Reduced the disqualification period for claimants who leave their employment for marital or domestic reasons by permitting the disqualification to be only until the claimant has secured bona fide employment subsequent to the date of voluntarily leaving employment. Died in Assembly committee.

**\*AB 724 (Rumford and others)**. Provided that a disqualification for fraud or refusal of suitable employment shall commence with the week subsequent to the occurrence of the cause of disqualification in which the person first registered for work or in which he obtained suitable employment, whichever was the earlier, instead of present disqualification that commences with the week subsequent to the occurrence of the cause of disqualification in which the person first registered for work. Died in Assembly committee.

**\*AB 801 (Thomas)**. Prohibited a pattern of seasonal employment from giving rise to any presumption of unavailability for work in the case of any individual who has earned 50 percent or more of his base period wages in the employment of employers with a negative balance in their unemployment insurance account. Died in Assembly committee.

**\*AB 802 (Thomas)**. Required benefits to become immediately payable to a claimant, if appeals board failed to render a decision within the statutory time limit without making such benefits chargeable to an employer's account, should the appeals board later decide that the claimant was ineligible. Died in Assembly committee.

**AB 1261 (McCollister)**. Prohibited individual from being denied eligibility for unemployment insurance and unemployment disability insurance benefits because he has received or is eligible to receive vacation pay, sick pay or dismissal or severance pay. Died in Assembly committee.

**\*AB 2116 (Meyers and others)**. Required that a copy of all determinations as to a claimant's eligibility for both unemployment insurance and unemployment disability insurance benefits be sent to the union to which the employee belongs. Died in Assembly committee.

**AB 3514 (Elliott and Collier)**. As amended in the Assembly, required commissions, bonuses, perquisites, tips and gratuities to be included in wages for the purpose of computing both unemployment insurance and unem-

ployment disability insurance benefits. Died in Assembly committee.

**SB 398 (Farr).** Added new definition to assure payment of partial benefits to qualified commercial fishermen. As amended and enacted, carries a two-year termination date. Chapter 2244.

Assembly companions to original bill, **AB 782** and **AB 783** (Thomas), died in Assembly committee.

**SB 1043 (Desmond).** As introduced, required testimony in appeals board and referees' proceedings involving disputed claim to be taken in shorthand by phonographic reporter rather than recorded. As amended in Assembly and enacted, requires testimony at hearings held within state upon a disputed claim to be recorded, and when feasible, by a reporter in shorthand or by machine writing. Chapter 1668.

### **Bad Bills**

**AB 477 (Levering).** Disqualified worker "suspended" for misconduct; denied benefits to person who leaves his work for good reasons not connected with his employment; removed presumption that a claimant had not been discharged for misconduct and has not voluntarily left his work where employer does not give written notice to contrary within five days of termination. Died in Assembly committee.

**AB 478 (Levering).** Extended disqualification period for voluntary quits or discharges for misconduct from the variable two to five weeks to a mandatory ten weeks; required disqualification on such grounds to begin in the week in which the claimant registers for work rather than the following week; provided for reduction of claimant's total benefit award by an amount equal to the total number of weeks of disqualification times his weekly benefit amount upon disqualification for voluntarily quitting, discharge for misconduct, and misstatement. Deleted assessment of disqualification for refusal to accept suitable work because of anticipated tie-in with **AB 479** (Levering). Together with **AB 479**, as intended, would have reduced benefits in a year like 1957 by about \$4 million. Died in Assembly committee.

**AB 479 (Levering).** Rendered claimant who refuses suitable work ineligible for benefits for the duration of the ensuing period of unemployment and until he has earned \$150 in wages for bona fide employment by a covered employer. Died in Assembly committee.

**AB 652 (Ernest R. Geddes).** Required department notice of filing of an additional claim to be given to all employers whose reserve accounts could be affected by such filing. Died in Assembly committee.

**AB 746 (Pattee).** As introduced, removed golf caddies employed by players' clubs from coverage and relieved all employers of caddies, whether

individual golf players or clubs, from present and past liability to contribute into unemployment insurance fund. As amended in Assembly and enacted, contains exemptions, but does not relieve employer of past liabilities to the fund. Chapter 595.

**AB 1092 (Ernest R. Geddes).** Reduced from twelve complete consecutive calendar quarters to twelve consecutive calendar months, the period an employer must be subject to the benefit charges to qualify for a reduced unemployment insurance contribution rate under "merit rating." Would have reduced employer contributions in 1957 by about \$12 million. Died in Assembly committee.

**AB 1093 (Ernest R. Geddes).** Permitted employers to make voluntary contributions within the first 120 days of each year to obtain an immediate reduction in tax rate for that year. Would have permitted employers to secure widespread reductions of an incalculable amount in their unemployment insurance contributions. Died in Assembly committee.

**AB 1271 (Levering).** Cancelled all wage credits earned by persons employed during the "active processing season" in the handling or processing of perishable fruits and vegetables. Would have disqualified about 25,000 or 50 percent of such workers, and would have reduced benefits in a high employment year like 1957 by about \$7 million at a minimum. Died in Assembly committee.

**AB 1985 (Pattee).** Exempts from both unemployment insurance and unemployment disability insurance coverage, services performed by freelance jockey or exercise boy who is regularly licensed by the California Horse Racing Board. Chapter 620.

**AB 2607 (Levering).** Repealed present eligibility provisions and established a "weeks of work" test of \$15 during at least twenty weeks of the 52 consecutive weeks in the claimant's base period. Would have rendered ineligible about 66,300 seasonal and intermittent workers who are presently eligible, and would have cut benefits by approximately \$11 million in a high employment year like 1957. Died in Assembly committee.

**AB 2642 (Chapel).** Exempted from both unemployment insurance and unemployment disability insurance coverage, services performed pursuant to a contract or agreement under which an industrial catering driver agrees to perform for the profits made on merchandise sold by him rather than a fixed salary. Refused favorable recommendation by Assembly committee; amended to more precisely define terms, and referred to interim committee for study.

**AB 3021 (Lanterman).** Prohibited the establishment of a valid claim or a benefit year during which any benefits are payable by an individual who the department determines has left his work because of a trade dispute. Died in Assembly committee.

**AB 3186 (Munnell and others).** As introduced made five years of active legal experience a prerequisite for appointment of referees of appeals board; required compensation of referees set by Personnel Board to be comparable to that of other referees or hearing officers in state service whose duties include the hearing of as well as the rendering of decisions in controversies before them; contained "grandfather clause" preventing retroactive application to present referees. Defeated in committee as such; later amended to require that appeals board referees be attorneys, but deleting five years' experience requirement. As amended, referred favorably to floor, where it was sent to interim committee for study by roll call vote of 49-6.

**AB 3398 (Levering).** Upon reopening of a claim, required department notification of all employers whose reserve account would be affected thereby. Died in Assembly committee.

**AB 4068 (Lanterman).** Permitted employer to submit information to department regarding whether or not claimant left work for domestic or marital reasons or because of trade dispute. Died in Assembly committee.

**AB 4069 (Lanterman).** Prohibited charge-back against employer reserve accounts for subsequent benefits paid a claimant who has left work for domestic or marital reasons or because of a trade dispute; gave employer three and one-half years to file necessary information regarding a disqualifying leaving of work. Died in Assembly committee.

**AB 4070 (Lanterman).** Among other things, prohibited any department regulations on the number of joint employer-contribution accounts or the classification of employers who may become members of such accounts. Died in Assembly committee.

**SB 267 (Desmond).** Repealed present eligibility requirements and established a two-quarter eligibility test of \$350 in each of two calendar quarters in the claimant's base period. Would have rendered ineligible at least 81,500 seasonal workers and reduced benefits by about \$15.3 million in a high quarter year like 1957. Died in Senate committee.

**SB 268 (Desmond).** Contained the \$350 two-quarter eligibility test in **SB 267** (Desmond), and in addition: permitted employers to make contributions under either the "high" or "low" schedules so as to obtain the lowest possible contribution rate, and increased the minimum weekly benefit from \$10 to \$17 and the maximum benefit from \$33 to \$35 under a completely new uniform \$30-step schedule which would have actually saved employers money. Apart from incalculable savings to employers resulting from reduced contribution rates, this package offer of the employers would have rendered ineligible 81,500 seasonal and intermittent workers, while actually cutting benefits by about \$11.4 million in a high employment year like 1957. Died in Senate committee.

### Other Bills

**AB 446 (Weinberger).** Originally a bad bill, giv-

ing employers an unlimited period of time in which to submit additional information for purpose of obtaining a department ruling that would prohibit a chargeback on the grounds of voluntarily quitting without good cause or discharge for misconduct. As amended in Assembly and enacted, merely gives employer 15 days instead of 10 days after notice of computation to submit to the department information regarding voluntary quits and discharges for misconduct. Chapter 1109.

