

High Court Upholds Fired Strikers' Jobless Pay Rights

The right of workers who are fired while on strike to receive unemployment compensation was unanimously upheld last week by the State Supreme Court.

The high court's ruling reversed a decision rendered by a Los Angeles Superior Court which had held that workers replaced during a 1958 strike at the Mastic Tile Corp., now known as the Ruberoid Co., were given unemployment compensation illegally and that their former employer should not be charged for such benefits.

The high court's decision, affirming the correctness of the California Unemployment Insurance Appeals Board's decision to approve the payment of jobless benefits in the case, was also a victory for the California Labor Federation, AFL-CIO, which had submitted a "friend of the court" brief to the court in support of the board's decision.

State law stipulates that an unemployed person is not eligible for benefits "if he left his work because of a trade dispute."

But the Supreme Court held that although the strikers were not eligible for benefits initially because of their strike, they became eligible the moment their employers permanently replaced them.

(Continued on Page 4)

'Rightist' Group Launches War on U.S. Supreme Court

With little fanfare to alert the public, a major national organization of state legislators has declared war on the U.S. Supreme Court. It has launched a three-pronged campaign to:

- (1) Create a super court, or "court of the union", made up of Chief Justices of State Supreme Courts, with power to overrule U.S. Supreme Court decisions involving state's rights;
- (2) Reverse the Supreme Court decision in the Tennessee reapportionment case by declaring Federal Courts have no authority to rule on arguments concerning apportionment of seats in a State Legislature; and
- (3) Give state legislators more powers in amending the U.S. Constitution.

The campaign was formulated, and is being waged, by the potent General Assembly of States, comprised of legislators from the fifty states. The organization apparently



THOS. L. PITTS
Executive
Secretary-Treasurer

Weekly News Letter

Vol. 5—No. 7
Feb. 15, 1963

Published by California Labor Federation, AFL-CIO
UNIVERSITY OF CALIFORNIA
RELATIONS LIBRARY



FEB 19 1963

UNIVERSITY OF CALIFORNIA
BERKELEY

AFL-CIO Reports New Congressional Drive to Splinter Unions

The National AFL-CIO in Washington, D.C., this week, reported a rash of anti-labor bills introduced during the first weeks of the 88th Congress, aimed at splitting "the labor movement into isolated one-company unions, barred by antitrust laws from industry-wide bargaining and virtually all forms of cooperation during negotiations and strikes."

The AFL-CIO warned that although some of the proposals are "repeats" of measures previously introduced, others are new. None are reported to have Administration backing but the most damaging are being pushed hard by the U.S. Chamber of Commerce, the National Association of Manufacturers and a highly vocal bipartisan right-wing coalition in and out of Congress.

The core of the anti-labor legislation strikes at repeal or drastic modification of Section 6 of the Clayton Antitrust Act of 1914 which

(Continued on Page 2)

Henning Blasts Proposed Curbs On Unions

Under Secretary of Labor John F. Henning, addressing testimonial gatherings in his honor last week in Los Angeles and San Francisco, warned against the danger of letting current labor disputes result in anti-labor legislation or "government controls and coercion".

Henning's reference was to the rash of pending anti-labor legislation in Congress.

Proposals such as the Martin bill advanced by the U.S. Chamber of Commerce, Henning said, are "unthinkable in a free society, and can enjoy no logical support from either labor or management."

The former Research Director of the California Labor Federation said that "the real crisis of labor in this country is not strikes but unemployment..." Henning pointed out that more man-hours of work was lost in the month of January alone from strikes in the entire past thirty-five years.

"Compulsory arbitration would be a concession of intellectual bankruptcy . . . and an end to free collective bargaining in this country", he added.

Several thousand labor, management and community leaders turned out to honor Henning at the San Francisco and Los Angeles testimonial dinners.

(Continued on Page 2)

Group Launches War on U.S. Supreme Court

(Continued from Page 1)

The resolution affecting reapportionment is ARJ 7. It petitions Congress to propose a U.S. Constitutional Amendment which would declare that "the judicial power of the United States shall not extend to any suit in law or equity, or to any controversy, relating to a apportionment of representation in a state legislature." Another proposed amendment in the resolution would declare that no provision in the U.S. Constitution shall be interpreted to "restrict or limit any state in the apportionment of representation in its legislature."

The other Conrad resolution, ARJ 6, petitions Congress to propose a U.S. Constitutional Amendment "to require that proposed Constitutional Amendments be submitted to the legislatures of the several states automatically upon application of two-thirds of the legislatures of a proposal containing identical texts of a proposed amendment." The proposed amendment in AJR 7 to undo the Supreme Court reapportionment decision is being presented to the various legislatures across the country in "identical text" form.

As of this date, no resolution has been introduced in the California Legislature on the creation of a "super court" with power to overrule the U.S. Supreme Court. Such an amendment would sabotage the authority of the Supreme Court in almost all controversial issues, notably school desegregation.

AJR 6, as advanced by the "rightist" group, is designed to practically assure state control of U.S. Constitutional Amendments. Presently amendments must be proposed either by a two-thirds vote of Congress or by a national convention called by Congress at request of two-thirds of the states. Amendments then must be approved for final adoption by three-fourths of the states either through state legislatures or state conventions.

The General Assembly of States, as proposed in AJR 6, wants to change this to by-pass Congress or a national convention any time two-thirds of the states propose the same amendment.

This all sounds very technical, but in practice it would create havoc. One example of what could happen is in the experience of several years ago when two-thirds of the state legislatures approved a resolution to amend the U.S. Constitution by

clamping a twenty-five percent limit on taxable income. Such a "millionaire's tax amendment," under AJR 6, could well become law before anyone knew what was happening if the resolution to by-pass Congress or a national convention ever received approval.

It should be noted that the "millionaire's tax amendment" has been proposed before the California Legislature by Assemblyman Robert E. Badham (R), a freshman legislator from Costa Mesa. The resolution, AJR 16, does not stop at a twenty-five percent limit on taxable income; it would completely abolish the federal personal income, estate and gift tax laws. Another provisions of the Badham "millionaire's amendment" would prohibit the U.S. Government "from engaging in business in competition with its citizens", specifying that the constitution or laws of any state, or federal laws "shall no be subject to the terms of any foreign or domestic agreement which would abrogate" the constitutional amendment proposed by Badham.

The three-pronged program launched by the General Assembly of States, has been called to the attention of all state AFL-CIO Organizations by James L. McDevitt, national director of the AFL-CIO Committee on Political Education.

Drive to Splinter Unions

(Continued from Page 1)

declares that "the labor of a human being is not a commodity or article in commerce" and therefore not subject to business antitrust laws.

The most familiar of the anti-labor bills — introduced again this year by Senator John L. McClellan (D-Ark) — would remove the anti-trust immunity of unions in the transportation industry or in areas affecting transportation in interstate commerce or between the United States and a foreign nation.

A second McClellan bill would prohibit strikes in broadly-defined "strategic" defense facilities, and authorize the Secretary of Defense to establish an emergency board to arbitrate the issues in dispute.

The McClellan bills, according to the AFL-CIO, appear almost mild in comparison to another reintroduced bill currently being touted by the U.S. Chamber of Commerce. This is the infamous "Martin bill" that would place all unions — not just those in the transportation field

(Continued on Page 4)

Legislative Notes

Slow Start

The 1963 General Session of the California Legislature appears to be getting off to an unusually slow start. Legislators have been working a four-day week since the Session began on January 7th.

Assembly Speaker Jesse M. Unruh has announced that the lower house will not meet in session on Fridays for three more weeks. The number of bills introduced, however, is up to par—the combined total in both Houses approaching two thousand.

Reciprocity?

The upper house, as of a few sessions back, has been operating under a rule that permits rereferral to committee of any Senate bill that undergoes "substantial substantive change" by amendment on the Assembly side. The rereferral, which is made on motion by the Chairman of the Senate Rules Committee (President pro Tempore Hugh M. Burns), is designed to maintain Senate leadership control over bills originating in the upper house.

Counter-balancing authority on the Assembly side is now being proposed in an amendment to the lower house rules. The rereferral authority would be given to Assembly Speaker Jesse M. Unruh. At present Assembly bills amended in the upper house are returned directly to the Assembly floor for concurrence in Senate amendments. The proposed rule change now before the Assembly provides "that the Speaker may refer such amended bills to an appropriate standing committee for its recommendation on the question of concurrence in the amendments."

It is almost a foregone conclusion that the Assembly rules will be changed to provide for this form of "reciprocity" in the power structures of the two houses of the Legislature.

Return to Crossfiling?

A bill to restore crossfiling in the primaries (SB 340 by Republican Senator Jack Schrade of San Diego County) has a majority of the Senate among its coauthors. Senate President pro Tempore Hugh M. Burns has predicted that the bill will pass the upper house, and Assembly Speaker Jesse M. Unruh is reported as saying that it "has a chance" in the lower house.

(Continued on Page 3)

DIGEST OF BILLS

Key to Symbols

CR Civil Rights and Civil Liberties
DI Disability Insurance
EA Employment Agencies, Private
ED Education
EL Elections
HO Housing

IN Insurance (Incl. H & W)
LC Labor Code Changes, General
LI Liens, Attachments & Writs
LS Labor Unions, Individually
LU Labor Unions, General
MI Miscellaneous
PE Public Employees
PH Public Health

RE Recreation
S Industrial Safety
SL State & Local Government
TA Taxation
TR Training & Retraining
UI Unemployment Insurance
WC Workmens Compensation
WP Water and Power

* Sponsored by the California Labor Federation, AFL-CIO

No bill may be taken up until 30 days after date of introduction indicated in Digest, except by 3/4 vote.

