



California AFL-CIO News

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JOHN F. HENNING 151
Executive Secretary-Treasurer

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400 Expected at Fed Parley On Natl. Health Ins.

More than 400 California trade union officials will converge on San Francisco next week for a two-day, in-depth educational conference on the need for National Health Insurance and the mobilization of organized labor to win its enactment.

Principal speakers at the conference, which opens at the Del Webb TowneHouse Thursday, March 11, will include U. S. Senator Edward M. Kennedy (D-Mass.) and Congressman James C. Corman (D-Van Nuys).

John F. Henning, Executive Secretary-Treasurer of the California Labor Federation, AFL-CIO, which is sponsoring the conference, will spell out the conference's purposes in greater detail when it convenes at 10 a.m.

Andrew J. Biemiller, Director of the National AFL-CIO Department of Legislation will speak on an "Overview of the Nation's Health Services and the Mobilization of Labor in the Campaign for National Health Insurance" during the morning session. This will be followed by

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17 FED BILLS INTRODUCED

Waxman Cites Need for Better Jobless Pay Setup

A package of 17 bills to help meet the state's unemployment crisis by strengthening California's unemployment insurance compensation program, including measures to boost the maximum weekly benefit from \$65 to \$150 and extend the duration of benefits to a uniform 39 weeks, were dropped into the legislative hopper in Sacramento yesterday by Assemblyman Henry

Waxman (D-Los Angeles).

"The urgent need for a major modernization of the State's unemployment insurance program," Waxman said, "has been driven painfully home during the past year by the deepening recession that has engulfed hundreds of thousands of California workers, sweeping away not only their jobs but in

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Senate Fails to OK 18-Year Vote; New Try Next Week

Approval of a State AFL-CIO-backed Constitutional Amendment to lower the voting age in California to 18 fell three votes short of the necessary two-thirds majority in a Senate vote Wednesday but Senator George Moscone (D-San Francisco) immediately moved for reconsideration of the measure and it is now scheduled to be taken up again next Tuesday, March 9.

The vote on SCA 1, introduced

by Moscone and co-authored by 22 other Senators, came after an hour and a half's debate. It was 24 to 9 with 27 votes needed for passage.

Six of the Senators were reported as either absent or not voting and there is one vacancy in the 27th Senatorial District due to the election of George E. Danielson to Congress last November.

Earlier in the week, John F.

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Nixon Health Plan Attacked As Inadequate

"Piecemeal and inadequate!"

That's how the AFL-CIO Executive Council last week characterized the Nixon Administration's proposals for health care reform.

President Nixon's approach to health care relies mainly on "discredited private insurance which has been largely responsible for the high cost, low-quality medical care we have today," the Council said in the

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California Labor Urges Protests to Nixon's Davis-Bacon Act Freeze

Asserting that it is "fraudulent for President Nixon and his administration to stab building trades workers in the back

Council Unanimously Opposes Nixon Action

The Executive Council of the California Labor Federation, AFL-CIO, which represents the state's 1.6 million AFL-CIO union members, this week went on record in unanimous opposition to President Nixon's suspension of the Davis-Bacon Act.

John F. Henning, the Federation's executive secretary-treasurer, wired President Nixon yesterday to inform him of the action taken by the 37-member Council.

by charging they receive unreasonably high wages and are responsible for the high cost of residential housing," John F. Henning, Executive officer of the California Labor Federation, AFL-CIO, this week called on all AFL-CIO unions and councils in the state to protest Nixon's suspension of the Davis-Bacon Act. The 40-year-old act requires locally prevailing wages to be paid on federally financed construction projects.

"The President has not told

the American people the truth about the low average earnings of construction workers," Henning said.

"He has not told them about the dramatic decline in home building labor costs. He has not told them of the millions of dollars made through increases in land and financing costs," Henning said.

To clarify the situation, Henning cited the following facts:

"1—In 1969 the average annual wage of building trades workers

amounted to only \$8,431. The U.S. Government has not yet released 1970 figures but they are certain to show an average below, \$10,000.

"The explanation for low earnings rests in the fact that building tradesmen do not enjoy steady work. Weather conditions and the very nature of construction contracts give them stop-and-go employment," Henning explained.

"2—Average hours worked for building tradesmen in 1970 were between 1200 and 1400 hours. A 40-hour week for 50 weeks would come to 2000 hours. Building tradesmen work an average of only 35 weeks a year. This has been the consistent experi-

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Court Affirms Right to Honor Picket Lines

The 4th U.S. Circuit Court of Appeals in Richmond, Va., has reaffirmed the right of non-striking employees to refuse to cross picket lines as a matter of principle.