**AB 727 (Bradley).** As amended and enacted, provides that in the case of failure without good cause on the part of employer to file a contributions return, all notices of assessment shall be made within eight years after the last day of the month following the close of the calendar quarter during which the contribution liability accrued; permits employing unit to waive this limitation period or consent to its extension. No statute of limitations existed prior to this bill in cases of failure without good cause to file a return. Chapter 293.

**AB 1251 (Ernest R. Geddes).** Department of Employment bill clarifying that elective coverage applies to both unemployment insurance and disability insurance, applying essentially the same standards for elective coverage to the state or other governmental agencies as those now applicable to other entities electing coverage with exception of the requirement of being normally and continuously engaged in regular trade, and clarifying posting requirements regarding election of coverage and termination of elective coverage. Chapter 1183.

**AB 1252 (Ernest R. Geddes).** Department of Employment bill amending numerous sections of Unemployment Insurance Code, generally deleting obsolete language having no current application, and correcting references to federal law which had been reorganized and renumbered, with a savings clause to protect rights of the prior law. Chapter 1184.

**AB 1268 (Nielsen).** Department of Finance bill which would have extended coverage under both unemployment insurance and unemployment disability insurance to state employees, but on a cost basis with regard to state contributions. Died in Assembly committee.

**AB 1269 (Nielsen).** Department of Finance bill extending unemployment insurance and unemployment disability insurance coverage to laborers, workmen and mechanics in the state service employed on an hourly or per diem basis whose term of continuous employment does not exceed six months, but provided for such coverage on

a cost basis with regard to state contributions. Died in Assembly committee.

**AB 1272 (Munnell and Coolidge).** Department of Employment bill which, as amended and enacted, makes a number of agreed changes relating to the collection of delinquent contributions from employers. Chapter 1188.

**AB 1826 (Rumford and others).** As amended and enacted, provides for cooperation of the Department of Employment with other agencies in providing, developing, distributing information regarding youth employment programs. Chapter 1490.

**AB 2657 (Lowrey).** As amended, exempts from unemployment disability insurance coverage election campaign workers employed by candidate for office or his committee. Chapter 1352.

**AB 3932 (Burton).** Originally a skeleton bill relating to

coverage. Following the unemployment insurance settlement between labor and management, this bill was amended, contrary to the settlement, to extend unemployment insurance and unemployment disability insurance coverage to employees of non-profit organizations. In accordance with labor's agreement in regard to this settlement, the bill was opposed in committee and defeated.

**SB 1165 (Collier).** Provides that judgment lien against employer for non-payment of contributions shall continue for five years after the last entry of a judgment unless sooner released or otherwise discharged; provides that lien made within such five years and within five years from the date of the last extension of the lien be extended by recording a new abstract in the office of the county recorder of any county, and from the time of such recording the lien shall be extended to the personal property of such property for five years, unless sooner released or otherwise discharged. Chapter 1632.

## UNEMPLOYMENT DISABILITY INSURANCE

Contrary to experience in previous legislative sessions, the Federation was able to move swiftly upon the reconvening of the legislature in March in the direction of obtaining a far-reaching program of improvements in the state's pace-setting unemployment disability insurance law.

The entire Federation program of improvement embraced in the series of Federation-sponsored bills listed below was set for early hearing on the Assembly side in the Committee on Finance and Insurance, while the Federation, on the Senate side, struggled with the workmen's compensation program in the Committee on Labor (See WORKMEN'S COMPENSATION). The chairman of the Assembly committee immediately set the private carrier disability insurance bills, and over the opposition of the Federation, precluded individual hearing of the bills embodying labor's disability insurance program by committee action referring all the bills to a disability insurance subcommittee, thereby forcing an immediate bargaining situation with the private carriers without the Federation having the leverage desired by first securing a liberalizing bill out of committee. The Federation, nevertheless, overcame this adverse bargaining position and negotiated the most far-reaching liberalization since the disability program was enacted.

The two major bills embodying the settlement are **\*AB 233 (Beaver)** and **AB 3194 (Ernest R. Geddes)**, as detailed below, which, among other things, increase the weekly benefit from \$40 to \$50; boost

the daily hospital benefit from \$10 for 12 days to \$12 for 20 days; repeal the so-called 75 percent rule that disqualifies many seasonal workers; and restrict DI liens against workmen's compensation benefits to liens against temporary disability benefit payments. To meet the cost of financing these substantial improvements, the Federation agreed to an increase in the ceiling on taxable wages for purposes of workers' contributions from \$3,000 to \$3,600 a year—an increase of \$6 per year for the worker who earns the maximum taxable wage.

The original settlement extracted from the private carriers actually provided for an increase in the weekly benefit to \$55, instead of \$50, in accordance with the Federation optimal program request. Along with this higher benefit was a provision in the settlement that gave private carriers relief in the payment of the state insurance tax on private carrier disability insurance plan premiums by permitting the carriers to pay only 10 percent of such tax as long as the competitive "state plan" receipts are not taxed.

Powerful forces, however, immediately set to work to block this agreement. The united employ-

ers, on the one hand, recognizing that for the first time in a long while the "combined" lobby against labor that included the insurance carriers had been broken, and feeling also the pressure that this disability insurance settlement was having on the unemployment insurance program, began to exert every pressure it could to stop, or at least to slow-down and water-down the settlement. Not only did the employers fear the \$55 benefit, but also, as anticipated by the Federation, the \$3,600 taxable ceiling as possibly setting precedent for a new similar ceiling for employer unemployment insurance contributions. (As noted in the section on unemployment insurance, this actually gave leverage to the Federation in securing the favorable unemployment insurance settlement. See UNEMPLOYMENT INSURANCE.)

On the other hand, the state Department of Finance took strong exception to the above agreed cut in the insurance tax on private carrier disability insurance premiums, because of its minor adverse revenue effect on the state's general fund (a revenue loss of approximately \$1 million). Although the strong employer opposition failed to stop the settlement as it went through the Assembly Committee on Finance and Insurance, the Department of Finance was successful when the bill was referred to the Ways and Means Committee in deleting the cut in the private carrier premium tax, thereby, in turn, requiring a corresponding monetary cut-back in the maximum weekly benefit from \$55 to the \$50 in the enacted measure.

Employers continued their opposition and delaying tactics after adoption of this amendment, but the Federation kept steady pressure behind the bill and eased it through the Assembly and over to the Senate Labor Committee. The bill was held up in this form in the reactionary Senate Labor Committee until it was possible to work out the unemployment insurance program, and then finally pushed through the Senate in the closing weeks of the session. Fortunately, in the struggle on the Senate side, the Federation was able to prevent the employer-controlled Labor Committee from watering the bill further contrary to the agreement of the Federation and the private carriers, while at the same time using the measure to win the greatest concessions possible on unemployment insurance from the very employer group that possessed effective control of the Senate Labor Com-

mittee. Obviously, it was possible to proceed only by agreement.

Your Federation believes that the disability insurance settlement speaks for itself. In a high employment year like 1957, the Department of Employment conservatively estimates that the bill involved in the settlement will bring an added \$11 million in benefits to workers covered by the disability law under the state plan, plus at least a like amount from private carriers for workers covered by voluntary plans.

Bills marked \* were sponsored by the Federation

### Good Bills

\*AB 232 (Beaver). 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. Provisions amended into \*AB 233 (Beaver and Caldecott) as part of disability insurance settlement, and bill dropped.

Senate companion, \*SB 184 (Harold T. Johnson), died in Senate committee.

\*AB 233 (Beaver and Caldecott). As introduced, increased the maximum weekly benefit amount from \$40 to \$55 in accordance with a completely liberalized benefit schedule providing for a \$1.00 increment in benefits for each \$15 of high quarter earnings.

As amended to incorporate the 1957 settlement of unemployment disability insurance issues, together with AB 1249 (Ernest R. Geddes), AB 1250 (Ernest R. Geddes) and AB 3194 (Ernest R. Geddes), listed below, and enacted into law, accomplishes the following:

- (1) Increases the maximum weekly benefit amount from \$40 to \$50 by adding to the present benefits schedule ten additional steps providing for a \$1.00 benefits increment for each additional \$25 in high quarter earnings to the new maximum of \$50 per week;
- (2) Increases daily hospital benefit from \$10 per day for a maximum of twelve days to \$12 per day for a maximum of twenty days;
- (3) Repeals the so-called 75 per cent eligibility requirement which has heretofore disqualified many otherwise fully qualified employees in seasonal industries, such as canneries; (4) provides that a voluntary plan shall remain in effect with a successor em-



ployer who acquires a business where such plan was in existence, unless written request for cancellation by the successor employer is transmitted to the Director of Employment within 30 days after the acquisition date;

- (5) Increases from \$3,000 to \$3,600 the taxable ceiling on wages for purposes of worker contributions;
- (6) Continues for two more years the 1953 provision, extended in 1955, which waives the prohibition against private carriers selecting risks adverse to the state fund with regard to the coverage of women in voluntary plans;
- (7) Permits private carriers to amend voluntary plans by filing notice that such change, at least 10 days prior to the effective date, has been delivered to the employer for distribution to employees, with specific notice to covered employees of their right to withdraw from the voluntary plan;
- (8) Permits eligible employee to obtain medical care in a foreign country and present doctor's certificate of licensed foreign doctor in support of claim; and
- (9) Makes necessary technical changes, and provides that increased benefits will begin with disability periods commencing after January 1, 1958.