ASSEMBLY BILLS

- *AB 364 Crown** (Fin. & Ins.) Voluntary disability benefit plans. Deletes from the requirements for approval of voluntary plans by Director of Employment, requirement that employer consent to the plan, agree to make payroll deductions and transmit proceeds to the plan insurer. Deletes provision deeming successor employing units to have consented to the voluntary plan and agreed to make payroll deductions. Jan. 22. **DI—Good**
- *AB 365 Crown** (Fin. & Ins.) Requires computation of unemployment compensation disability benefits promptly by a self-insured. Jan. 22. **DI—Good**
- *AB 367 Crown** (Fin. & Ins.) Deletes provisions: transferring certain employee's contributions in Unemployment Trust Fund to Disability Fund; forbidding any other such transfers; and limiting the employee contributions which must be deposited in Disability Fund to contributions made on and after May 21, 1946. Jan. 22. **DI—Good**
- *AB 368 Crown** (Fin. & Ins.) Disability fund investments. Removes the authority to invest disability insurance funds in buildings and appurtenances for Department of Employment. Jan. 22. **DI—Good**
- *AB 369 Crown** (Fin. & Ins.) Repeals section permitting the assignment of unemployment disability compensation benefits to hospitals. Jan. 22. **DI—Good**
- *AB 370 Crown** (Fin. & Ins.) Provides that payment of disability insurance contributions shall be made monthly rather than quarterly. Jan. 22. **DI—Good**
- *AB 371 Crown** (Fin. & Ins.) Increases the amount of daily additional benefits during confinement in hospital from \$12 to \$20. Jan. 22. **DI—Good**
- *AB 372 Crown** (Fin. & Ins.) Requires that unemployment compensation disability insurance benefit checks shall state "This is not payment of workmen's compensation benefits." Jan. 22. **DI—Good**
- *AB 373 Crown** (Fin. & Ins.) Disability insurance wage credits. Provides for re-establishment of unexpired benefit rights by an individual, following an industrial disability where such disability extends for at least 60 days but not more than two years. Jan. 22. **DI—Good**
- AB 378 Conrad** (Elec. & Reap.) Ballot measures. Requires preparation and filing of campaign statements concerning ballot measures at local elections, as well as statewide elections. Jan. 22. **EL—Watch**
- AB 404 Winton** (Ed.) School personnel. Provides that any position not defined by the Education Code as requiring certification qualifications shall be classified as a part of the classified service. Deletes certain supervising functions in connection with budget preparation and interpretation or evaluation of equipment, material, and housing, of school information from functions which may require certification qualifications. Prohibits requiring that a business manager position be a credentialed position. Requires districts having merit system to provide for open competitive examination only for position of business manager or any other single position class at or above that level, and to require qualifications for the position which will attract applicants from classified service and certificated personnel or other qualified persons. Prohibits a governing board of county superintendent of schools from using title of deputy, associate, or assistant superintendent for a position not defined by the Education Code as requiring certification qualifications or which does not qualify under certain provisions of the code as a position requiring certification qualifications. Allows use of such title for business manager or related position. Jan. 23. **PE—Watch**
- AB 409 Flournoy** (Ed.) Classified school employees' holidays. Prescribes legal holidays for classified school employees and authorizes additional pay or time off where employee is required to work on such days. Makes section applicable to school districts with merit system. Jan. 23. **PE—Good**
- *AB 418 Knox** (G.E. & E.) Weight of packaged goods. Deletes provisions authorizing the Director of Agriculture to adopt rules governing the procedures to be followed by sealers in weighing and measuring commodities in individual packages or containers. Deletes authority of director to establish tolerances in stating weights or measures on containers or packages. Requires the sealer to prohibit the sale of a product in a package or container which is found to contain a less amount than that represented, rather than requiring him to prohibit sale whenever a lot of any commodity is found to contain a less amount than that represented or when an individual package or container exceeds the maximum tolerance

- established for the commodity. Provides that the sale of goods in containers complying with the opinions and regulations of the United States Secretary of Agriculture, as well as acts of Congress, relative to weight, measure, or count will not violate the provisions regulating sales in containers. Jan. 23. **MI—Good**
- *AB 419 Knox** (G.E. & E.) Private employment agencies. Makes private employment agency law generally applicable to any private trade school not operated for gain, as well as any operated for that purpose. Subjects private business schools to law. Requires Labor Commissioner to prescribe rules and regulations for trade schools governing advertising and placements. Jan. 23. **LC—Good**
- *AB 420 Rumford** (Fin. & Ins.) Deletes provision that an employer's certificate to self-insure shall be revoked if he habitually and as a matter of practice and custom induces claimants to accept less compensation than that due or makes it necessary for claimants to resort to proceedings to secure compensation, and provides instead that such an employer shall lose his certificate if he only induces such action on the part of claimants. Jan. 23. **WC—Good**
- *AB 421 Rumford** (Fin. & Ins.) Permits introduction of either or both, rather than only either, evidence of loss of earning capacity and the amount of disability or evidence of death benefit paid, in an action in which an employee joins in or prosecutes against a third party for damages arising out of an industrial injury. Jan. 23. **WC—Good**
- *AB 422 Rumford** (Fin. & Ins.) Provides that it shall be a misdemeanor for an employer to discharge or to refuse to rehire an individual who incurred an industrial injury while in the employment of such employer because of such injury. Jan. 23. **WC—Good**
- *AB 423 Rumford** (Fin. & Ins.) Workmen's compensation employer's liability. Deletes provisions authorizing substitution of workmen's compensation insurer for employer in workmen's compensation cases. Jan. 23. **WC—Good**
- *AB 424 Rumford** (Fin. & Ins.) Workmen's compensation injury presumptions. Provides that after 10 years or more of service the presumption that hernia, heart trouble or pneumonia in certain employees arose out of and in the course of their employment shall become conclusive rather than disputable. Jan. 23. **WC—Good**
- *AB 425 Rumford** (Fin. & Ins.) Workmen's compensation casual employment. Provides for exclusion from the workmen's compensation law of employees whose employment is casual rather than both casual and not in the course of the trade, business, profession, or occupation of his employer. Jan. 23. **WC—Good**
- *AB 426 Rumford** (Fin. & Ins.) Workmen's compensation domestic employees. Deletes provisions exempting persons in domestic employment other than for more than 52 hours per week for one employer, from coverage under the workmen's compensation law. Jan. 23. **WC—Good**
- *AB 427 Rumford** (Fin. & Ins.) Workmen's compensation awards interest. Provides that interest on awards of temporary disability runs from the date that temporary disability payment was held to be payable and at the rate of 7 percent per year. Jan. 23. **WC—Good**
- *AB 428 Rumford** (Fin. & Ins.) Workmen's compensation benefits. Authorizes injured employee to institute proceedings for medical, surgical and hospital benefits at any time after the date of injury and during his lifetime. Grants continuing jurisdiction to the Industrial Accident Commission for such purpose. Exempts these proceedings from 5-year limitation within which awards may be rescinded, altered, or amended. Jan. 23. **WC—Good**
- *AB 429 Rumford** (Fin. & Ins.) Workmen's compensation commutation. Allows the commutation of payments from the Subsequent Injuries Fund. Jan. 23. **WC—Good**
- *AB 430 Rumford** (Fin. & Ins.) Workmen's compensation attorney's fee. Requires Industrial Accident Commission to fix attorney fees where award is recovered by injured employee or employee's dependent. Requires such fees to be paid to the attorney by employer or insurer and not by employee or dependent, and prohibits their deduction from the award. Makes provisions concerning liens for attorney fees inapplicable to such fees. Jan. 23. **WC—Good**

FFB 19 104

INSTITUTE OF INDUS
RELATIONS LIBRAI
UNIVERSITY OF CALIF
BERKELEY

ASSEMBLY BILLS (Continued)