The court ordered the Union Carbide Corp. to offer reinstatement with full back pay to employees who would not cross a Machinists' picket line at a Union Carbide plant during a strike three years ago.

The court's opinion noted that it is well established that non-striking employees who refuse on principle to cross a picket line have joined the strikers in a common cause and have, in effect become strikers.

And the court's opinion goes on to reaffirm this right:

"It cannot be denied that respect for the integrity of the picket line may well be the source of strength for the whole collective bargaining process in which every union member has a legitimate and protected economic interest. And any assistance by a union member to a labor organization in the collective bargaining process is for mutual aid or protection of the nonstriking unionist even though he has no immediate stake in the labor dispute."

The circuit court's ruling upheld an order of the National Labor Relations Board which said Union Carbide violated the Taft-Hartley Act by refusing to rehire the two men who respected the picket line.

The court, however, would not enforce the NLRB order for a third employee because it found that his refusal to cross the picket line was based solely on fear.

"One who is afraid to cross a picket line by reason of physical fear makes no common cause, contributes nothing to the mutual aid or protection and does not act on principle," the court said.

Union Carbide had argued that it had not violated the law because it had discharged the three employees to prevent a large scale defection of workers to the strike.

But the court said the two employees who, as a matter of principle, refused to cross the line were entitled to the same consideration as strikers.

Senate Fails to OK 18-Year Vote; New Try Next Week

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Henning, Executive Secretary-Treasurer of the California Labor Federation had sent individual letters to all 39 Senators urging each to vote in favor of SCA 1.

"The United States Supreme Court decision that 18 year olds can vote in Federal elections," Henning's letter said, "makes it both logical and desirable to grant full voting rights to 18 year olds in California."

"Moreover, it is a practical necessity, if dual registration forms and voting rolls are to be avoided with their attendant costs," he noted.

Henning's letter also indicated the State AFL-CIO's support for other provisions in the proposed amendment that would set voter residency requirements for all State and Federal election at 30 days and eliminate literacy requirements, which, it said, are "archaic."

Here's how California's State Senators voted on the motion in favor of lowering the voting age to 18.

Opposed were: Senators Clark L. Bradley; Lou Cusanovich; Donald L. Grunsky; John L. Harmer; Robert Lagomarsino; Fred W. Marler, Jr.; H. L. Richardson; Jack Schrade; and Robert

L. Stevens. All are Republicans.

Not voting or absent were: Senators Dennis Carpenter (R); William E. Coombs (R); George Deukmejian (R); Lawrence E. Walsh (D); James Q. Wedworth (D); and James Whetmore (R).

Voting Aye were: 18 Democrats and 6 Republicans namely Senators Alfred E. Alquist (D); Peter H. Behr (R); Anthony Beilenson (D); Clair W. Burgener (R); Tom Carrell (D); Randolph Collier (D); Gordon Cologne (R); Ralph C. Dills (D); Mervyn M. Dymally (D); Arlen F. Gregorio (D); John W. Holmdahl (D); Joseph M. Kennick (D); Milton Marks (R); James R. Mills (D); George R. Moscone (D); John A. Nejedly (R); Nicholas C. Petris (D); Albert S. Rodda (D); Alan Short (D); Alfred H. Song (D); Walter W. Stiern (D); Stephen P. Teale (D); Howard Way (R); and George N. Zenovich (D).

In a related action in Congress, the House Judiciary Committee approved a U.S. Constitutional Amendment on Tuesday that would lower the voting age to 18 for all elections, including state and local elections.

The proposal was adopted by a 32 to 2 vote with only Republican Congressmen Charles Wiggins of California and Wiley Mayne of Iowa opposed.

Hearings Held on High Voltage Safety Orders

The California Labor Federation and the state's electrical workers were represented at public hearings on proposed new High Voltage Electrical Safety Orders conducted by the State Division of Industrial Safety in Los Angeles and San Francisco last month.

The proposals are the culmination of five years of work by an advisory committee representing all segments of the electrical industry in California and the Electrical Section of the D. I. S. George Mulkey, International Representative for the AFL-CIO International Brotherhood of Electrical Workers, was a member of the advisory committee.

During the hearings, Mert A. Walters, legislative representative of IBEW Local 1245, spoke on behalf of workers. Following

the hearings, Walters said these proposals represent a "substantial step forward," but noted that some improvements were suggested and some technical issues raised.

Walters pointed out these orders are "a pioneering effort" since no governmental jurisdiction in the United States has such a comprehensive set of orders in the field of high voltage safety regulations.