#### Chapter 2107.

Senate companion to original bill, \*SB 183 (Harold T. Johnson), died in Senate Committee.

\*AB 234 (Beaver). 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 185 (Harold T. Johnson), died in Senate committee.

\*AB 235 (Beaver). Provided for retroactive payment of benefits for seven-day waiting period where disability lasts longer than seven days. Died in Assembly committee.

Senate companion, \*SB 186 (Harold T. Johnson), died in Senate committee.

\*AB 236 (Beaver and Caldecott). Increased the daily hospital benefit from \$10 for a maximum of twelve days to \$15 for a maximum of fifteen days. A modified increase was included in the disability insurance settlement in \*AB 233, and the bill was dropped in Assembly committee.

Senate companion, \*SB 182 (Harold T. Johnson), died in Senate committee.

AB 366 (Elliott). Established claimant's right, under a specified procedure, to request Department of Employment to make medical examination and certification of disability when doctor attending the claimant fails to submit the required certificate. Died in Assembly committee.

\*AB 714 (Biddick). Provided for payment of hospital benefits to claimants hospitalized in state hospital upon certification by a state hospital superintendent in lieu of physician. Died in Assembly committee.

Senate companion, \*SB 215 (Short), died in Senate committee.

\*AB 715 (Biddick). Established right to receive unemployment disability insurance benefits, including hospital benefits, independent of workmen's compensation. Died in Assembly committee.

Senate companion, \*SB 217 (Short), died in Senate committee.

\*AB 716 (Biddick). Removed suspension of provision against voluntary plans selecting risks adverse to the state plan. Extension of the suspension on an interim basis for two more years was made part of the unemployment disability insurance settlement in \*AB 233, and the bill was dropped.

Senate companion, \*SB 218 (Short), died in Senate committee.

AB 1249 (Ernest R. Geddes). Department of Employment bill: eliminates provisions for hearing prior to withdrawal of approval of a voluntary plan, and provides instead for an appeal to the appeals board from the Director of Employment's notice of withdrawal of approval of a voluntary plan. Also permits the director to change or stay the effective date of his withdrawal of approval. Included in the disability insurance settlement. Chapter 1181.

AB 1250 (Ernest R. Geddes). Department of Employment bill: extends personal liability of officer of a corporation for wilful failure to pay contributions under a final return of a corporation to include liability for worker contributions due the disability fund. Included in disability insurance settlement in \*AB 233. Chapter 1182.

AB 1468 (Henderson). As originally introduced, provided for certification of disability by foreign physician. The provisions of the original bill were amended into the unemployment disability insurance settlement in \*AB 233. The bill was amended in the Senate, and as enacted merely provides that the provisions of AB 3194 (Ernest R. Geddes) shall

not require any changes in existing voluntary plan policies prior to January 1, 1958, even though that bill takes effect on September 11, 1957. Chapter 2276.

**AB 3194 (Ernest R. Geddes).** As introduced, authorized and empowered Director of Employment to release and compromise any unemployment disability benefits lien against a workmen's compensation award. As amended and enacted into one of the basic bills in the unemployment disability insurance settlement, it corrects previously existing inequities with relation to workmen's compensation: restricts liens under workmen's compensation to payments made for temporary disability, rather than for both permanent and temporary disability; prohibits the Department of Employment setting up any claim of overpayment where its lien has been adjudicated or denied by the Industrial Accident Commission, while further providing that there shall not be any double payment for the same disability for which temporary disability benefits have been received. Chapter 1977.

**SB 1776 (Harold T. Johnson).** Extended disability insurance coverage to public employees upon written request of a majority of the employees to the appropriate governmental agency and upon finding by Department of Employment that majority of said employees voted in favor of coverage. Died in Senate committee.

### **Bad Bills**

**AB 654 (Ernest R. Geddes).** Removed requirements that voluntary plans take in all employees, part-time as well as full-time, at any distinct separate establishment maintained by an employer, and instead permitted coverage to be limited to any class or classes determined by conditions pertaining to employment; made related changes in other qualifying provisions, and accordingly made permanent the temporary suspension of the provision prohibiting approval of voluntary plans which result in a substantial selection of risks adverse to the state disability fund. (Only an additional two-year suspension of the adverse risk clause was included in the disability insurance settlement in \*AB 233, pending further study of the effect of such suspension.) Died in Assembly committee.

Senate companion, **SB 448 (Desmond)**, died in Senate committee.

**AB 658 (Ernest R. Geddes).** Provided that benefits paid to claimants under the extended liability provisions for disabilities commencing when unemployed shall be paid under the lower unemployment insurance benefits schedule, instead of the disability insurance schedule. Would have reduced benefits in a year like 1957 by about \$1.7 million. Died in Assembly committee.

Senate companion, **SB 441 (Desmond)**, died in Senate committee.

**AB 664 (Ernest R. Geddes).** Permitted voluntary plan insurers to offset up to \$750,000 in disability insurance premium taxes against extended liability assessment.

Senate companion, **SB 453 (Desmond)**, died in Senate committee.

**AB 1946 (Ernest R. Geddes).** Deleted requirement that employers post printed statement concerning the filing of disability benefit claims; provided that claimants, except when unemployed, shall file claims with employer to fill out and forward to the department or to the voluntary plan carrier; required filing of extended liability claims with the department for notification of the filing to the claimant's last employer regarding filling out a form and returning it to the department. Died in Assembly committee.

**AB 2235 (Ernest R. Geddes).** Provided for charging extended liability account with all benefits paid for disability periods commencing two or more weeks after lay-off, 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. Deleted the concept of "simultaneous coverage", and substituted the concept of "concurrent employment", for the showing of benefits by voluntary plans and the disability fund in accordance with authorized regulations. Also, as condition of approval of voluntary plans, required such plans to provide for continuation of coverage for a period of two weeks following termination of employment, unless individual becomes employed by another employer within the two-week period. Died in Assembly committee.

**AB 3069 (Levering).** Denied benefits to individual committed by court order or certification of an institution or other place, pursuant to state Welfare and Institutions Code, for mental illness or because of dipsomania, drug addiction, etc. Would have cut benefits by about \$250,000 annually in a year like 1957. Died in Assembly committee.

**AB 3070 (Levering).** Prohibited payment of benefits for any period during which a person is receiving or has applied or has filed for either old age benefits or disability insurance benefits under the federal Social Security Act, except that the difference was to be payable in cases where the social security benefit was less than the state unemployment disability insurance benefit. Died in Assembly committee.

**SB 1313 (Desmond).** 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 non-occupational disability insurance fund on a competitive basis with private carriers, and placed all regulatory authority of program under the Insurance Commissioner. Died in Senate committee.

**SB 2557 (Desmond).** Prohibited payment of unemployment disability insurance benefits for any period in which the Industrial Accident Commission, in a workmen's compensation proceedings, finds that no disability was suffered. Died in Senate committee.

### Other Bills

**AB 665 (Ernest R. Geddes).** Continues for two

more years unemployment disability insurance "trainee" benefits for veterans. Chapter 1124.

**AB 1464 (Beaver).** Provided for continuance of a voluntary plan when a business or part thereof changes hands, unless a specific request for termination or cancellation is made. Bill was incorporated into \***AB 233** as part of disability insurance settlement, and was dropped in committee.

## WATER AND POWER

The failure of the representatives of the north and south to reach agreement on a "water rights" constitutional amendment for the settlement of outstanding differences of the respective areas in connection with projects that contemplate the transportation of water from an area of origin or excess supply to an area of deficiency precluded the enactment of any major legislation on water and power development.

Southern legislators assumed the position that until they are given firm rights to "exported" water by constitutional amendment, they are not going to vote any major expenditures or project authorizations which would run contrary to southern desires for northern water on a "firm" water rights basis. The northern legislators, on the other hand, generally refused to concede that the south's rights should be paramount to the rights of the areas of origin in regard to future needs.

The issue itself was essentially a false issue raised by the apparently blind acceptance of the state Feather River Project, which contemplates the transportation of northern waters over the Tehachapis all the way down to the Mexican border. Fortunately for the interests supporting maximum and integrated development of our water power resources, the failure to reach agreement on this "false issue" also blocked all appropriations for construction of the Feather River Project itself, which on its face is economically unsound in proposing the transportation of water to the south that can be put to greater economic use in its natural basin, and in the process, destroying enough electric power in the transportation of the water to sustain half a million workers in employment in our growing state. The project would actually consume five times the power it would produce. Unfortunately, however, the failure to reach agreement on a constitutional amendment also blocked any workable compromise for immediate construction of the San Luis Project by the federal government, with provision for possible future integration with the state's Feather River Project, should the

people of the state ever be duped into the position of accepting the construction of this economic nightmare.