- *AB 431 Rumford** (Fin. & Ins.) Workmen's compensation subsequent injuries. Removes the credit offset for Subsequent Injuries Fund payments against other payments received and removes the provision that the expenses incurred by the Attorney General in representing the State in these cases shall be obtained from the appropriation for the Subsequent Injuries Fund. Jan. 23. **WC—Good**
- *AB 432 Rumford** (Fin. & Ins.) Workmen's compensation self-insurance. Adds a new ground for revocation of a certificate of consent to self-insure: discharging an employee solely because he incurred an injury or disease arising out of the employment. Jan. 23. **WC—Good**
- *AB 433 Rumford** (Fin. & Ins.) Increases maximum weekly amount of temporary disability indemnity payment from \$70 to \$150. Increases minimum weekly permanent disability indemnity payment from \$20 to \$25, and maximum weekly amount of such payment from \$52.50 to \$150. Increases from \$52.50 to \$150 the weekly permanent disability indemnity payment for a minor whose probable earnings cannot be reasonably determined. Repeals provisions on average annual earnings. Jan. 23. **WC—Good**
- *AB 434 Rumford** (Fin. & Ins.) Includes safety engineers within those classes of persons whose serious and willful misconduct results in an employer's liability to an injured employee for a one-half increase in workmen's compensation award. Jan. 23. **WC—Good**
- *AB 435 Rumford** (Fin. & Ins.) Removes \$7,500 limit on the additional one-half of the workmen's compensation otherwise recoverable which an employee may recover when his employer is guilty of serious and willful misconduct. Jan. 23. **WC—Good**
- *AB 436 Rumford** (Fin. & Ins.) Workmen's compensation employer misconduct. Removes the condition precedent to recovery for serious and willful misconduct arising out of violation of a safety order that the safety order violated must be known to a particularly identified and named person who is either the employer or an employer's representative. Jan. 23. **WC—Good**
- *AB 437 Rumford** (Fin. & Ins.) Workmen's compensation attorney's fees. Provides that where a petition to reduce an award based upon a final permanent disability rating is denied, the petitioner may be required to pay the injured employee a reasonable attorney's fee as additional compensation. Jan. 23. **WC—Good**
- *AB 438 Rumford** (Fin. & Ins.) Workmen's compensation physician change. Reduces from 12 to 7 days the time within which the employer or insurer must, at the request of the employee, suggest three new physicians from whom the employee may choose. Jan. 23. **WC—Good**
- *AB 439 Rumford** (Fin. & Ins.) Workmen's compensation disability benefits. Provides that an employee suffering a temporary disability shall receive benefits beginning on the first day the employee leaves work or is hospitalized if the injury causes disability of more than 7 days, rather than if the injury causes disability of more than 49 days. Jan. 23. **WC—Good**
- *AB 440 Rumford** (Fin. & Ins.) Disability payments. Removes the limitation on the period of disability, presently 240 compensable weeks. Provides that the disability liability shall continue during the entire period of temporary disability. Jan. 23. **WC—Good**
- *AB 441 Rumford** (Fin. & Ins.) Workmen's compensation temporary benefits. Adds provision extending present requirement that an employee shall receive temporary disability payment for not more than 240 weeks within five years of injury, and permits an employee to receive such benefits until he returns to his normal employment or until there has been a determination as to the amount of permanent disability benefits due him. Jan. 23. **WC—Good**
- *AB 442 Rumford** (Fin. & Ins.) Workmen's compensation dependency benefits. Provides in addition to other benefits, dependency benefits payable during temporary disability. Defines "dependent" for this purpose as a dependent spouse or child under the age of 18. Jan. 23. **WC—Good**
- *AB 443 Rumford** (Fin. & Ins.) Workmen's compensation disability benefit. Doubles the number of weeks for which 65 percent of an employee's average weekly earnings shall be paid as compensation for each 1 percent of permanent disability. Revises the percentage of an employee's average weekly wages payable as compensation for life for permanent disabilities and provides that such compensation shall commence with a disability of 50 percent or more rather than 70 percent. Jan. 23. **WC—Good**
- *AB 444 Rumford** (Fin. & Ins.) Removes provisions for inspection of, and reports by, hospitals supplied by employers or mutual employee associations for treatment of injuries coming within workmen's compensation laws. Eliminates provisions requiring the injured employee to submit to examination by physician selected by the employer or the Industrial Accident Commission. Deletes provision restricting compensation where disability is attributable to the unreasonable refusal of the employee to submit to medical treatment. Deletes provisions specifying that employer is liable for the expense incurred by the employee in obtaining treatment after the employer has neglected or failed reasonably to provide treatment. Deletes provision that employer, at the request of the employee, must nominate three new physicians from whom the employee can choose. Provides that an employee is entitled to medical, surgical and hospital treatment by the physician of his own choice at the expense of the employer. Jan. 23. **WC—Good**
- *AB 445 Rumford** (Fin. & Ins.) Deletes provisions establishing method of determining average weekly earnings. Provides instead that the determination of the average weekly wage shall be arrived at as follows: where the employment is for five or more working days the average weekly wage shall be based upon 95 percent of the number of working days per week times the daily earnings at the time of injury; where the employment is for less than five working days per week the average weekly earnings shall be taken at 95 percent of the amount which reasonably represents the average weekly earning capacity, except where the employment is at a stated hourly rate in which event the average weekly earnings shall be taken at 95 percent of the hourly rate multiplied by 40; and that where employment is by two or more employers average weekly earnings shall include the aggregate of earnings from all employments. Jan. 23. **WC—Good**
- *AB 446 Rumford** (Fin. & Ins.) Workmen's compensation rehabilitation benefits. Provides rehabilitation benefits for employees suffering permanent industrial injury. Provides that such benefits shall be of a kind and nature sufficient to enable such an employee to learn a new trade, profession or occupation, and that during rehabilitation period such benefits shall include benefits at the same rate as temporary disability benefits. Jan. 23. **WC—Good**
- *AB 447 Rumford** (Fin. & Ins.) Workmen's compensation death benefits. Eliminates provisions establishing fixed maximum amounts for death benefits. Provides instead that in the case of total dependency payments shall be computed in amounts weekly equal to the maximum amount payable weekly for temporary disability, payments to be made twice monthly, unless the commission orders otherwise, with an increase of 25 percent where there are dependent minor children. Provides that such payments shall continue until the death or remarriage of a widow. Provides with respect to dependent minor children that such payments shall continue during the period of their dependency. Provides with respect to partial dependency that payments shall continue during the period of partial dependency. Jan. 23. **WC—Good**
- *AB 448 Rumford** (Fin. & Ins.) Workmen's compensation. Establishes a Division of Workmen's Compensation within the Department of Industrial Relations. Specifies the duties and functions of the division. Jan. 23. **WC—Good**
- *AB 449 Rumford** (Fin. & Ins.) Workmen's compensation. Provides that upon death of dependent beneficiary any unpaid balance of a death benefit being paid the beneficiary shall be paid into an Uninsured Employers' Fund administered by the State Compensation Insurance Fund. Provides that payments shall be made from the fund to any injured worker employed by an insured employer, up to the amount of any unpaid award made to such worker by the Industrial Accident Commission. Jan. 23. **WC—Good**
- *AB 450 Rumford** (Fin. & Ins.) Workmen's compensation rehabilitation fund. Requires the Insurance Commissioner to compute as part of any workmen's compensation rate a 10 percent allocation of the total employer premiums to be deposited by insurer at least semiannually in a rehabilitation fund to be administered by the Industrial Accident Commission to provide rehabilitation payments upon appropriation of moneys from the fund by the Legislature. Jan. 23. **WC—Good**
- *AB 451 Rumford** (Fin. & Ins.) Provides that the Insurance Commissioner shall not approve or issue a classification of risks, premium rates or merit rating systems with respect to workmen's compensation insurance unless standards therefor are based upon the experience of the State Compensation Insurance Fund. Jan. 23. **WC—Good**
- *AB 452 Rumford** (Fin. & Ins.) Eliminates requirement that there be no reasonable basis for the petition as condition to right of employee to attorney's fees when he prevails in petition by the employer for a writ of review from an award of the Industrial Accident Commission. Jan. 23. **WC—Good**
- AB 458 Petris** (G.O.) Requires that employees not be denied employment by employer because of compensable injury unless employer shows there is no job that employee is capable of doing or that collective bargaining agreement prevents employment. Jan. 23. **WC—Good**
- AB 462 Thomas** (Rev. & Tax.) Property taxation of imports. Establishes presumption that specified imports of importer for use in his manufacturing operations, while stored in original package or form, are not essential for, or irrevocably committed to, such operations prior to actual use. Provides that such presumption is inapplicable to raw materials of a kind ordinarily produced, grown or mined in California. Jan. 23. **TA—Watch**
- AB 463 Waldie** (Fin. & Ins.) Savings and loan associations. Extends from one year to 18 months permissible commencement date for repayment of amortized loan made by an association, and extends maximum term of such loans, if secured by residential property, from 25 to 30 years. Extends from 25 to 30 years maximum term for such amortized loans guaranteed by administrator of veterans' affairs in amount of less than 30 percent of loan. Modifies provision authorizing association to loan up to 70 percent of value of improved real property in excess of \$40,000 and 80 percent on value below that amount, to permit repayment of construction loans to commence up to 18 months, rather than 12 months, after date of loan. Also limits to six months such period preceding commencement of repayment if the borrower is accepting the loan in ex-

ASSEMBLY BILLS (Continued)

change for another single family home. Extends types of improved real property eligible for such loans to include condominiums and certain community apartments. Defines condominiums. Increases from \$22,000 to \$26,500 maximum loan on single-family residences. Eliminates requirement that such loan includes monthly proration for taxes and insurance when unpaid balance is reduced to 80 percent of original appraised value of property. Authorizes association to make amortized loans on real property up to 75 percent of appraised value if property is improved by housing accommodations or other prescribed facilities for aged persons over 55 years of age. Limits number of such loans to 5 percent of total assets of association, but excludes from computation loans reduced to 70 percent of original appraised value of property. To take effect immediately, urgency measure. Jan. 23. **HO—Watch**

AB 464 Waldie (Ed.) Education of educationally handicapped minors. Defines, provides for the identification of, and authorizes school districts to furnish special programs for educationally handicapped minors. Authorizes reimbursement from State School Fund of the excess expense of such programs and prescribes maximum amounts allowable. Authorizes advance apportionments to districts to defray expenses incident to initiation of programs. Appropriates funds to effectuate program. Requires State Department of Education to study programs and report findings to Governor and Legislature. To take effect immediately, urgency measure. Jan. 23. **ED—Good**

AB 470 Kennick (Ed.) Personnel deemed classroom teachers. Provides that certificated personnel who spend a majority of their working hours during the schoolday at work other than the teaching of pupils but working with pupils in the schools as counselors, teacher assistants, school social workers, attendance counselors, psychometrists, and psychologists, and comparable pupil service work, shall be deemed "teachers" and all compensation paid them by the school district shall be deemed to comprise "salaries of classroom teachers." Jan. 24. **PE—Watch**

AB 473 Petris (Elec. & Reap.) Authorizes county clerk, until January 1, 1965, and requires county clerk thereafter, to provide triplicate form for affidavits of registration, in lieu of stubs, to be handed to voter at time of registration, and to bear specified information appearing on original affidavit. Jan. 24. **EL—Good**

***AB 481 Foran** (Fin. & Ins.) Repossessing and selling goods. Eliminates the requirement, in cases where the unpaid holder of a contract or installment account retakes goods and gives the required notice to the defaulting buyer, that the buyer must pay the expense of the taking, keeping and storage, and the buyer may recover his goods by paying the amount owing under the contract within 10 days of such notice. Modifies existing law, so that such holder who retakes and sells goods may not recover deficiency charges from the defaulting buyer. Jan. 24. **MI—Good**

***AB 482 Foran** (Fin. & Ins.) Attachment and execution. Exempts all the earnings of a debtor, no matter when earned, received for his personal services from levy of attachment or execution of judgment, rather than only one-half the earnings of a debtor received for his personal services rendered within 30 days unless the circumstances bring the matter within an exception providing for no exemption or complete exemption. Jan. 24. **MI—Good**

AB 499 Winton (Elec. & Reap.) Campaign contributions and expenditures. Requires any committee engaged in aiding or defeating nomination or election of candidate or candidates to file campaign statement, instead of committee organized or required to conduct election campaign of candidate or candidates. Modifies contents of campaign statement to require that name of contributor be shown where aggregate contribution exceeds \$75, and that name of payee be shown where expenditure exceeds \$50. Deletes requirements that nature and purpose of expenditure and type of service performed be shown. Defines terms used in act, and excludes from definition of "campaign contribution" and "campaign expenditure," certain news items, contributions not to exceed \$50, donations of personal services or traveling expenses and similar matters, and cost of bar plebscites respecting judicial candidates. Requires candidates and committees to appoint campaign treasurers, and requires that all contributions and expenditures be made through treasurers. Requires treasurers to establish bank accounts. Provides for appointments of deputies by treasurers, and for removal of treasurers. Requires both candidates and treasurers to file campaign statements on forms prescribed by Secretary of State and supplied by county clerks, or on forms substantially identical thereto. Provides that statement shall be made under penalties of perjury, and that it be open to public inspection. Makes various changes in the law governing submission of claims. Declares that violation shall void nomination or election, and that candidate's right to office may be tested in quo warranto proceedings. Requires Secretary of State and county clerks to report names of candidates and committees who have not filed statements. Makes other related changes. Jan. 24. **EL—Watch**

AB 505 Thelin (Fin. & Ins.) Industrial accident commissioners: qualifications. Requires that persons appointed in the future as commissioners have the qualifications of a judge of the superior court. Jan. 28. **WC—Bad**

***AB 506 McMillan** (Ind.R.) Repeals state's so-called jurisdictional strike act. Jan. 28. **LC—Good**

AB 526 Song (Ed.) Allows the State Board of Education to make grants to teachers to pay one-half of the tuition cost for enrollment, during summer session, at an institution of higher education under certain conditions. Appropriates unspecified sum to the State Board of Education for such purpose. Jan. 28. **PE—Good**

AB 535 Cologne (Trans. & C.) Provides that the requirements for fire extinguishers required to be on farm-labor vehicles shall be based on extinguishing capabilities rather than weight. Eliminates requirement for approval by California Highway Patrol of such fire extinguishers but requires approval by nationally recognized laboratory. Jan. 28. **LS—Watch**

AB 536 Cologne (Crim. Pro.) Physicians and surgeons. Provides that when a physician and surgeon is requested by a law enforcement officer or person in the custody of a law enforcement officer to take a blood sample from such person for purposes of making a blood test, and it reasonably appears that such person from whom the blood sample is taken is under lawful arrest, such person expresses consent to the taking, and the consent reasonably appears to be voluntary, and the physician and surgeon thereupon takes a blood sample, such physician and surgeon shall not be subject to any civil or criminal liability founded on alleged absence of, or defect in, consent to take the blood sample. Provides that section shall not be construed to negative any nonliability otherwise existing under the law. Jan. 28. **CR—Bad**

AB 545 Gaffney (Ind.R.) Dangerous work. Provides that an employee may not be laid off or discharged for refusal to work in a dangerous place of employment or on dangerous machinery, devices, apparatus or equipment, and permits an employee action for wages for time lost as the result of a layoff or discharge for refusal to work under such circumstances if a complaint is filed with the Labor Commissioner within 30 rather than 10 days after layoff or discharge. Eliminates provision that violation of code or safety order justifying refusal to work where violation creates a real and apparent hazard and provision that employee notify employer of intention to file claim with Labor Commissioner. Jan. 28. **LC—Good**