On completion of the hearings, the Industrial Safety Board took the testimony under advisement. The board's conclusions will be published later. Opportunity for written protest will be provided before final adoption. Ultimately the safety orders will be filed under the Code of Administrative Procedure, which would give them the force of law in California.

Industrial Rel. Budget Hearing Set for March 10

A hearing on the budget for the State Department of Industrial Relations has been scheduled for next Wednesday, March 10, at 1:30 p.m. in Room 4203 at the State Capitol.

The hearing will be held by Subcommittee No. 3 of the Senate Finance Committee. Subcommittee Chairman is Senator Alan Short (D-Stockton). Other subcommittee members are Senators Fred W. Marler, Jr. (R-Redding) and Randolph Collier (D-Yreka).

Following the hearings, the subcommittee will make its recommendations to the 13-member Finance Committee chaired by Senator Collier.

Trade unionists and other workers throughout the state have a vital stake in adequate funding of the State Department of Industrial Relations since its activities include, among other things, The Divisions of Apprenticeship Standards, Labor Law Enforcement, and Industrial Welfare which affect the working conditions of millions of California workers. The California Labor Federation will be represented at the hearing.

Wholesale Price Jump Biggest In 14 Years

Wholesale prices, which generally provide a tipoff of what's in store for consumer prices, jumped sharply again last month, resulting in the biggest two-month increase in 14 years.

The Labor Department's Bureau of Labor Statistics peg the February jump at 0.8 percent and the January increase at 0.7 percent. U. S. Secretary of Labor James D. Hodgson conceded that the February increase was "more than we expected." He attributed the big increase to the effect of rugged weather on hog prices.

But wholesale prices of manufactured goods climbed 0.5 percent and processed foods rose 1.4 percent. Both of these factors confront the consumer with prospects of higher retail prices during the months immediately ahead.

400 Expected at Fed Parley On Natl. Health Ins.

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questions from the floor.

The Thursday afternoon session will be devoted to a panel discussion on "Health Care Under National Health Insurance." Panelists will include Donald Vial, Chairman of the Center for Labor Research and Education of the Institute of Industrial Relations at the University of California at Berkeley, speaking on "Controlling Costs and Quality Under N.H.I."; Dr. Lester Breslow, Chairman of the Department of Preventive and Social Medicine at the U.C. Medical Center in Los Angeles, speaking on "The Role of Doctors and Hospitals in the Administration and Delivery of Health Care Under N.H.I."; and Dr. John A. Mitchell, Deputy Director of the California Regional Medical Program in San Francisco who will talk on "Incentives Under N.H.I.—in Rural and Urban Areas."

Senator Kennedy will address a dinner session Thursday night.

The Friday morning session, scheduled to convene at 9:30 a.m., will open with an address by Congressman Corman on "Benefits, Financing and Limitations Under National Health Insurance."

This will be followed by a second panel discussion on "Health Care Under National Health Insurance" featuring Richard Liebes, Dr. Heinrich Blum and Dr. Edward Rosinski.

Liebes, Research Director of the Bay Area District Council of Service Employees in San Francisco, will discuss "Negotiated Programs Under N.H.I."

Blum, Professor and Head of Programs in Health Administration at the School of Public Health at the University of California at Berkeley, will address himself to the topic of "Comprehensive Health Planning and New Resources Under N.H.I."

Rosinski, Executive Vice Chancellor at the University of California Medical Center in San Francisco will take up the subject of "Meeting Manpower Needs Under N.H.I."

The conference will conclude with remarks by Henning on "Mobilizing California Labor in the Campaign for National Health Insurance."

Protests Urged to Davis-Bacon Freeze

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ence over the years, he said.

"3—On-site labor costs in residential housing fell from 33 percent of the cost of a new home in 1949 to only 18 percent in 1969.

"4—Land costs in residential housing rose from 11 percent of the total cost of a new home in 1949 to 21 percent in 1969.

"5—Financing costs in residential housing rose from 5 percent of the total cost of a new home in 1949 to 10 percent in 1969.

"The President has not moved against those whose profits have sent home costs soaring," Hen-

ning charged.

"He has done nothing to control the land promoters and financial interests who have made massive fortunes in residential housing. He has turned the power of the U. S. Government against construction wages but not against prices or profiteers," he added.

Warning that suspension of the Davis-Bacon Act will "invite wage-cutting drives by employers in construction" and that it could plunge "that critical industry into labor-management turmoil," Henning said:

"Nixon's assault on building tradesmen is an assault on all

workers whether they be auto workers, office employees, steel workers, teamsters, service employees or maritime workers.

"If the President's action in suspending Davis-Bacon goes unchallenged we will see the beginning of wage depression all across the collective bargaining front."