The position assumed by the Federation was opposition to the Feather River Project until its financial and economic feasibility had been proven. Not only has this not been done to date, but the state does not even have a criteria for determining economic and financial feasibility, nor does it have a policy on the distribution of benefits to prevent monopolization of our resources, the absence of which is the primary reason for proposal of the state Feather River Project in the first place. The Federation, therefore, also assumed the position that in any constitutional amendment that was to be a major policy measure, policy on distribution of benefits should also be included. Accordingly, we urged preference distribution of public power generated at state projects and acreage restrictions on the amount of water which any one individual may receive for irrigation purposes. These proposals likewise went down the drain.

While the accomplishments of the legislature in the field of water and power was zero, a ray of hope that the legislature might eventually extricate itself from the political mess of its own creation is contained **ACR 198**, which notes the lack of policies for determining economic and financial feasibility of state-proposed projects and calls for study and recommendations on this crucial issue.

### Good Bills

**AB 2827 (O'Connell and others).** Wrote into California law provisions patterned after federal reclamation law prohibiting the delivery of irrigation water to excess land holders in the amount greater than sufficient to irrigate 160 acres (320 for man and wife), unless the excess land

holder agrees to sell his excess lands within a specified period of time in accordance with specified principles of appraisal. Presented by the Federation; refused favorable consideration in Assembly committee.

**AB 3930 (Burton).** Prohibited the Public Utilities Commission, in establishing rates for gas and electric corporations, from allowing any expenditures for advertising purposes, i.e., PG&E propaganda in support of its "partnership" swindle on the Trinity River Project. Referred to interim committee for further study.

**AB 4075 (MacBride and others).** Established provisions in California law requiring preference distribution to public agencies of power generated at publicly developed water and power projects. Died in Assembly committee

Senate companion, **SB 2588** (Harold T. Johnson), died in Senate committee. Neither bill was taken up.

**ACR 93 (McAllister).** Noted lack of proven feasibility of the Feather River Project and called for hiring of independent consultants for reports on economic and financial feasibility. Killed in Assembly committee.

**ACR 198 (Miller and others).** Notes "superficial" treatment of economic and financial feasibility questions in Feather River Project reports and the expenditure of 25 million dollars for a project of unproven feasibility; directs joint interim committee to hold hearings and study problems involved in establishing policies to be used in the state in evaluating economic and financial feasibility of the Feather River Project and other units of the proposed overall California water plan, and to recommend appropriate policies to the legislature for adoption; directs the study to encompass the essentials of multiple-purpose project planning, including determination of reimbursable and non-reimbursable costs, the method of cost allocation to be used, the basis of establishing rates for project services, etc. Resolutions, Chapter 326.

**AJR 22 (Lowrey and others).** Called on Congress to reject the PG&E proposal for construction of the power facilities at the federal Trinity River Project in "partnership" with the federal government. Died in Assembly committee.

### Bad Bills

**AB 1 (Bruce F. Allen and others).** Established California water fund consisting of "rainy day fund," tideland oil revenues in investment fund, two and a half million dollars monthly from general fund, revenues over fifteen million dollars from current tideland revenues, bond issue funds and all receipts and revenues from state projects except those necessary for operation, maintenance and replacement and debt service in connection with the project, thus destroying all known criteria for determining financial feasibility of a project, and imposing, instead, by indirection, a new "political feasibility" concept

which is the only basis upon which the Feather River Project could ever be justified as a state undertaking. Refused passage on floor of Assembly because of lack of agreement on a water rights constitutional amendment.

**AB 100 (Lindsay and others).** On an urgency basis, appropriates \$25,190,000 to Department of Water Resources for construction and relocation of Western Pacific Railroad tracks and State Highway Route 21 in vicinity of Oroville Dam and Reservoir site. Passed during first part of session upon request of Governor. On Assembly floor, amendment to insert excess lands provision in distribution of irrigation benefits was tabled by roll call vote of 46-25, and amendment to require preference distribution of public power was tabled by roll call vote of 47-25.

**AB 104 (Lindsay).** As an extension of the thinking in **AB 1**, proposed a flat two dollar per acre charge for all state project water, plus the cost of operating and maintenance of any facility used in carrying water to the service area. Proposal contemplated unlimited subsidies by the taxpayers in general for water users in the service areas of "politically feasible" projects. Died in Assembly Ways and Means Committee.

**AB 2995 (Belotti).** Also tying in with the concepts of **AB 1**, established rate setting criteria for state-generated hydro-electric power to assure its delivery to the private utilities, i.e., in the case of the Feather River Project, the PG&E. Referred to interim committee for further study.

**AB 4127 (Sedgwick and others).** Appropriated 37-plus million dollars in tideland revenues in investment fund to Department of Water Resources for expenditures in connection with preparations for construction of state Feather River Project. Died in Assembly Ways and Means Committee because of failure of agreement on water rights constitutional amendment.

The Senate Feather River bill, **SB 1925** (Ed. C. Johnson), died in conference committee in the closing minutes of the 1957 session. As passed by the Senate, **SB 1925** appropriated 34-plus million dollars in tideland revenues for construction of Oroville dam in the Feather River Project specifically as a 500,000 acre-foot flood control dam in a manner to permit future integration with the state Feather River Project should it be completed. After numerous amendments and entanglements on the Assembly floor, because of lack of agreement on a water rights constitutional amendment, was sent back to the Senate as carrying a mere 3.3 million dollar appropriation to keep the staff of the Department of Water Resources together and busy on surveys, explorations, laboratory studies, designs, preparation of construction plans and specifications, property surveys, etc. in connection with the Feather River Project. Refusal of concurrence by Senate in Assembly amendments and failure of conferees to reach agreement left the issue unresolved.

**SB 306 (Arnold and others).** Established water development fund for state subsidization of water projects of local agencies restricted to "obtaining, storing, furnishing, or distributing water for domestic, municipal, agricultural or industrial uses." By omission, prohibited generation

of public power by such projects, and contained no anti-monopoly protections in regard to the distribution of irrigation benefits. Although good in concept, was premature without policy on distribution of benefits. Pocket-vetoed by the Governor because of failure of legislature to act on major water issues.

**SB 1329 (Williams).** Adopted the so-called "California Water Plan" in its present uncompleted, inflexible form for the guidance of the development of California water and power resources. In essence, this master plan is built around the state Feather River Project and the so-called California Aqueduct System. Refused passage on floor of Senate.

Assembly companion, **AB 93 (Lindsay)**, passed Assembly and was also refused passage on the Senate floor.

**Assembly Constitutional Amendments 4, 38, 55, 68, 75-78 inclusive, 81, and 83** (by various authors). All these constitutional amendments contained various conflicting proposals for a constitutional settlement of the water rights issue between the north and the south, and all failed to gain approval for submission to the voters. **Senate Constitutional Amendments 1, 27, 44 and 47** (also by various authors) met with the same fate on the Senate side.

**SCR 88 (Hollister).** Proposed biased study of 160-acre limitation by Joint Committee on Water Problems to end application of the federal law in California. Opposed by the Federation and defeated in Rules Committee.

**SJR 12 (Hollister).** Essentially same as **SCR 88**, but called upon congressional committees to make the biased study of the application of the so-called 160-acre limitation of reclamation law. Opposed by Federation and defeated in Senate Rules Committee.

### Other Bills

**AB 3222 (Hansen).** Provided for the joint construction and use by federal and state governments of the San Luis Project. As a compromise measure, contained bad feature that would end application of excess lands law when the federal unit is turned over to the state for integration with the state Feather River Project. Refused passage on floor of Assembly because of failure of agreement on water rights constitutional amendment.

Senate version of the Assembly joint construction bill, **SB 1995 (Cobey)**, passed the Senate but died in the Assembly for the same reason.

**ACR 211 (Lincoln and others).** Creates Joint Interim Committee on Water Resources Development Problems with broad study powers, including the water rights issue. Resolutions, Chapter 329.

**SB 759 (Abshire).** Authorizes construction of North Bay aqueduct as set forth in the Department of Water Resources Bulletin on salinity control barrier investigations; appropriates 1.34 million dollars for completion of engineering studies and preparation of construction plans and specifications for the North Bay aqueduct. Chapter 2252.

**SB 1936 (Harold T. Johnson).** Incorporates upstream dams in the construction authorization of the Feather River Project. Chapter 2359.

**SCR 105 (Williams).** Creates Joint Committee on Water Problems with full study authority, overlapping with **ACR 211 (Lincoln and others)**. Resolutions, Chapter 337.

## WORKMEN'S COMPENSATION

The successes achieved by the Federation in liberalizing workmen's compensation benefits are embodied in **\*AB 3662 (Bee)**, which increases the maximum weekly indemnity benefit from \$40 to \$50 for temporary disabilities and from \$35 to \$40 for permanent disabilities, plus substantial increases in the death benefit as follows: from \$12,500 to \$15,000 for total dependencies where a dependent child is also involved; \$10,000 to \$12,000 for all other total dependencies, and a like increase in the maximum death benefit for partial dependencies. The cash value of this package is conservatively estimated at \$8.3 million a year for injured workers and their dependents.