AB 546 Gaffney (Ind.R.) Maritime industrial safety. Adds provisions relative to provisions to be made for the safety of persons engaged in loading or unloading ships or vessels in regard to handtrucks; handtools; the storage of materials; curbs or rails on docks, wharves or piers; the inspection of equipment; dock plates; and the use of internal combustion engines. Provides that added sections shall not limit division's safety orders. Jan. 28. **LC—Watch**

AB 547 Burton (Fin. & Ins.) Repeals provisions exempting from unemployment insurance laws, employment in agriculture. Jan. 28. **UI—Good**

AB 548 Burton (Fin. & Ins.) Nonprofit organizations. Eliminates provisions excepting from unemployment insurance laws employment in connection with nonprofit organizations organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, educational and humane purposes. Jan. 28. **UI—Watch**

AB 553 Zenovich (Agr.) Cold storage meat sales. Excepts sales of foreign cold storage meat to retailers, hotels, restaurants, lunchrooms, dining cars, or boardinghouses from the requirement that a report of sale be made to Director of Agriculture. Jan. 29. **LS—Bad**

AB 559 Ryan (Ed.) Requires the local boards prescribing courses of study for the various grade levels in the public schools to establish comprehensive programs of research and development for improvement of curriculum. Requires fiscal year expenditure by school districts for such purposes of amounts not less than 2 percent of State School Fund apportionments for preceding fiscal year. Jan. 29. **ED—Watch**

AB 563 Cologne (Fin. & Ins.) Includes members of a marshal's office within provisions re presumption that certain injuries arose in the course of employment for purposes of workmen's compensation. Jan. 29. **WC—Watch**

AB 566 Bagley (Crim. Pro.) Requires as condition to acceptance of a driver's license, that applicant therefor gives signed consent to blood test if he is arrested on suspicion of drunk driving. Jan. 29. **CR—Bad**

AB 596 Rumford (Pub.H.) Bakeries and bakery products. Includes extensive re-writing of requirements regarding sanitation of bakeries including requirement of mandatory medical and laboratory tests. Employees can be placed in position of providing medical evidence at his own expense to contest exclusion from bakery. Jan. 29. **LS—Watch**

AB 604 Dymally (Ind.R.) Public works: apprentices. Requires contractor or subcontractor performing under public works contract or subcontract who employs workmen in an apprenticeable craft or trade to apply for a certificate approving the contractor or subcontractor under the apprenticeship standards for the area of the site of the public work and fixing ratio of apprentices to journeymen to be employed on the public work. Unless different ratio has been set by a joint apprenticeship committee administering apprenticeship standards of the craft or trade in the area of the site of the public work or by a bona fide collective bargaining agreement, requires the approval certificate to fix ratio of one apprentice for each five journeymen regularly employed in the craft or trade on the public work. Requires contractor or subcontractor to employ apprentices in number

ASSEMBLY BILLS (Continued)

- or ratio fixed by the certificate. Provides for penalty of \$10 per day for wrongful failure to apply for or comply with such a certificate of approval. Requires such a contractor or subcontractor, if not contributing to a fund for administration of apprenticeship program in a craft or trade in the area or site of the public work to which other contractors in area are contributing, to contribute to the fund in each craft or trade in which he employs journeymen or apprentices on the public work to same extent as other contractors do. Authorizes Division of Labor Law Enforcement, in certain cases, to bring a court action to recover penalties for wrongful failure to employ apprentices upon public works. Jan. 30. **LC—Watch**
- AB 606 Z'berg** (Fin. & Ins.) Provides that when no waiting period before obtaining unemployment compensation benefits is required at the beginning of a benefit year no waiting period is to be required at any time during such benefit year. Jan. 30. **UI—Watch**
- AB 607 Z'berg** (Fin. & Ins.) Employer contributions to unemployment fund. Provides that contribution rate shall be dependent upon employer's record of contributions and charges during only the last three years and that expenditures made by an employer during such period in alleviating or preventing unemployment shall affect his contribution rate. Makes effect of act contingent upon findings by Secretary of Labor that act is in conformity with federal law. Jan. 30. **UI—Bad**
- *AB 608 Z'berg** (Elec. & Reap.) Public employees' political activities. Removes political activity as a cause for discipline of public employees and permits public employees to engage and participate in political activities. Jan. 30. **PE—Good**
- *AB 609 Z'berg** (C.S. & S.P.) Personnel classification plan. Requires that the description titles of classes of position established by the personnel board for state employment be specific, and that the definition outlining the scope of duties be specific and detailed. Provides that no employee shall be required to temporarily perform work other than in his regular classification except in an emergency and then only in similar classifications, at which time compensation shall be paid in accordance with the requirements of the new classification, if the rate of pay be higher. Jan. 30. **PE—Good**
- *AB 610 Z'berg** (Mun. & C.G.) Firemen's civil service systems. Requires the legislative body of a city, fire district, county fire district, and fire protection district in which there is a regularly organized paid fire department or county fire warden department, to establish and provide a civil service system on terms and conditions comparable to the state civil service system. Jan. 30. **PE—Good**
- AB 619 Elliott** (Ind.R.) Changes from \$10 to \$25 the penalty which a contractor on a public work must pay for each day he pays less than the stipulated prevailing wage rates. Requires the contractor to pay the difference between the stipulated rates and the actual wages paid to the awarding body, which amount is to be paid by the awarding body to the workmen. Requires, rather than authorizes, the awarding body to bring a court action for such penalties, and removes authority of the Division of Labor Law Enforcement to bring such actions. Requires that out of any money withheld or recovered there first be paid the amount due to each workman, and if funds are insufficient, they are to be prorated among all the workmen. Jan. 30. **LC—Good**
- AB 620 Garrigus** (Ed.) Probationary certificated employees. Makes provisions affording right to formal administrative hearing on dismissal of probationary certificated school district employee applicable only as to school districts with an a.d.a. of 85,000 pupils or over; and eliminates special provision requiring notice of defense to be filed within five days of service of accusation. Revises provisions re giving notice to probationary employee that services will not be required for ensuing year, to require prior notification of employee that such action is contemplated and that he be afforded opportunity to appear before governing board to present evidence and testimony. Requires written statement of reasons for board's action to be furnished employee on his request. Removes provisions specifying that board's determination as to sufficiency of cause of dismissal is not subject to judicial review and that causes may extend beyond those specified for permanent employees. Makes related technical changes. Jan. 30. **PE—Watch**
- AB 621 Elliott** (G.E. & E.) Requires contractors for public work to comply with the California Fair Employment Practices Act. Jan. 30. **CR—Good**
- AB 622 Elliott** (Ind.R.) Public works. Requires contractors and subcontractors who employ workmen in apprenticeable trades or crafts in the execution of a public work to employ apprentices in the number or ratio fixed by the Division of Apprenticeship Standards or, if there is one, by the appropriate apprenticeship standards committee for the area of the site of the public work. Jan. 30. **LC—Watch**
- AB 623 Waldie** (Fin. & Ins.) Hearing procedure. Requires appellants who are represented by paid representative in their appeal to pay at time of filing appeal \$25 each up to maximum of \$150 in consolidated appeals. Provides that fees are forfeited to the Unemployment Insurance Benefit Fund where appellant withdraws his appeal, fails to pursue his appeal or where the determination is affirmed. Provides that fees are returned to the appellant where the appealed from determination is reversed or modified. Jan. 30. **UI—Watch**
- AB 624 Waldie** (Fin. & Ins.) Unemployment insurance. Imposes reserve account charge of twice the maximum amount of benefits payable to an individual during a benefit year, if the employer, in submitting information concerning termination of employment, makes willful false statements or representations or willfully fails to report material fact. Jan. 30. **UI—Good**
- AB 634 Burton** (Water) Water resources development. Establishes policy on sale of electric power from projects under control of Department of Water Resources. Authorizes department to acquire transmission lines and related facilities necessary to make power available in wholesale quantities. Jan. 30. **WP—Good**
- AB 640 Willson** (Fin. & Ins.) Disability Insurance Fund. Prescribes procedure whereby whenever the Disability Fund is exhausted, money may be transferred from another fund. Directs that money is to be refunded with accrued interest whenever there is sufficient money. Provides that section becomes inoperative on December 31, 1965. Jan. 30. **DI—Watch**
- AB 642 Elliott** (Ind.R.) Wages: state employees. Makes requirement of semi-monthly wage payments applicable to employees of the State. Jan. 30. **PE—Good**
- *AB 649 Bee** (Ind.R.) Minimum wages. Makes \$1.50 an hour the minimum wage payable to employees, regardless of age or sex. Jan. 30. **LC—Good**
- *AB 650 Bee** (Ind.R.) Minimum wages, maximum hours. Establishes a minimum wage of one dollar and fifty cents (\$1.50) for all employees regardless of age or sex. Establishes maximum hours and provides for regulation of overtime. Provides for regulatory powers to be exercised by the Director of Industrial Relations to implement the wage and hour provisions. Provides for criminal penalties for violations, and authorizes civil action by employees. Jan. 30. **LC—Good**
- AB 654 Beilenson** (Fin. & Ins.) Disability insurance. Makes technical change to make clear that successor employer can cancel voluntary plan but cancellation will only take effect on the anniversary day of the plan and that until that date the successor is deemed to have consented to the plan. Jan. 30. **DI—Watch**
- AB 655 Beilenson** (Fin. & Ins.) Investments in property. Authorizes Director of Employment with approval of Department of Finance to invest money from sources other than Disability Fund in purchase and construction of buildings to be used by Department of Employment. Prescribes the powers of the respective departments in the function of administering the buildings and facilities such as space allocation, insurance coverage, rent rates and conditions of lease, repayment of initial investment and vesting of ultimate control and management of building and facilities. Jan. 30. **UI—Watch**
- AB 657 Zenovich** (C.S. & S.P.) Requires the Trustees of the California State Colleges to report annually to the Governor and the Legislature concerning the salaries, wages, hours of work, conditions of work and other matters relating to personnel under the jurisdiction of the trustees. Jan. 31. **ED—Good**
- AB 658 Zenovich** (C.S. & S.P.) Requires the Regents of the University of California to report annually to the Governor and the Legislature concerning the salaries, wages, hours of work, conditions of work and other matters relating to personnel under the jurisdiction of the regents, and the employees of the university. Jan. 31. **ED—Good**
- AB 660 Willson** (Fin. & Ins.) Unemployment insurance. Makes technical amendments to provisions relating to misdemeanors and employers' obligations in withholding worker contributions in order to achieve technical consistency between closely related sections. Directs employer to hold in trust amount of workers' contributions when he agrees to pay the workers' contributions. Adds new provisions which would make it a misdemeanor for an employing unit or other person who had agreed to pay a worker's contribution to thereafter willfully fail to hold the contribution in trust, or to willfully fail or to be willfully financially unable to pay the agreed amount to the department prior to delinquency. Jan. 31. **UI—Watch**
- *AB 661 Petris** (Rev. & Tax.) Prohibits imposition of personal income tax by local taxing bodies. Jan. 31. **TA—Good**
- AB 662 Petris** (Rev. & Tax.) Repeals provisions relating to the prosecution of an assessor or deputy assessor who has knowingly, fraudulently, or corruptly assessed any property at less than its full cash value. Jan. 31. **TA—Watch**
- AB 670 Ferrell** (Fin. & Ins.) Vehicle insurance. Provides that in addition to race, color, religion and national origin or ancestry, age, occupation, or place of residence shall not constitute basis for acceptance or refusal of a risk or for charging a higher premium. Jan. 31. **CR—Good**
- AB 681 Zenovich** (Fin. & Ins.) Unemployment insurance. Makes technical changes consisting of deleting obsolete language, clarifying language in closely related sections which is technically inconsistent, providing stated time limitations in the statute itself rather than in the regulations consistent with other closely related sections on the same general subject matter, and correcting references to other provisions of law which have been revised or renumbered. Jan. 31. **UI—Watch**

ASSEMBLY BILLS (Continued)

- AB 682 Zenovich** (Fin. & Ins.) Unemployment insurance. Makes technical changes consisting of the elimination of obsolete language, clarifying language to bring closely related sections into technical consistency, the relocation of language from one section to another for more logical arrangement of the law. Jan. 31. **UI—Watch**
- AB 706 Knox** (Ind.R.) Workmen's safety. Provides "safety device" and "safeguard," for purpose of provisions relating to safety in employment, shall be interpreted to include devices or techniques for eliminating or mitigating potentially injurious exposure to noise. Jan. 31. **LC—Watch**
- AB 708 Mulford** (Ind.R.) Permits universities and colleges supported in whole or part by state funds to employ aliens as professional librarians. Jan. 31. **LC—Watch**
- AB 711 Casey** (Ed.) Authorizes adoption by State Board of Education of instructional materials, other than textbooks and supplementary books, for foreign language courses in the elementary grades. Requires adoption period of not less than four nor more than eight years with extension period of one to four years. Authorizes Curriculum Commission to recommend such materials. Provides for cost of such materials to be paid from funds appropriated for textbooks. Provides for contractual guarantee that party furnishing such materials will keep them up to date. Jan. 31. **ED—Watch**
- AB 718 Williamson** (Ind.R.) Requires farm labor contractor to maintain records of compensation he receives from a grower and the compensation he pays to his employees for services rendered to, for, or under the grower. Feb. 4. **LC—Good**
- AB 728 Willson** (Fin. & Ins.) Liability for unemployment contributions. Imposes duty on contractor to take certain measures to assure payment by subcontractor of tax contributions, interest and penalties to the department by withholding amounts from payments owed to subcontractor or furnishing or requiring the subcontractor to furnish a bond. Provides that contractor is personally liable where he fails to comply with this section. Excepted from requirement of section is contractor who has been issued a certificate of consent to payment by the director and contractors on work for the State, agency for the State or any political subdivision for which the Government Code requires a contractor's bond. Feb. 4. **UI—Watch**
- AB 735 Petris** (Jud.) Decedents' estates. Increases from \$600 to \$900 the amount of wages owing an employee of the decedent that are given precedence over general claims and are paid without court approval, from the decedent's estate. Feb. 4. **MI—Good**
- AB 748 McMillan** (Mun. & C.G.) Fire protection districts. Provides an alternative method of formation of a district without an election, upon petition by owners of real property in the proposed district equal to at least 51 percent of the assessed valuation of real property in the proposed district. Feb. 4. **PE—Watch**
- AB 755 Z'berg** (Water) State water resources development. Authorizes Department of Water Resources, in contracting with water districts for sale of water for irrigation purposes, to incorporate such terms and conditions as necessary to provide for sale of water by districts at an amount determined by department to be equal to repayment capacity with respect to any lands where repayment capacity of such lands is determined by department to be less than actual cost of furnishing water. Imposes acreage limitation in such sales. Feb. 4. **WP—Good**
- AB 756 Winton** (Ed.) Standard supervision credential requirements. Allows experience in designated services to be counted toward fulfillment of minimum requirements for a standard supervision credential. Deletes requirement of "full-time" experience. Feb. 4. **ED—Bad**
- AB 757 Winton** (Ed.) Public school system personnel. Allows school districts to employ for various purposes people who hold service credentials rather than teaching credentials. Provides people who now are employed in certain positions designated by the State Board of Education as requiring a supervision or administration credential, may continue in such positions after July 1, 1963. To take effect immediately, urgency measure. Feb. 4. **ED—Bad**
- AB 759 Henson** (Fin. & Ins.) Workmen's compensation, state retirement. Authorizes court, in action against third person who has injured or killed employee in the course of employment, to designate a portion of the judgment as the employee's general damages and order the payment thereof to the employee. Limits right of State Employee's Retirement System to subrogation when one of its members has been injured or killed in the course of his employment by a third person or portions of the judgment other than that designated as the employee's general damages and other than litigation expenses and attorney's fees. Makes various changes. Feb. 4. **WC—Watch**
- AB 774 Beilenson** (G.E. & E.) Makes provisions regulating contractors applicable to owners who contract for a project with a licensed contractor. Feb. 4. **LS—Good**
- AB 775 Beilenson** (G.E. & E.) Contractors. Provides that law regulating contractors does not apply to an owner who contracts for a project with a licensed general contractor, rather than a licensed contractor. Feb. 4. **LS—Watch**
- *AB 793 Kennick** (C.S. & S.P.) Public employees: collective bargaining. Permits the State and various named public entities to make and enter into contracts and collective bargaining agreements with their employees, the collective bargaining representatives of their employees, and labor organizations. Feb. 4. **PE—Good**
- AB 798 Foran** (Ind.R.) Apprenticeship: instruction. Authorizes specified state and local boards concerned with instruction of apprentices to provide exceptions to general requirement that apprentices receive not less than 144 hours a year of related and supplemental instruction. Feb. 4. **TR—Watch**
- AB 799 Foran** (Ind.R.) Joint apprenticeship committees. Revises provision regarding functions. Feb. 4. **TR—Watch**
- AB 800 Crown** (W. & M.) Budget Act of 1963. Makes appropriation for support of state government for the 1963-64 fiscal year. To take effect immediately, urgency measure. Feb. 4. **SL—Watch**
- AB 802 Song** (Soc. Wel.) Work relief and vocational training. Directs county welfare departments, insofar as practical, to establish community work experience and vocational training programs for unemployed persons in connection with aid to needy families with dependent children program, so as to qualify for available federal funds. Requires that such programs be conducted in accordance with standards and regulations prescribed by Department of Social Welfare. Feb. 4. **TR—Bad**
- AB 804 Mills** (Ind.R.) Public works contracts. Requires contractor to whom contract is awarded, and any contractor who performs work covered by contract, rather than subcontractor under contractor to whom contract is awarded, to pay prevailing wages. Requires contractor to whom a contract for a public work is awarded to submit specified information regarding each contractor who will perform any of the work covered by the contract. Feb. 4. **LC—Good**
- AB 812 Danielson** (G.O.) Alcoholic beverages. Makes an employee of a licensee under an onsale license issued for public premises, who permits a person under the age of 21 years to enter and remain in the licensed premises without lawful business, guilty of a misdemeanor. Feb. 4. **LS—Bad**
- AB 821 Elliott** (Ind.R.) Employment. Prohibits an employer, or an agent, manager, superintendent, or officer thereof, from requiring an employee or applicant for employment to execute a document containing an unlawful term or condition. Feb. 4. **LC—Watch**
- AB 822 Elliott** (Ind.R.) Employment of aliens. Exempts foreign language teachers from provisions prohibiting the employment of aliens by public agencies. Feb. 4. **LC—Bad**
- AB 825 Rumford** (Rev. & Tax.) Sales and use taxes. Revises the "medicine" exemption. Feb. 4. **TA—Watch**
- AB 826 Rumford** (Fin. & Ins.) Workmen's compensation. Requires that employer post notice of compensation carrier at each of his places of employment where workers are hired or wages are paid, rather than at one of his places of employment, in addition to posting such notice at his headquarters. Feb. 4. **WC—Good**
- AB 835 Frew** (Soc. Wel.) Aid to needy children. Requires State Social Welfare Board, by regulation, to reduce maximum amounts payable to recipients of aid to needy children, when such maximum grants exceed maximum amount of unemployment insurance benefits payable to eligible person. Feb. 4. **UI—Bad**
- AB 836 Frew** (Ind.R.) Contracts of employment. Provides that whenever any employer enters into a contract of employment with an employee for services to be rendered within the State and the contemplated method of payment of the employee involves commissions, profit-sharing or bonus plans, the contract shall be in writing and shall set forth the method by which the commissions or profit-sharing or bonus plan payments shall be computed and paid. Requires that copies of such contracts be posted and distributed in specified manners. Makes employer who fails to comply guilty of a misdemeanor and liable in a civil action for triple damages to employee employed without required written contract. Feb. 4. **LC—Watch**
- AB 842 Belotti** (Fin. & Ins.) Authorizes agricultural employers to withhold transmission of employee deductions for over one year. Authorizes regulations to facilitate filing and establishment of claims where employer pays contributions other than at calendar quarter. Feb. 4. **DI—Bad**
- AB 856 Petris** (Elec. & Reap.) Political activities of public employees. Repeals present provisions proscribing political activities of county and city employees. Provides that no local agency shall limit participation of its employees in political activities during their off-duty hours, but authorizes agency to adopt ordinance prohibiting officers or employees from receiving or soliciting political contributions from other personnel of agency; prohibiting nominees or candidates for offices of agency from promising employment benefits to officers or employees of agency; or prohibiting officers or employees of agency from taking active part in campaign for or against candidate for office of agency. Exempts school district employees from provisions of act. Declares provisions of act constitute matter of statewide concern, and thus preempt field on subject of act. Feb. 5. **PE—Good**

ASSEMBLY BILLS (Continued)

AB 888 Garrigus (Ed.) Public schools: current support. Effects extensive revision of law pertaining to financial support of current operations of public schools. Increases from \$201.36 to unspecified amount per unit of preceding fiscal year's a.d.a. in all grade levels in the State, the amount to be transferred to and apportioned from State School Fund for regular support purposes. Requires levy and collection of countywide school taxes at rates of 60 cents for elementary schools and 50 cents for high schools. Revises formulas for apportioning State School Fund moneys for regular support of elementary schools and high schools to require all computations to be made on basis of current attendance and assessed valuations rather than those of preceding fiscal year, and eliminates present procedure for transfers and apportionments for growth in enrollments. Increases, by \$21 per a.d.a. the foundation program levels of support for elementary schools and high schools, requires computation of countywide foundation programs for both levels, and provides for apportionment of both regular State School Fund allowances and countywide school tax proceeds on basis of district's share of countywide program. Changes, for elementary and high school support purposes, the present basic aid and equalization aid category of support to system affording "foundation program support," but retaining the \$125 per a.d.a. minimum level of state apportionments. Provides for special increases in foundation levels of support for large school districts, special supplemental aid for less wealthy districts, and revises provisions affording special additional foundation program support to unified school districts. Increases junior college per a.d.a. foundation program level of support from \$543 to \$600 on current a.d.a. and assessed valuation basis, increases by \$20 the maximum regular special education allowances, increases from \$40 to \$80 the maximum allowance per partici-

pating pupil in mentally gifted program, and increases maximum permissible school district tax rates to new levels subject to reduction by amount of countywide school taxes imposed. Makes numerous related changes and revisions. In effect immediately, urgency measure. Feb. 5.