The significance of these advancements, however, cannot be accurately appraised apart from the months of negotiations and maneuvering that finally led to the enactment of **\*AB 3662**. As a matter of fact, nothing perhaps better demonstrates

the hectic nature of the 1957 session of the legislature than the sequence of events expanding the breadth of the entire session that finally produced the workmen's compensation advancements.

### History of Passage

Faced with the "fact of existence" of the employer-controlled Senate Labor Committee (see **FOREWORD BY THE SECRETARY**), the Federation moved quickly upon the reconvening of the session in March to test its precarious position. Inasmuch as all social insurance and labor bills had to move through this committee, it was determined

that the "worst" of the situation should be known at the outset. To lead off, the Federation set for almost immediate hearing its entire, fully planned and fully developed workmen's compensation program, embodied in a series of bills by Senator Regan. One by one, with the overwhelming weight of supporting data, the bills were presented to committee, and one by one the bills were rejected by the employer-controlled majority on the committee. Negotiations carried on concurrently with employer representatives also fell short of agreement.

It soon became apparent that the employers had programmed with their controlled majority on the Senate Labor Committee so that no benefit bill was to get out of committee unless it was dictated by them. Accordingly, the employers amended **SB 1767** (John F. McCarthy) to include the benefits which they had unwillingly conceded in negotiations and sent it out of committee to the floor of the Senate with the obvious intent that no other benefits bill was going to get out of the Senate Labor Committee.

The bill itself, reflecting the heavy pressure being applied by the Federation, proposed substantial advancements in benefits, containing all the provisions of program finally approved in **\*AB 3662** with the exception of the \$50 maximum weekly benefit for temporary disabilities. The employers, with the weight of the Senate Labor Committee behind them, stated flatly that \$47.50 was the absolute limit. Carrying this "ultimatum of the employers," **SB 1767** glided past the Senate and landed in the Assembly Finance and Insurance Committee.

On the Assembly side, while negotiations were continued with the employers, **SB 1767**, together with all Assembly workmen's compensation bills, was referred to a subcommittee of the Assembly Committee on Finance and Insurance.

As hearings on the bills and negotiations advanced without any real progress being made, and the threat of a serious deadlock imminent, the Federation moved into action quickly. A minor bill, **SB 68** (Abshire), continuing for two more years some amendments to the subsequent injuries fund that the Federation had agreed to in 1955, was moving steadily through the legislature without being tied up with other workmen's compensation legislation, and at the time was moving to the floor of the Assembly, completing its last leg of the legis-

lative process. The Federation had been watching the bill carefully and contemplating its possible use if needed. The need having arisen, **SB 68** was amended on the floor of the Assembly in a surprise move that caught the opposition completely off guard. A \$55 maximum which the employers refused to concede was written into the bill for temporary disabilities along with the \$40 maximum for permanent disabilities already in **SB 1767**.

The employers recovered sufficiently to sidetrack the bill to the Ways and Means Committee for financial clearance, but the support for the amended bill which the Federation had already been able to work up in the Assembly by that time was sufficient at least to break the deadlock in the Assembly subcommittee that was reviewing all workmen's compensation legislation, which was the primary purpose of the amendment of **SB 68** in the first place. Accordingly, the subcommittee amended the \$50 maximum for temporary disabilities over employer opposition into **SB 1767**. **\*AB 451** (Hawkins), the Federation's benefit bill on the Assembly side, was also amended to match the weekly indemnity maximums in **SB 1767** and those likewise in **SB 68** in the Ways and Means Committee, namely, the \$50 for temporary disabilities and the \$40 for permanent disabilities. In addition, of the remainder of the Federation program listed under "good bills" below, the subcommittee also recommended favorably **\*AB 225** (O'Connell), **\*AB 240** (Henderson), **\*AB 268** (Bonelli), **\*AB 244** (Burton), **\*AB 338** (McCollister), **AB 397** (Crown), as summarized below.

All of these bills, together with the major bills, **SB 1767** and **\*AB 451**, both as amended by the Federation, received favorable recommendation by the parent Committee on Finance and Insurance, and were passed almost without opposition through the Assembly by the lopsided roll calls listed below under the appropriate bill number. All of the bills went to the Senate Committee on Labor, with the exception of **SB 1767**, which merely had to go back to the Senate floor for concurrence in Assembly amendments added by the Federation. The bill's author, however, urged refusal of concurrence, which by Senate custom, automatically threw the bill in free conference committee between the two houses to iron out the differences.

In view of the lopsided majority by which the Federation's version of **SB 1767** had passed the

Assembly (60-0), the Federation had good reason to believe the workmen's compensation battle had all but been won, and that the conference committee would finally approve the Assembly version. The conference, however, produced shocking revelations. The Senate conferees refused to budge, the reason being, as it finally appeared, that Standard Oil and allied interests would not concede and that the Senate conferees, or at least the key ones, had committed themselves to this position. The mighty Standard Oil Company apparently just could not afford to pay injured workers the additional \$2.50 a week that was the difference between the two versions of **SB 1767**.

With the conference in deadlock on **SB 1767**, and all other Federation bills in the employer-controlled Senate Labor Committee, the Federation again was forced to take drastic action. The Senate Labor Committee, as expected, killed all the bills listed above that had passed the Assembly almost unanimously, but, inadvertently or otherwise, it let out **\*AB 3662**, destined to become the vehicle for the Federation's workmen's compensation program, but which at that time merely provided for the burial expense to be paid to the proper person by order of the IAC where there is no surviving dependent or heir. By vigorous action, following meticulous planning and spadework, **\*AB 3662** was amended to include the Assembly version of **SB 1767** on the floor of the Senate by a vote of 23-7, following Federation defeat by 24-10 of the combined employer lobby's all-out effort to send the bill back to the Senate Labor Committee as a means of killing it. Following this action, the bill went back to the Assembly for concurrence in Senate amendments, and then to Governor Knight for his signature.

#### Other Bills

With the success obtained in **\*AB 3662**, **SB 1767** died in conference, and **SB 68**, which was resting in the Assembly Ways and Means Committee all this time, after Federation amendment on the floor of the Assembly, was amended back into its original form, and passed as extending for two more years the agreed-to 1955 amendments to the subsequent injuries fund.

Among still other bills, although the Federation's bill to require employers to pay the attorney's fee for the injured workingman was killed in Senate committee (**\*AB 268**), another bill providing for

such payment in third party suits, was enacted in **AB 1663** (Bruce F. Allen). Also, as part of the unemployment disability insurance settlement (see that section), disability insurance liens against workmen's compensation benefits have been confined to liens against temporary disability benefits in **AB 3194** (Ernest R. Geddes).

Also worthy of noting is **AB 1783** (Hanna), which, as passed, prohibits liens against workmen's compensation from affecting the commencement of immediate payment of any balance of the award where an installment payment method of payment of the award has been determined.

Bills marked \* were sponsored by the Federation

#### Good Bills

**\*AB 224 (O'Connell)**. 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. Died in Assembly committee.

**\*AB 225 (O'Connell)**. Deleted provision for workmen's compensation coverage of persons employed in this state and injured elsewhere, and provision establishing reciprocity in exempting employee and employer where employee is temporarily in this state and is covered under law of another state. Passed unanimously and without opposition in the Assembly and killed in Senate Committee on Labor.

**\*AB 240 (Henderson and Gaffney)**. Required employer to furnish his employee, upon request, with copies of medical reports in employer's possession, and made failure to do so a refusal to furnish medical treatment, thereby making the employer liable for expenses of medical treatment of the employee. Passed Assembly by large majority in roll call vote of 68-2, but was killed in Senate Committee on Labor.

Senate companion, **\*SB 474 (Cobey)**, died in Senate committee.

**\*AB 241 (Henderson and others)**. Increased minimum weekly benefit for both permanent and temporary disabilities from \$15 to \$20; repealed maximum on weekly benefits for both permanent and temporary disabilities to allow full application of wage loss principle computed by the 61.75 percent standard in the law. Died in Assembly committee. See **AB 3662** (Bee).

**\*AB 242 (Henderson and Gaffney)**. Made it a misdemeanor for employer to fail or refuse to furnish compensation within 30 days after notice in writing of liability. Died in Assembly committee.

Senate companion, **\*SB 475 (Cobey)**, died in Senate committee.

**\*AB 243 (Burton and others)**. Placed burden on the

employer to prove that employee's injury was caused by his intoxication or was intentionally self-inflicted so as to preclude liability. Died in Assembly committee.

**\*AB 244 (Burton and others).** Repealed the dollar limit of \$3,750 by which an award may be increased by one-half where employer is guilty of serious and wilful misconduct. Passed Assembly with little opposition by a roll call vote of 64-7, but was killed in Senate Committee on Labor.

**\*AB 268 (Bonelli).** Provided for payment of attorney's fee of injured employee or dependent of deceased employee by the employer without deduction from the award where claim is successful, in amount determined by the IAC. Passed the Assembly with virtually no opposition by roll call vote of 64-4, but was killed in Senate committee.