ED—Watch

AB 892 Petris (Mun. & C.G.) Housing authorities. Authorizes an authority to manage and operate housing developments for moderate income families and elderly persons which are undertaken by any nonprofit corporate group with financial assistance from the federal government. Feb. 5.

HO—Good

AB 894 Petris (Mun. & C.G.) Housing authorities' powers. Revises authority of two or more authorities to join or co-operate in the exercise of their powers to delete provisions limiting authority to do so to powers granted by particular statutory provisions, specifically prescribe various things such authorities may do re financing projects, authorize them to join or co-operate for the purpose of owning or entering into any contract re any housing project, and authorize one authority to grant to another authority with which it has joined or is co-operating the right to act, as its agent or otherwise, re the exercise of any or all of the powers. Feb. 5.

HO—Good

AB 896 Petris (Mun. & C.G.) Low-rent housing: limitation. Repeals provision prohibiting the development, construction or ownership of a low-rent housing or slum-clearance project unless a contract existed with the federal government before September 15, 1945, except after the housing authority consulted with the school district in which the project is located and approval was given by the governing body of the county or city. Feb. 5.

HO—Good

ASSEMBLY CONSTITUTIONAL AMENDMENTS

ACA 2 Dymally (G.E. & E.) Superintendent of Public Instruction. Provides for filling the office of Superintendent of Public Instruction by appointment by State Board of Education, rather than by election by the people. Jan. 8.

ED—Bad

ACA 8 Cologne (G.E. & E.) Education elections and appointments. Provides for the election for staggered terms of four members of the State Board

of Education, instead of the appointment of such board, and makes provision to redistrict the State into four State Board of Education districts. Requires such an elected board to appoint the Superintendent of Public Instruction, rather than having this be an elective office. Specifies that all such elections and appointments shall become effective after expiration of terms of present officeholders. Jan. 29.

ED—Bad

ASSEMBLY JOINT RESOLUTIONS

AJR 2 Rumford (Rls.) Poll taxes. Ratifies proposed amendment to Constitution of United States providing that right of United States citizen to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress shall not be denied or abridged by United States or any state by reason of failure to pay any poll tax or other tax. Jan. 9.

CR—Good

AJR 4 Burton (Rls.) Poll taxes. Ratifies proposed amendment to Constitution of United States providing that the right of a United States citizen to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any state by reason of failure to pay any poll tax or other tax. Jan. 14.

CR—Good

AJR 6 Conrad (Rls.) Amendment to Federal Constitution. Petitions Congress to propose, or call a convention to propose, an amendment to the United States Constitution, to require that proposed constitutional amendments be submitted to the legislatures of the several states automatically upon

application of two-thirds of the legislatures of a proposal containing identical texts of a proposed amendment. Jan. 16.

MI—Bad

AJR 7 Conrad (Rls.) Reapportionment of state legislatures. Petitions Congress to propose, or call convention to propose, amendments to the United States Constitution abolishing judicial jurisdiction in controversies relating to apportionments of state legislatures and exempting such apportionments from restrictions or limitations imposed by United States Constitution. Jan. 16.

CR—Bad

AJR 16 Badham (Rls.) Federal constitutional amendment. Requests Congress to propose to the people or call a convention to provide an amendment to the United States Constitution prohibiting the United States government from engaging in business in competition with its citizens, specifying that the constitution or laws of any state, or federal laws are not subject to foreign or domestic agreement which would abrogate the amendment, and abolishing personal income, estate, and gift taxes. Feb. 4.

TA—Bad

AJR 18 Elliott (Rls.) President's tax program. Memorializes Congress to revise Internal Revenue Code of 1954 to conform to the President's program of tax reduction. Feb. 4.

TA—Watch

SENATE BILLS

- *SB 210 Regan** (Ins. & F.I.) Provides that the Insurance Commissioner shall not approve or issue a classification of risks, premium rates or merit rating systems with respect to workmen's compensation insurance unless standards therefor are based upon the experience of the State Compensation Insurance Fund. Jan. 24. **WC—Good**
- *SB 211 Regan** (Ins. & F.I.) Establishes a Division of Workmen's Compensation within the Department of Industrial Relations. Specifies the duties and functions of the division. Jan. 24. **WC—Good**
- *SB 212 Regan** (Ins. & F.I.) Workmen's compensation awards. Eliminates requirement that there be no reasonable basis for the petition as condition to right of employee to attorney's fees when he prevails in petition by the employer for a writ of review from an award of the Industrial Accident Commission. Jan. 24. **WC—Good**
- *SB 213 Regan** (Ins. & F.I.) Workmen's compensation awards: interest. Provides that interest on awards of temporary disability runs from the date that temporary disability payment was held to be payable and at the rate of 7 percent per year. Jan. 24. **WC—Good**
- *SB 214 Regan** (Ins. & F.I.) Workmen's compensation benefits. Authorizes injured employee to institute proceedings for medical, surgical and hospital benefits at any time after the date of injury and during his lifetime. Grants continuing jurisdiction to the Industrial Accident Commission for such purpose. Exempts these proceedings from 5-year limitation within which awards may be rescinded, altered, or amended. Jan. 24. **WC—Good**
- *SB 215 Regan** (Ins. & F.I.) Workmen's compensation payments: commutation. Allows the commutation of payments involving the Subsequent Injuries Fund. Jan. 24. **WC—Good**
- *SB 216 Regan** (Ins. & F.I.) Workmen's compensation: attorney's fee. Requires Industrial Accident Commission to fix attorney fees where award is recovered by injured employee or employee's dependent. Required such fees to be paid to the attorney by employer or insurer and not by employee or dependent and, that such fees not be deducted from the award. Makes provisions concerning liens for attorney fees inapplicable to such fees. Jan. 24. **WC—Good**
- *SB 217 Regan** (Ins. & F.I.) Workmen's compensation subsequent injuries. Removes the credit offset for Subsequent Injuries Fund payments against other payments received and removes the provision that the expenses incurred by the Attorney General in representing the State in these cases shall be obtained from the appropriation for the Subsequent Injuries Fund. Jan. 24. **WC—Good**
- *SB 218 Regan** (Ins. & F.I.) Provides that upon death of dependent beneficiary any unpaid balance of a death benefit being paid the beneficiary shall be paid into an Uninsured Employers' Fund administered by the State Compensation Insurance Fund. Provides that payments shall be made from the fund to any injured worker employed by an uninsured employer, up to the amount of any unpaid award made to such worker by the Industrial Accident Commission. Jan. 24. **WC—Good**
- *SB 219 Regan** (Ins. & F.I.) Workmen's compensation dependency benefits. Provides in addition to other benefits, dependency benefits payable during temporary disability; defines "dependent" for this purpose as a dependent spouse or child under the age of 18. Jan. 24. **WC—Good**
- *SB 220 Regan** (Ins. & F.I.) Workmen's compensation disability benefits. Doubles the number of weeks for which 65 percent of an employee's average weekly earnings shall be paid as compensation for each 1 percent of permanent disability. Revises the percentage of an employee's average weekly wages payable as compensation for life for permanent disabilities and provides that such compensation shall commence with a disability of 50 percent or more rather than 70 percent. Jan. 24. **WC—Good**
- *SB 221 Regan** (Ins. & F.I.) Disability payments. Removes the limitation on the period of disability, presently 240 compensable weeks; provides that the disability liability shall continue during the entire period of temporary disability. Jan. 24. **WC—Good**
- *SB 222 Regan** (Ins. & F.I.) Workmen's compensation death benefits. Eliminates provisions establishing fixed maximum amounts for death benefits. Provides instead that in the case of total dependency payments shall be computed in amounts weekly equal to the maximum amount payable weekly for temporary disability, payments to be made twice monthly, unless the commission orders otherwise, with an increase of 25 percent where there are dependent minor children. Provides that such payments shall continue until the death or remarriage of a widow. Provides with respect to dependent minor children that such payments shall continue during the period of their dependency. Provides with respect to partial dependency that payments shall continue during the period of partial dependency. Jan. 24. **WC—Good**
- *SB 223 Regan** (Ins. & F.I.) Workmen's compensation disability benefits. Provides that an employee suffering a temporary disability shall receive benefits beginning on the first day the employee leaves work or is hospitalized if the injury causes disability of more than 7 days, rather than if the injury causes disability of more than 49 days. Jan. 24. **WC—Good**
- *SB 224 Regan** (Ins. & F.I.) Workmen's compensation employer misconduct. Removes the condition precedent to recovery for serious and willful misconduct arising out of violation of a safety order that the safety order violated must be known to a particularly identified and named person who is either the employer or an employer's representative. Jan. 24. **WC—Good**
- *SB 225 Regan** (Ins. & F.I.) Workmen's compensation attorney's fees. Provides that where a petition to reduce an award based upon a final permanent disability rating is denied, the petitioner may be required to pay the injured employee a reasonable attorney's fee as additional compensation. Jan. 24. **WC—Good**
- *SB 226 Regan** (Ins. & F.I.) Workmen's Compensation: Physicians Change. Reduces from 12 to 7 days the time within which the employer or insurer must, at the request of the employee, suggest three new physicians from whom the employee may choose. Jan. 24. **WC—Good**
- *SB 227 Regan** (Ins. & F.I.) Workmen's compensation: rehabilitation benefits. Provides rehabilitation benefits for employees suffering permanent industrial injury. Provides that such benefits shall be of a kind and nature sufficient to enable such an employee to learn a new trade, profession or occupation, and that during rehabilitation period such benefits shall include benefits at the same rate as temporary disability benefits. Jan. 24. **WC—Good**
- *SB 228 Regan** (Ins. & F.I.) Workmen's compensation casual employment. Provides for exclusion from the Workmen's Compensation Law of employees whose employment is casual rather than both casual and not in the course of the trade, business, profession, or occupation of his employer. Jan. 24. **WC—Good**
- *SB 229 Regan** (Ins. & F.I.) Workmen's compensation self-insurance. Adds a new ground for revocation of a certificate of consent to self-insure: discharging an employee solely because he incurred an injury or disease arising out of the employment. Jan. 24. **WC—Good**
- *SB 230 Regan** (Ins. & F.I.) Workmen's compensation employer's liability. Deletes provisions authorizing substitution of workmen's compensation insurer for employer in workmen's compensation cases. Jan. 24. **WC—Good**
- *SB 231 Regan** (Ins. & F.I.) Permits introduction of both, rather than either, evidence of loss of earning capacity or the amount of disability or evidence of death benefit paid, in an action in which an employee joins in or prosecutes against a third party for damages arising out of an industrial injury. Jan. 24. **WC—Good**
- *SB 232 Regan** (Ins. & F.I.) Removes provisions for inspection of, and reports by, hospitals supplied by employers or mutual employee associations for treatment of injuries coming within workmen's compensation laws. Eliminates provisions requiring the injured employee to submit to examination by the physician of the employer or the Industrial Accident Commission. Deletes provision restricting compensation where disability is attributable to the unreasonable refusal of the employee to submit to medical treatment. Deletes provisions specifying that employer is liable for the expense incurred by the employee in obtaining treatment after the employer has neglected or failed reasonably to provide treatment. Deletes provision that employers, at the request of the employee, must nominate three new physicians from whom the employee can choose. Provides that an employee is entitled to medical, surgical and hospital treatment by the physician of his own choice at the expense of the employer. Jan. 24. **WC—Good**
- *SB 233 Regan** (Ins. & F.I.) Increases maximum weekly amount of temporary disability indemnity payment from \$70 to \$150. Increases minimum weekly permanent disability indemnity payment from \$20 to \$25, and maximum weekly amount of such payment from \$52.50 to \$150. Increases from \$52.50 to \$150 the weekly permanent disability indemnity payment for a minor whose probable earnings cannot be reasonably determined. Repeals provisions on average annual earnings. Jan. 24. **WC—Good**
- *SB 234 Regan** (Ins. & F.I.) Deletes provisions establishing method of determining average weekly earnings. Provides instead that the determination of the average weekly wage shall be arrived at as follows: where the employment is for five or more working days the average weekly wage shall be based upon 95 percent of the number of working days per week times the daily earnings at the time of injury; where the employment is for less than five working days per week the average weekly earnings shall be taken at 95 percent of the amount which reasonably represents the average weekly earning capacity, except where the employment is at a stated hourly rate in which event the average weekly earnings shall be taken at 95 percent of the hourly rate multiplied by 40; and that where employment is by two or more employers average weekly earnings shall include the aggregate of earnings from all employments. Jan. 24. **WC—Good**
- *SB 235 Regan** (Ins. & F.I.) Removes \$7,500 limit on the additional one-half of the workmen's compensation otherwise recoverable which an employee may recover when his employer is guilty of serious and willful misconduct. Jan. 24. **WC—Good**
- SB 240 Regan** (L.Gov.) City departments. Forbids the merger or consolidation under a single department head of the fire and police departments of any general law city. Jan. 24. **LS—Good**
- SB 247 Grunsky** (L.Gov.) Public school district expenditures. Deletes provisions establishing requirement that certain percentage of public school district funds be allocated for certificated employees. Jan. 24. **PE—Bad**
- SB 270 Cobey** (Rev. & Tax) Personal income taxes. Excludes specified research and experimental expenditures otherwise deductible from prohibition against deduction for amounts paid out for new buildings or permanent improvements. Authorizes deduction of certain intangible drilling and development costs in the case of oil and gas wells. Permits Franchise Tax Board to destroy tax reports and returns four years after their due date.