Senate companion, **\*SB 137 (Regan)**, was also killed in Senate Labor Committee.

**\*AB 269 (Bonelli).** Reduced from 49 to 7 days the required duration of a temporary disability for retroactive payment of waiting period. Died in Assembly committee.

Senate companion, **\*SB 124 (Regan)**, was killed in Senate committee.

**\*AB 270 (Bonelli).** 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 132 (Regan)**, was killed in Senate Committee on Labor.

**\*AB 337 (McCollister).** Confined unemployment disability insurance indemnity lien against benefits granted under workmen's compensation to compensation for temporary disability, instead of both permanent and temporary disability. Died in Assembly committee. The provisions of the bill were amended to include, in addition, a system for compromising of liens affecting both programs, and incorporated into **AB 3194**, which was part of the unemployment disability insurance settlement. See UNEMPLOYMENT DISABILITY INSURANCE.

Senate companion, **\*SB 216 (Short)**, died in Senate committee.

**\*AB 338 (McCollister).** As introduced, increased the burial benefit from \$400 to \$800. As amended and passed by the Assembly without opposition, increased the burial benefit from \$400 to \$600. Killed in Senate Committee on Labor which wanted to amend the bill down below the present \$400.

Senate companion, **\*SB 219 (Short)**, also killed by Senate Labor Committee.

**\*AB 339 (McCollister).** Provided that injured worker required to submit to medical examination upon request of employer or the IAC shall be reimbursed for all ex-

penses, including reimbursement of wage loss as a result of compliance. Died in Assembly committee.

Senate companion, **\*SB 473 (Cobey)**, killed in Senate committee.

**\*AB 397 (Crown and others).** As passed by the Assembly without opposition by roll call vote of 71-0, made presumptions of hernia, heart trouble and pneumonia contracted by fire fighters and hernia contracted by law enforcement employees in the course of employment conclusive if the employee has served ten years or more. Amended in the Senate to apply same conclusive presumption to police officers in the case of heart trouble and pneumonia. As such, was refused approval by Senate Committee on Labor. The bill was then redrafted to take care of technical problems and to restrict measure to full-time fire fighters and law enforcement officers, but was again refused passage by Senate Labor Committee. Amended still again to restrict to heart trouble for full-time fire fighters and law enforcement officers. As such, was also rejected by Senate Labor Committee. After this rejection, the bill was amended to clarify the coverage of disaster service workers by restricting the special disaster service provisions of the workmen's compensation law to disaster service workers registered with a disaster council that is not receiving a fee or other compensation for the performance of activities or functions by the disaster service worker involved, and by providing that other disaster workers with councils operating for a fee fall within the standard provisions of workmen's compensation. As thus finally amended and no longer a Federation-sponsored bill, it was enacted into law. Chapter 1103.

**\*AB 451 (Hawkins and others).** As introduced, increased the minimum weekly benefit for both temporary and permanent disability from \$15 to \$20 and the maximum weekly benefit from \$35 for permanent disability and \$40 for temporary disability to \$55 for both. As amended and passed by the Assembly by a roll call vote of 60-1, increased the weekly benefit for temporary disabilities from \$40 to \$50 and the weekly benefit for permanent disabilities from \$35 to \$40.

As such, the measure was held in Senate committee without requesting a hearing pending the outcome of conference committee between the two houses on **SB 1767**, which in the Assembly version, contained the same weekly benefit provisions as **\*AB 451**, but \$2.50 less per week for temporary disabilities than in the Senate version. Upon successful amendment of **\*AB 3662** on the floor of the Senate, **\*AB 451** was dropped, as its weekly benefits provisions were included in **\*AB 3662**, which was finally enacted.



\***AB 451** therefore died in Senate Committee on Labor.

Senate companion to the original bill, \***SB 131** (Regan), was killed by the Senate Committee on Labor in an early test of strength.

\***AB 452 (Hawkins and others)**. Extended full coverage to domestic workers on a compulsory basis. Died in Assembly committee.

Senate companion, \***SB 126** (Regan), was killed in Senate committee.

\***AB 453 (Hawkins and Burton)**. Extended full coverage to agricultural workers on a compulsory basis. Died in Assembly committee.

Senate companion, \***SB 125** (Regan), was killed in Senate committee.

\***AB 454 (Hawkins and Burton)**. Increased weekly benefit for temporary disability by \$5 for dependent wife and \$2.50 for each of first two additional dependents. Died in Assembly committee.

Senate companion, \***SB 123** (Regan), was killed in Senate committee.

\***AB 492 (Gaffney and others)**. Required employer covered by Workmen's Compensation Act to immediately file proof with Director of Industrial Relations that he has posted a coverage notice in a conspicuous place by filing a copy of such notice with the director. Died in Assembly committee.

\***AB 803 (Thomas)**. Repealed 240-week limitation on the duration of temporary disability payments. Died in Assembly committee.

\***AB 1008 (Brown)**. Converted workmen's compensation death benefit to a life pension as follows: in case of total dependency, \$55 per week for surviving dependent spouse, increased to \$82.50 per week in the case of two or more dependents; in case of partial dependency, a weekly amount equivalent to the amount devoted to the support of dependents of the deceased to a maximum of \$55 per week. Provided that payments to dependent spouse shall continue until death or remarriage and to other dependents for duration of dependency. Died in Assembly committee.

Senate companion, \***SB 122** (Regan), was killed in Senate committee.

\***AB 1009 (Brown)**. 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 136** (Regan), was killed in Senate committee.

**AB 1663 (Bruce F. Allen)**. As amended and enacted, requires the Industrial Accident Commission to fix an amount to be deducted from the employer's recovery in a subrogation case for the services rendered to the employer by the em-

ployee's attorney in effecting recovery, if the employer has not prosecuted any claim or action in his own behalf, or has failed to join and participate in the prosecution of any action presented by the employee, or has not made arrangements with the employee's attorney to represent him in the prosecution of such action or claim. Chapter 615.

**AB 3094 (Chapel and others)**. Made compensable any injury or disease arising out of employment resulting from radium poisoning or any disability due to radioactive properties or substances or X-rays. Sent to interim committee for further study.

\***AB 3662 (Bee)**. As passed by the Assembly, merely provided that the burial expenses, in the event there is no surviving dependent or heir, may be ordered by the IAC to be paid to the proper person without administration. Amended on the floor of the Senate by vote of 23-7, following rejection of tabling motion by 24-10, to include the State Federation of Labor's program for workmen's compensation, which at the time was hung up in free conference committee on **SB 1767**. As so amended, the bill was passed by the Senate by roll call vote of 34-2 following the defeat of the combined employer lobby attempt to send the bill back to the Labor Committee by a vote of 22-15. As so passed by the Senate and concurred in by the Assembly and enacted, accomplishes the following:

- (1) Increases the maximum weekly benefit amount payable for a temporary disability from \$40 to \$50;
- (2) Increases the maximum weekly benefit amount payable for a permanent disability from \$35 to \$40; and
- (3) Increases death benefits from \$12,500 to \$15,000 in a case of a totally dependent surviving widow with a dependent child, from \$10,000 to \$12,000 for all other cases of total dependency, and from \$10,000 to \$12,000 in the maximum benefit for partial dependencies.

Increased benefits apply to disabilities commencing September 11, 1957. Chapter 1996.

**AB 3699 (Johnson)**. As introduced, increased the burial benefit from \$300 to \$500 for disaster service worker, from \$400 to \$500 for members of the State Employees' Retirement System and for other employees. As amended and passed by the Assembly without opposition, applied only to disaster service workers and members of the

State Employees' Retirement System. Killed in Senate Committee on Labor.

**AB 3703 (Johnson).** As enacted, provides that where tuberculosis of member of police department of city or county or member of sheriff's office, who is employed on regular salary, and whose principal duties are active law enforcement, develops or manifests itself during employment, it is presumed to arise out and in the course of employment. Chapter 295.

**AB 3738 (Munnell).** Originally a skeleton bill, amended to specify that medical care includes a reasonable cost of X-rays, laboratory fees and medical reports as they are actually considered by the commission in the determination of a claim in favor of the employee. Died in Assembly committee.

**SB 814 (Regan).** Prohibited any industrial indemnity payment to city policemen, fire fighters, sheriffs, etc. from being charged to sick leave or vacation benefits which are accrued or may accrue to such individuals. Died in Senate committee.

**SB 1535 (Farr).** Required public agencies to provide insurance protection for non-salaried members of public bodies falling outside the scope of workmen's compensation. Established minimum standards and administration machinery. Died in Senate committee.

**SB 1779 (Regan).** As amended, extended to full-time members of the fire fighting department or unit of a state institution the provisions establishing as compensable injuries, hernia, pneumonia and heart trouble, which develops or manifests itself while in service. Passed by Senate and died in Assembly Ways and Means Committee.