SENATE BILLS (Continued)

- Provides that the taxable income of a partnership or a common trust fund shall be computed without the deduction for political contributions allowed individual taxpayers. Makes technical amendment with respect to joint return filing. Jan. 23. **TA—Watch**
- SB 279 Collier** (Trans.) Allegedly makes only technical and clarifying changes but Sec. 15 of the bill repeals Sec. 1696.3 of Labor Code in favor of Sec. 12519 of Vehicle Code. However this would result in diminishing protection for the farm worker because the Labor Code requires a chauffeur's license for a contractor "who operates a bus or truck in transportation of individuals" whereas the Vehicle Code requires it only for operation of "A farm labor truck or farm labor bus upon a highway." Bill also makes other technical changes. Jan. 28 **LS—Bad**
- SB 287 Grunsky** (Ed.) School personnel credentials. Postpones operative date of 1961 law revising provisions for the licensing of school personnel from July 1, 1963, to September 1, 1964, except for the purposes of the adoption of rules by the State Board of Education prescribing requirements for the new types of credentials. Requires that the additional requirements to be prescribed by the board for the standard designated services credential with a specialization in health be prescribed by July 1, 1963. To take effect immediately, urgency measure. Jan. 28. **ED—Bad**
- SB 292 Bradley** (Ed.) Elementary school required courses. Deletes foreign languages from provision prescribing required course of study in elementary school. Jan. 29. **ED—Bad**
- SB 295 Rattigan** (B. & P.) Contractors' licenses. Provides that all applicants for county or city permit to construct or alter buildings must have a contractor's license, rather than excepting such applicants from the required contractor's license when the permit is for \$100 or less or the applicant certifies that he will not employ any person to perform the work covered by the permit. Jan. 29. **LC—Good**
- SB 310 Arnold** (Inst.) Deletes maximum limit of 10 cents per hour applicable to compensation to prisoner for productive work in a prison under the Department of Corrections as part of the prison work program. Jan. 29. **LS—Watch**
- SB 311 Arnold** (Inst.) Prison production. Sets forth formula for determining gross annual production value for purposes of provision dealing with size of prison enterprises established by the Correctional Industries Commission. Sets forth formula for determining amount of prison labor that may be used in all such enterprises. Jan. 29. **LS—Bad**
- SB 316 Short** (B. & P.) Containers: quantity of commodities. Provides that a statement of weight on containers may be in terms of avoirdupois pound and decimal fraction, as well as in terms of avoirdupois pound and ounce. Prohibits the use, in a declaration of quantity, of the words "when packed" and terms such as jumbo, giant, and full. Jan. 29. **MI—Good**
- SB 321 Rodda** (Trans.) Eliminates provision prohibiting board of supervisors from entering into agreement for purchase, hire, or rental of highway construction equipment unless agreement is in writing, signed by chairman of board of supervisors, and a copy filed with county clerk. Jan. 29. **LU—Bad**
- SB 333 Christensen** (Gov. Eff.) Industrial Accident Commission. Requires that minimum medical fee schedules adopted by the commission be at a level not less than the customary fees paid for the same services by the public. Jan. 30. **WC—Watch**
- SB 340 Schrade** (Rls.) Elections, crossfiling. Provides for crossfiling for partisan offices at direct primary election. Jan. 30. **EL—Bad**
- SB 345 Quick** (Agr.) Plant quarantine stations. Provides that plant quarantine officers at inspection stations may ascertain the origin, quantity and kinds of poultry and poultry products, eggs, livestock and the products thereof transported into or out of this State through such stations. Authorizes ascertaining of such information on meat and meat products transported out of, as well as into, this State. Requires operator of vehicle transporting such products to stop and give required information on request. States that such request may be by sign posted on the station or by any means deemed effective by the Director of Agriculture. Jan. 30. **LS—Good**
- SB 347 O'Sullivan** (Pub.H & S.) Abolishes the State Board of Dry Cleaners, and eliminates the statutory provisions re cleaning, dyeing and pressing. Jan. 31. **LS—Bad**
- SB 361 Farr** (Inst.) Provides that Director of Corrections may authorize temporary removal, under custody, of inmates from prison or other institution for adult detention under Department of Corrections, for fire suppression work under mutual aid agreements with public agencies. Provides that removal may be authorized for "arranging parole placement programs," rather than "having interviews with prospective employers on contemplated parole placement programs." Provides that removal for fire suppression shall not exceed five days. Jan. 31. **LS—Bad**
- SB 368 Arnold** (Gov. Eff.) Conservation center. Establishes Sierra Conservation Center, North Coast Conservation Center, and Southern Conservation Center, to be subject generally to same provisions of law as California Conservation Center. Specifies location of such institutions. Eliminates requirement of establishment of branch of California Conservation Center in Mono-Inyo area. Changes name of Division of Conservation in Department of Corrections and provides that deputy director in charge of such division shall serve at the pleasure of the Governor rather than Director of Corrections. Jan. 31. **LS—Bad**
- SB 370 Holmdahl** (Gov. Eff.) State economic policy. Establishes a state policy acknowledging the responsibility of State to foster and promote full employment with maximum production and purchasing power and directs that State shall do all in its power to promote and foster such objectives. Requires Governor to transmit annual Economic Report to Legislature. Jan. 31. **SL—Good**
- SB 398 Rodda** (Ed.) School teacher credentials. Imposes additional minimum requirement of proficiency in certain prescribed subjects for standard teaching credential with a specialization in elementary teaching. Allows the State Board of Education to promulgate regulations defining "major" and "minor" for purposes of minimum requirements for the standard teaching credential with a specialization in junior college teaching. Feb. 4. **ED—Watch**
- SB 404 Bradley** (Gov. Eff.) Fair Employment Practices Commission. Revises provisions relating to investigation and elimination of unlawful employment practices. Feb. 4. **CR—Watch**
- SB 405 Bradley** (Gov. Eff.) Fair Employment Practice Commission. Revises provisions relating to hearings. Feb. 4. **CR—Watch**
- SB 406 Bradley** (Gov. Eff.) Fair employment practice hearings. Prohibits a member of the Fair Employment Practices Commission who has made an investigation and caused a notice of hearing to be issued from giving his opinion of the merits of the case at the hearing. Feb. 4. **CR—Watch**
- SB 407 Bradley** (Gov. Eff.) Fair employment practices: conciliation. Defines conciliation. Makes information gained by members of the Fair Employment Practices Commission during conciliation privileged. Requires members of the commission to inform persons whom they contact whether the purpose of the contact is investigation or conciliation. Feb. 4. **CR—Good**
- SB 417 Rodda** (Ed.) School personnel licensing. Allows the State Board of Education to issue credentials authorized by law or regulation in effect prior to July 1, 1963, to any person who has had two years of college and who is on November 1, 1963, rather than July 1, 1963, enrolled in a teacher education curriculum at an institution of higher education in California when the person completes the credential requirements and is otherwise eligible for the credential. Allows the board to renew one or more times certain types of credentials issued prior to July 1, 1963, and to renew credentials issued to certain persons enrolled in teacher education institutions on November 1, 1963. Amends various sections which refer to the present types of credentials to include reference to the new types of credentials which will be issued on and after July 1, 1963. Makes other technical and clarifying changes. To take effect immediately, urgency measure. To be operative July 1, 1963. Feb. 4. **ED—Bad**
- SB 436 Weingand** (B. & P.) Provides that an application for an original contractor's license shall become void under specified circumstances, prescribes additional instances in which fees are to be treated as earned and not refunded, and repeals obsolete provisions. Feb. 4. **LS—Good**
- SB 439 Rees** (Gov. Eff.) Authorizes deductions from S.E.R.S. benefits and allowances for dues to employee associations. Feb. 4. **PE—Good**
- SB 472 Geddes** (B. & P.) Contractors' licenses. Revises provisions regarding application for issuance, restoration, or renewal of license by person whose license has been suspended or revoked. Increases amounts of bonds or cash deposits to be posted by such persons, and requires, rather than authorizes, such bonds or cash deposits to be posted. Requires that, unless bond or cash deposit is posted, the license of a person who has committed one of specified violations shall be suspended. Makes various related changes. Feb. 4. **LS—Good**
- SB 485 Stiern** (Pub.H. & S.) Prescribes a fee for a permit from the State Fire Marshal to establish a clothes cleaning establishment. Prohibits, with designated exceptions, use of any equipment in a clothes cleaning establishment unless such equipment, rather than its operation, structural integrity, condition and placement, is of a model or type which has been approved and, in addition, listed by the State Fire Marshal. Prescribes fees for the approval and listing of models and types of equipment by the State Fire Marshal. Requires the State Fire Marshal to promulgate and make available at least once a year a list of approved models and types of equipment. Prescribes procedure and grounds upon which any model or type of equipment may be removed from the approved list, and procedure for its restoration to the approved list. Feb. 4. **LS—Bad**
- SB 486 Stiern** (B. & P.) Apprentice embalmers. Authorizes the State Board of Funeral Directors and Embalmers to suspend or revoke a certificate of apprenticeship when the holder thereof has been convicted of a crime involving moral turpitude. Feb. 4. **LS—Watch**
- SB 488 Stiern** (Agr.) Meat inspection. Deletes exemption re slaughter of on own premises of own designated calves under the age of eight months. Deletes exemption from provisions on seizure and destruction when not bearing inspection label, the transportation of dressed carcasses of calves for inspection to points where inspection is maintained. Feb. 4. **LS—Good**
- SB 489 Stiern** (Agr.) Provides that incubator reject eggs cannot be used in egg products. Feb. 4. **LS—Good**
- SB 500 Miller** (Fin.) Budget Act of 1963. Makes appropriation for support of state government for the 1963-64 fiscal year. To take effect immediately, urgency measure. Feb. 4. **SL—Watch**
- SB 515 Farr** (Trans.) Ambulance service. Makes it misdemeanor for any person to willfully violate regulations of California Highway Patrol relating to the operation and equipment of ambulances used for emergency services. Feb. 5. **MI—Good**
- SB 524 Holmdahl** (L.Gov.) State Housing Law. Requires that in every city and county there be a department or officer designated by the city or county to be responsible for administration of the State Housing Law. Makes other technical changes. Feb. 5. **HO—Good**