### **Bad Bills**

**AB 1694 (Francis).** Modified prohibition against the IAC rescinding, altering or amending an award after five years from the date of injury. Provided that within such five-year period, if an injured employee instituted proceedings for the collection of compensation on grounds that additional injury has caused new and further disability, or if an employer instituted proceedings for a reduction of permanent disability, the Commission would be permitted to consider and act upon such proceedings within the period of one year following the date when the proceeding had been instituted. Died in Assembly committee.

**AB 2980 (Thelin).** Made sweeping revisions in workmen's compensation law to encompass proposals of employers to emasculate the workmen's compensation law by creating a legal maze for the denial of benefits to workers. Died in Assembly committee.

**AB 3050 (Levering).** Similar in purpose and content to **AB 2980 (Thelin)**. Died in Assembly committee.

**AB 3089 (Hansen).** Reduced compensation by one-half

where employee's intoxication contributed to but was not the sole cause of the injury; relieved employer altogether of liability for compensation where injury resulted from a physical assault initiated by the injured person, where injury was incident to an act or course of conduct involving moral turpitude or an illegal activity on the part of the injured employee, and where injury was proximately caused by an idiopathic fall. Died in Assembly committee.

**AB 3396 (Levering).** Permitted Insurance Commissioner, upon petition of carrier seeking higher workmen's compensation rate, to fix a rate in excess of that provided by a filing otherwise applicable for any specific risk. Died in Assembly committee.

**AB 3399 (Levering).** Prohibited the IAC from commuting to a lump sum, the benefits payable in subsequent injury cases. Died in Assembly committee.

**AB 3401 (Levering).** Removed the five-year statute of limitations on rescinding, altering or amending awards of compensation by the IAC in cases where proceedings to rescind, alter or amend were instituted within the five-year limitation stemming from date of injury. Died in Assembly committee.

**AB 3402 (Levering).** Required filing of petition by applicant or defendant within five years of injury to preserve IAC's continuing jurisdiction over its orders, decisions and awards. Died in Assembly committee.

**AB 3403 (Levering).** Prohibited commutation of compensation in cases involving permanent disability ratings, if objected to by any interested party, until expiration of the year from the date the permanent disability rating was made. Died in Assembly committee.

**SB 1585 (Abshire).** Gave employer period of five years after date of injury to institute proceedings for reduction of a permanent rating. Died in Senate committee.

**SB 1767 (John F. McCarthy).** As introduced, was a very bad bill, containing numerous proposals of employers to apparently destroy the purpose of workmen's compensation by establishing precise and narrow definitions of terms and otherwise creating a legalistic jungle for the application of courtroom procedures to deny workers benefits. Amended in Senate Committee on Labor to include the employer's declared optimal increase in workmen's compensation benefits as follows: increased weekly benefit for temporary disabilities from \$40 to \$47.50 a week, and for permanent disabilities from \$35 to \$40 a week; increased death benefit for totally dependent wife with dependent child from \$12,500 to \$15,000, while increasing the death benefit in all other cases of total dependencies from \$10,000 to \$12,000, and boosting the maximum in partial death benefits by the same amount. Amended in Assembly committee, over opposition of the employers in accordance with the Federation's request, to increase the weekly benefit for temporary disabilities from \$40 to \$50 instead of the \$40 to \$47.50 as in the Senate version. As so amended, passed Assembly with only one dissenting vote by roll call of 60-1. Concurrence in Assembly amendments was rejected

by the Senate, which threw the bill into free conference between the Assembly and the Senate. **SB 1767** died in conference committee as result of a prolonged deadlock between conferees, but only after the favorable Assembly version of **SB 1767** was successfully amended by the Federation into **\*AB 3662** and enacted into law.

**SB 1914 (Brown)**. Provided that filing of release or compromise agreement shall stay all other proceedings and suspend the passage of all periods of time within which an act may or must be done under the workmen's compensation law, pending the approval of the release or compromise agreement by the IAC. Died in Senate committee.

**SB 1916 (Brown)**. Provided that where employee with a permanent disability sustains another such disability, the IAC must find and determine (a) extent and nature of previous injury and the factors of the combined disability attributable to it, (b) factors of combined disability directly attributable to compensable injury considered alone and not in connection with previous disability, and (c) percentage of combined disability attributable to (a) and (b) above. Died in Senate committee.

**SB 1973 (Berry)**. Entitled any party, including the Attorney General on behalf of the subsequent injuries fund, to special findings of fact, upon demand in a proceeding for benefits before the Industrial Accident Commission, in which either causation or aggravation of disease is claimed. Died in Senate committee.

**SB 2216 (Abshire)**. Provided that a person aggrieved by a final order, decision or award of the IAC may petition for reconsideration, if the liberal construction required to be given to the provisions of the workmen's compensation law was substituted for evidence or record; extended the scope of judicial review to cover the same question with regard to the liberal construction provision. Died in Senate committee.

**SB 2217 (Abshire)**. Created conclusive presumption that an employee suffered no temporary disability resulting from an injury where injury causes permanent disability and impairment of his health or his physical condition is the same when disability is determined to have become permanent as at time of injury. Died in Senate committee.

**SB 2218 (Abshire)**. Provided that where permanent disability is due in whole or in part to disease or any disease aggravation, the IAC must in its findings determine the extent and portion of the disease existing prior to injury, the extent and portion attributable to injury, and the extent and portion developed since injury, but independent of it. Died in Senate committee.

**SB 2219 (Abshire)**. As amended in Senate, permitted advance payments for a permanent disability indemnity to be chargeable under an agreement against an award. Died in Senate committee.

**SB 2269 (Desmond)**. Deleted requirement that hospitals supplied by employers or associations of employers make reports of receipts, disbursements and services to

Industrial Accident Commission. Died in Senate committee.

**SB 2555 (Desmond)**. Established presumption, for purposes of computing disability payments, that average annual earnings of an employee engaged in transient or seasonal employment equals the actual total earnings for 12 months preceding the injury. Died in Senate committee.

### Other Bills

**AB 1275 (Unruh)**. Department of Insurance bill: as enacted, expands scope of purpose of workmen's compensation rating organization from making of test audits of insured's pay rolls and insured's audits, to examining all records and premises of insured employer to assure proper premium rates are charged and employers properly classified; limits period of examination to one year after expiration of policy and authorizes commissioner to take proper action in the event of employer's refusal to allow examination. Chapter 377.

**AB 1492 (MacBride and Nielsen)**. As passed by the Assembly, extended to state employees classified as institutional fireman, fire fighter or fire marshall, and employed either part-time or full-time, the provisions making pneumonia, heart trouble and hernia presumed compensable injuries. Killed in Senate committee.

**AB 1493 (MacBride and Nielsen)**. Extended to all state employees provisions now applicable only to law enforcement members of California Highway Patrol relating to leave of absence without loss of salary for not more than one year in lieu of workmen's compensation disability payments, in event of temporary disability. Subject matter referred to interim committee for further study.

**AB 1783 (Hanna)**. As amended and enacted, provides that the payment of liens against workmen's compensation benefits in the amount approved by the commission, whether ordered to be paid directly to the person entitled either in lump sum or installments, shall in no way affect the commencement of immediate payments of any balance of the award to the injured claimant where an installment payment for his disability has been determined. Chapter 1241.

**SB 68 (Abshire and others)**. As introduced and passed by the Senate, continued for two more years the 1955 restricting amendments to the subsequent injuries fund. Following rejection in the Senate Labor Committee of the entire Federation program on workmen's compensation, this bill was amended on the Assembly floor to increase the weekly benefit for temporary disabilities from \$40

to \$55 and for permanent disabilities from \$35 to \$40, in a surprise move that caught employers off guard. As so amended, the bill was then sent to the Ways and Means Committee where it eventually was amended again to delete the increases amended on the floor, but only after it had served its purpose of securing Assembly amendment of **SB 1767**, leading in turn, when stalled in conference committee, to the final amendment and passage of **\*AB 3662**. After being used for this purpose, **SB 68**, as originally introduced, was enacted into law. Chapter 2061.

**SB 1723 (Burns)**. As amended and enacted, provides that no classification of risks or premium rates or system of merit rating shall permit a determination or modification of the premium or premium rate of a particular insured by reason of a combination of his California workmen's compensation insurance premium or experience with his premiums, or experience (1) arising out of any other class of insurance, whether or not such other class of insurance is written under the laws of this state, (2) arising out of workmen's compensation insurance written under the laws of any other state; also prohibits any classification of risks and rates or system of merit rating from permitting a discount of basic premium rates or premium resulting from the application of such rates, unless the discount results from the application of experience rating or scheduled rating, but in no event permitting a discount by reasons of any reduction in the expense provision included in the classification of risk and premium rates approved or issued by the insurance commissioner. Chapter 2317.

**SB 2205 (Montgomery)**. As enacted, permits the Industrial Accident Commission to publish its office manual and sell it to the public on a subscription basis; increases the IAC charges for transcripts from twenty cents to forty cents a folio of 100 words. Chapter 1825.