U.S. Findings Against State Growers Point to Effort to Depress Farm Wages

Existence of substantial evidence that farm workers were fleeced out of funds and that growers falsified time-pay records in an illegal effort to depress wages for California farm workers is documented by the recent issuance of a "joint determination" by officials of the United States and Mexican governments, Thos. L. Pitts, State AFL-CIO leader, asserted this week.

"These violations dramatize the fact that Public Law 78 is being utilized by growers not only to adversely affect the prevailing wages and working conditions of domestic workers but to brazenly exploit the Mexican Nationals as well," Pitts, secretary-treasurer of the California Labor Federation, AFL-CIO, declared.

The "joint determination" found a Salinas farmer and the Imperial Valley Farmers Association, which represents 1,000 farms and is one of the biggest users of imported Mexican farm help, in violation of contract provisions designed to protect Mexican farm laborers permitted to work in the U.S. under the bracero program authorized by Public Law 78.

Public Law 78, initially enacted more than a decade ago, has been repeatedly extended by congressional action and is up for renewal this year. But there appears to be mounting congressional recognition of its destructive effect on the wages, working conditions and living standards of farm workers, and hopes are high that it will not be extended.

In passing a resolution calling for its termination, delegates to the California Labor Federation's biennial convention in Long Beach last August pointed out that "no American industry has the right to depend indefinitely on employment of a foreign work force" which is "... necessarily destructive of the welfare of American farm workers."

The findings made in the "joint determination", the result of more than five months of intensive investigation by the U.S. Department of Labor, substantiate charges made in an affidavit signed by a bookkeeper for Mr. and Mrs. R. T. Englund of the R. T. Englund Company in Salinas.

The bookkeeper, Elizabeth A. Longenbohn, said the Englunds di-

rected her to record more hours than those actually worked by braceros on a piece rate basis on the Englund's El Centro farms during the period of her employment from December 18, 1961 to April 17, 1962.

Miss Longenbohn also stated that Englund told her other growers in the area were similarly falsifying time-and-pay records of piece-rated braceros employed by them.

Early in 1962 she said she was ordered to falsify records of lettuce workers by crediting them with more hours than they worked but with the total amount of pay they had actually received. She was told not to "worry about that," she said, because "all the bookkeepers are doing it."

The effect of such falsified records would be to make it appear that the farm workers were earning less per hour than was actually paid to them.

Since farms contracting for braceros are required to submit these records to the government, which in turn, uses them to set the prevailing minimum wage to be paid in the area, the effect of the falsified record would lead to the establishment of an artificially depressed minimum prevailing wage, benefitting the grower at the expense of the farm laborer.

Specifically the U.S.-Mexican determination found that the Englunds had:

- 1—Failed to maintain accurate records on hours worked by braceros in their employ.
- 2—Failed to pay \$447.25 due to braceros for subsistence.
- 3—Used braceros in work that was in violation of their contract, namely, to rake leaves instead of to pick lettuce.

In addition to the Englunds, who have denied the charges, other prominent Imperial Valley growers are undergoing investigation but none of them was named in the joint determination issued against the Englunds on January 29, 1963.

The Englunds, who operate some 3,000 acres in Imperial Valley, the Salinas area and in Arizona, and the farmers association may appeal the determination to U.S. and Mexican government officials in Washington.

Legislative Notes

(Continued from Page 2)

Last year, in testimony presented to both the Democratic and Republican State Conventions, the Federation urged support of the "political principle of closed primary elections" and rejection of any suggestion that "the infamous system of crossfiling, finally abolished by 1959 legislation, should be reinstated."

Unruh is quoted as saying:

"I also am inclined to believe that final disposition of this bill, if it comes to our House, may depend on the votes of four or five Assemblymen who have been opposed to crossfiling in the past but now are seriously considering whether the position is correct."

Full Employment Planning

Senator John W. Holmdahl (D, Alameda County) has introduced a bill requiring the State to assume responsibility for fostering and promoting full employment. The Governor would be required to submit an economic report to each regular session of the Legislature, setting forth the levels of employment, production and purchasing power needed in the State to obtain full employment, and advancing a program with legislative recommendations to carry out a declared State "policy for full employment."

The legislation is sorely needed, but there is little evidence that the Legislature will give the Holmdahl bill serious consideration.

Housing

Full employment in the future will depend a great deal on what the State does about its mounting, unmet social needs. This includes the development of bold State housing programs for the low and moderate income groups, as recommended by the Governor's Advisory Commission on Housing Problems (see News Letter February 1 issue).

The Commission's housing recommendations take on just about every special interest that has blocked effective housing programs for low and moderate-income families in the past. It remains to be seen how much of the Commission's bold program will be picked up by the Governor and recommended to the Legislature. Governor Brown has promised a special housing message to the Legislature within the next few weeks.

High Court Upholds Fired Strikers'

(Continued from Page 1)

The unanimous opinion written by Mr. Justice Tobriner pointed out that:

"At that moment of time the act of the employer became the direct cause of unemployment. Once the striker's job was filled . . . the replacement became the intervening event which cut off the dispute as the cause of the unemployment. By the replacement the employer completely terminated any relationship with the worker . . . From and after the advent of the replacement it and not the dispute became the cause of the unemployment."

Pointing out that just as "the prospective theater-goer who hesitates to purchase a ticket no longer retains an option to attend the performance once the management has sold all the seats," the court observed that an employee "could hardly voluntarily remain away from a job that had ceased to exist."

The labor federation's brief noted that:

"To say that a discharge can be effective only if the individual becomes a renegade and pierces his own picket line is completely eradicating the principle of the (Unemployment Insurance Code) section which provides that where the employer by his own voluntary action terminates the individual his own conduct and his conduct alone is the sole cause of continued unemployment.

"To rule otherwise," the federation asserted, "will only result in pushing the state agency into the merits of each controversy and compel it to require, as a condition of eligibility, the alignment of the union member with his employer as a condition of receiving benefits during the course of a labor dispute and despite his discharge."

Members of the International Chemical Workers Union, Local No. 1, were the employees involved in

Drive to Splinter Unions

(Continued from Page 2)

— under the antitrust laws. Specifically it would:

—Declare it U.S. policy "to limit the right of employees . . . to combine or conspire with employees of other employers in bargaining collectively."

—Prohibit a union representing workers at one plant from representing or attempting to represent employees of another company in the same industry. An exception would be allowed for other establishments in the same metropolitan area, provided that these do not add up to twenty-five percent or more of the industry.

—Bar unions from imposing what the bill terms "any featherbedding practice"

Plumley boasted in a recent speech that "this bill would require a different union of employees of each automobile company or each steel company . . . it would prohibit collusion between these different unions on wages and working conditions."

In other words, multi-employer and industry bargaining would be destroyed and the industrial giants of the nation would be allowed to pick off unions plant by plant.

Still another approach to curbing unions has been advanced by

the dispute whose claims for unemployment compensation were upheld by the court.

The Supreme Court also held that the lower court had erred in ordering the removal of all charges against the firm's unemployment reserve account because of the award of jobless benefits.

The State Employment Department and its Unemployment Insurance Appeals Board had appealed the lower court's decision to the Supreme Court. The Department has a long established practice of paying jobless benefits in such cases.

Senator Barry Goldwater. The top-ranking Arizona Republican on the Labor Committee has introduced a double-edged attack on the union shop, in addition to co-sponsoring the two McClellan bills.

First, Goldwater would prohibit union shop agreements except where a state has specifically authorized the union shop through legislation. This would be the reverse of the present Taft-Hartley Act provision permitting union shops unless such state "right to work" laws forbid them. In addition the Goldwater bill would prohibit a union having a union shop agreement from spending any funds "for purposes or activities other than collective bargaining", and would enable non-union employees to vote along with union members in a secret ballot referendum on whether a union should strike.

(Last weekend, Wyoming became the 20th state to enact "right-to-work" legislation. The compulsory open shop measure was signed into law by the Governor.)

Still other bills have been introduced to bar strikes in the maritime industry, including a bill by Senate Republican Leader Everett McKinley Dirksen which would apply to "ocean-going carriers" and would allow either a union or employer to petition for compulsory arbitration to settle a dispute which "may lead to a strike or lockout".

The AFL-CIO reports that the drive to put labor under the anti-trust laws and make it an illegal "conspiracy for unions to set common wage goals or represent workers of more than one company has found its most succinct expression in a bill introduced by Representative James B. Utt (R-Calif). His bill, designed to set the legislative clock back fifty years, would simply repeal outright the Clayton Act's exemption for unions and amend the Norris-LaGuardia Act to permit injunctions in antitrust cases against labor.

California Labor Federation, AFL-CIO
995 Market Street
San Francisco 3, Calif.

Industrial Relations Librarian
Institute of Industrial Relations
214 California Hall
University of California
Berkeley 4, Calif.

RETURN REQUESTED

NON-PROFIT
ORGANIZATION
U. S. POSTAGE
PAID
Sacramento, Cal.
Permit No. 235