**SB 2300 (Miller and Dilworth)**. As introduced, was a skeleton bill relating to loyalty oaths of civil defense workers. As amended in the Senate and enacted, broadens the definition of disaster service workers for purposes of workmen's compensation to include public employees and an unregistered person impressed into service during a state of disaster or a state of extreme emergency by a person having authority to command the aid of citizens in the execution of his duties. Chapter 2056.

## MISCELLANEOUS

### Good Bills

**AB 2847 (Busterud)**. Permitted seamen to institute, in their own names and for their own benefit, actions and appeals in connection therewith for wages or salvage or with respect to the enforcement of laws enacted for their health and safety, without payment in advance of any court fees or costs or furnishing security therefor. Died in Assembly committee.

**ACR 92 (Gaffney and others)**. Memorial resolution for the late Harry Lundeberg, president of the Sailors Union of the Pacific and vice president of the California State Federation of Labor. Resolutions, Chapter 116.

**ACR 103 (Hawkins and others)**. Declares legislative recognition of the need for providing adequate facilities for the training of physically handicapped persons so that American industry may make full use of the skills and productive powers of such persons; urges industrialists, financiers and other interested persons to acquaint themselves with and support a plan for the establishment of a specially designated industrial plant for the physically handicapped. Resolutions, Chapter 149.

**ACR 209 (Donahoe)**. Creates joint interim committee on the education and rehabilitation of handicapped children and adults; appropriates \$10,000 for work of committee. Resolutions, Chapter 328.

**AJR 17 (Bonelli and others)**. Calls upon Congress to enact legislation for an increase in pay of postal employees commensurate with existing costs of living. Resolutions, Chapter 159.

**HR 58 (Burton)**. Urged Congress to immediately liberalize McCarran-Walter Immigration and Nationality Act of 1952. Adopted. Later motion to reconsider failed by roll call vote of 25 to 31.

**SB 1752 (Miller)**. Submits to voters proposal for repeal of Blue Law against boxing on Memorial Day and Sunday. Chapter 1773.

### Bad Bills

**AB 592 (Grant and others) and AB 787 (Pattee)**. Provided for the licensing of janitorial maintenance contractors. Died in Assembly committee.

**AB 2160 (Frew and others)**. Prohibited sale of horse-racing dope sheets. Referred to interim committee for further study.

**AB 2293 (Burke).** Provided for the licensing and regulation of so-called interior designers and decorators in a manner highly discriminatory to workers in retail furniture industry. Referred to interim committee for further study.

**AB 2924 (Meyers).** Proposed Unfair Cigarette Sales Tax Act. Died in Assembly committee.

### **Other Bills**

**SB 2053 (Kraft).** Proposed Retail Radio-Television Servicing Act; provided for regulation and licensing of radio and television technicians and prescribed qualifications and fees therefor. Referred to interim committee for further study. Other bills on the same subject: **AB 1443 (Hanna)**, **SB 2054 (Kraft)** and **SB 2513 (Donnelly)**, each died in committee of house of origin.

# STATE OFFICERS AND MEMBERS OF THE 1957 LEGISLATURE

*Governor*—Goodwin J. Knight, State Capitol, Sacramento

*Lieutenant Governor and President of the Senate*—Harold J. Powers, Eagleville

*President Pro Tempore of the Senate*—Hugh M. Burns, Balboa

*Speaker of the Assembly*—L. H. Lincoln, Oakland

*Speaker Pro Tempore of the Assembly*—Charles J. Conrad, Sherman Oaks

## SENATORS

Party	Dist.	City	Party	Dist.	City		
Abshire, F. Presley.....	R	12	Santa Rosa	Farr, Fred S.....	D	25	Carmel
Arnold, Stanley.....	D	1	Susanville	Gibson, Luther E.....	D	15	Vallejo
Beard, John William (Bill)...	D	39	El Centro	Grunsky, Donald L.....	R	23	Watsonville
Berry, Swift.....	R	9	Placerville	Hollister, John J., Jr.....	D	31	Goleta
Breed, Arthur H., Jr.....	R	16	Oakland	Johnson, Ed. C.....	R	10	Marysville
Brown, Charles.....	D	28	Shoshone	Johnson, Harold T. (Bizz)...	D	7	Roseville
Burns, Hugh M.....	D	30	Fresno	Kraft, Fred H.....	R	40	San Diego
Busch, James E. (Jim).....	R	4	Ukiah	McBride, James J.....	D	33	Ventura
Byrne, Paul L.....	R	6	Chico	McCarthy, John F. (Jack)....	R	13	San Rafael
Christensen, Carl L.....	D	3	Eureka	McCarthy, Robert I.....	D	14	San Francisco
Cobey, James A.....	D	24	Merced	Miller, George, Jr.....	D	17	Martinez
Collier, Randolph.....	R	2	Yreka	Montgomery, Robert I.....	D	27	Hanford
Coombs, Nathan F.....	R	11	Napa	Murphy, John A., Jr.....	R	35	Huntington Beach
Cunningham, James E., Sr....	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
Dolwig, Richard J.....	R	21	Redwood City	Sutton, Louis G.....	R	8	Maxwell
Donnelly, Hugh P.....	D	22	Turlock	Teale, Stephen P.....	D	26	West Point
Dorsey, Jess R.....	R	34	Bakersfield	Thompson, John F.....	R	18	San Jose
Erhart, A. A.....	R	29	Pismo Beach	Williams, J. Howard.....	R	32	Porterville

## ASSEMBLYMEN

Party	Dist.	City	Party	Dist.	City		
Allen, Bruce F.....	R	29	Los Gatos	Henderson, Wallace D.....	D	32	Fresno
Allen, Don A., Sr.....	D	63	Los Angeles	Holmes, James L.....	R	36	Santa Barbara
Backstrand, L. M. (Lee).....	R	71	Riverside	House, Leverette D.....	D	76	Brawley
Beaver, Jack A.....	R	73	Redlands	Johnson, Seth J.....	R	56	Los Angeles
Bee, Carlos.....	D	13	Hayward	Kelly, H. W.....	R	39	Shafter
Belotti, Frank P.....	R	1	Eureka	Kilpatrick, Vernon.....	D	55	Lynwood
Biddick, William, Jr.....	D	12	Stockton	Klocksiam, Herbert R.....	R	44	Long Beach
Bonelli, Frank G.....	D	52	Huntington Park	Lanterman, Frank.....	R	48	La Canada
Bradley, Clark L.....	R	28	San Jose	Levering, Harold K.....	R	60	Los Angeles
Britschgi, Carl A.....	R	26	Redwood City	Lincoln, L. H.....	R	15	Oakland
Brown, Ralph M.....	D	30	Modesto	Lindsay, Francis C.....	R	6	Loomis
Burke, Montivel A.....	R	53	Alhambra	Lowrey, Lloyd W.....	D	8	Rumsey, Yolo Co.
Burton, Phillip.....	D	20	San Francisco	Luckel, Frank.....	R	78	San Diego
Busterud, John A.....	R	22	San Francisco	MacBride, Thomas J.....	D	8	Sacramento
Caldecott, Thomas W.....	R	18	Berkeley	Marsh, William F.....	R	42	North Hollywood
Chapel, Charles Edward.....	R	46	Inglewood	Masterson, S. C.....	D	11	El Sobrante
Collier, John L. E.....	R	54	Los Angeles	McCollister, Richard H.....	R	7	San Rafael
Conrad, Charles J.....	R	57	Sherman Oaks	McGee, Patrick D.....	R	64	Encino
Coolidge, Glenn E.....	R	27	Felton	McMillan, Lester A.....	D	61	Los Angeles
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Crown, Robert W.....	D	14	Alameda	Miller, Allen.....	D	41	San Fernando
Cunningham, Rex M.....	D	37	Ventura	Munnell, William A.....	D	51	Los Angeles
Dahl, Walter I.....	R	16	Piedmont	Nielsen, Roy J.....	R	9	Sacramento
Davis, Pauline L.....	D	2	Portola	Nisbet, Eugene G.....	D	72	Upland
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Elliott, Edward E.....	D	40	Los Angeles	Rumford, William Byron....	D	17	Berkeley
Erwin, Thomas M.....	R	50	Puente	Schrade, Jack.....	R	80	El Cajon
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Frew, Myron H.....	D	35	Dinuba	Shell, Joseph C.....	R	58	Los Angeles
Gaffney, Edward M.....	D	24	San Francisco	Stewart, A. I.....	R	47	Pasadena
Geddes, Ernest R.....	R	49	Claremont	Sumner, Bruce.....	R	74	Santa Ana
Geddes, Samuel R.....	D	5	Napa	Thelin, Howard J.....	R	43	Glendale
Grant, William S.....	R	70	Long Beach	Thomas, Vincent.....	D	68	San Pedro
Hanna, Richard T.....	D	75	Westminster	Unruh, Jesse M.....	D	65	Los Angeles
Hansen, William W.....	R	33	Fresno	Weinberger, Caspar W.....	R	21	San Francisco
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\* Thomas J. Doyle, died May 5, 1957.

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