Citing the axiom that "an injury to one is still an injury to all," Henning said that this is the time "for union solidarity" and called on every labor union in California to wire or write its protests to President Nixon and to encourage its members to do likewise.

Labor Attacks Nixon's Health Care Plan--Inadequate

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course of a statement issued during its mid-winter meeting at Bal-Harbour, Fla.

Noting that Nixon had recognized nearly a year ago that the nation was suffering a massive breakdown of the health care system, the Council said that Nixon "has met that crisis by vetoing a hospital construction bill and a measure to provide for training more family doctors, and he has threatened to close down vitally needed public health service hospitals," including one in San Francisco.

Essentially, the Nixon Administration plan would require a minimum of health insurance for most full time employees; calls for federal purchase of similar insurance with less coverage for low-income families with children; and would continue Medicare and some Medicaid.

The AFL-CIO is supporting S3, a bill introduced by Senator Edward M. Kennedy (D-Mass.) and 24 co-sponsors, including California's two Senators, Alan Cranston and John Tunney.

The Kennedy Bill, which incorporates the best features of congressional legislative proposals for National Health Insurance going all the way back to the Truman Administration, would supplant most present plans with a federal system financed by a combination of general tax revenues and employer-employee taxes.

It would provide a full range of medical coverage and would result in no increase in taxes for workers earning less than

\$7800. a year.

In stressing the need for the Kennedy health care legislation, the Executive Council said:

"What America needs as the heart of its medical care philosophy is a single primary goal—good health for all its people."

The profit-making motive of the market place, the council said, is not an acceptable philosophy for medical care.

Pointing out that the costs of medical care have been rising at least twice as fast as other consumer prices, the Council statement observed:

"Private insurance companies are unwilling or incapable of dealing with increased costs. They have acted simply as a pass-through mechanism, paying for whatever care was offered—good or bad, needed or unneeded, efficient or inefficient."

The Council also called attention to the fact that while the proposed Kennedy Health Security Act of 1971 includes effective fiscal controls, it would not constrict individual liberties. Doctors will be free to choose whether they want to participate or not and patients will be free to choose their physicians and health delivery systems.

The program will encourage reforms in the current "non-system" of fragmented, disorganized, inadequate and spotty health care operations, the Council said.

Last week Senator Kennedy, in opening a Senate subcommittee hearing on the nation's health crisis, attacked both the Nixon plan and commercial health insurance policies.

He said that Nixon's proposals would give Americans too little medical care for their money.

Kennedy cited new Social Security Administration figures that indicated that the operating expenses of plans like Blue Cross which Nixon's plan would incorporate were two to three times higher than the Social Security Administration's expenses in operating Medicare.

The figures also show that the operating expenses of commercial health insurers for group policies averaged 13 percent of premium income in 1969, or four to six times higher than Social Security Administration's operating expenses for Medicare which range between two and three percent.

Kennedy, who is the new chairman of the Senate Health Subcommittee, also faulted the Nixon proposal when he pointed out that "millions of Joe Q. Citizens would still have to pay the deductible," referring to the instances where the Nixon plan requires payments by patients. This he said would result in "continuing hardship."

Rules Committee Kills Resolution Against SST

Assembly Joint Resolution 5, a measure opposed by the State AFL-CIO which would have memorialized President Nixon and the Congress to withdraw consideration of any federal subsidy for the development of supersonic transports, was killed by the Assembly Rules Committee Tuesday.

The California Labor Federation had designated AJR 5 as a "Bad" measure last month.

Waxman Cites Need for Better Jobless Pay Setup

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many cases their homes and threatening the stability of their families."

Noting that barely half of California's more than 600,000 jobless workers are presently eligible for jobless benefits and that thousands of others have exhausted their benefits and gone on welfare, Waxman observed:

"When this program was first enacted in 1935, one of its primary objectives was to provide . . . benefits for persons unemployed through no fault of their own, and to reduce involuntary unemployment and the suffering caused thereby to a minimum."

"This was to be accomplished by gearing the level of a jobless worker's benefits to his past earnings in a way that would enable workers who had previously had steady full time employment to receive benefits equal to 50 percent of their average weekly earnings," Waxman explained.

But he pointed out that only in 1938, the first year the program was operable, did maximum benefits correspond to 50 percent of average weekly earnings in covered employment.

"The present earnings base of \$3,800 established in 1962 is clearly inadequate in a state in which the average annual income in covered employment is more than \$8,000," Waxman said.

"State statistics indicate that the average weekly benefit of \$54.42 for 1970 represented only 35 percent of the \$153 average weekly wage in covered employment, 15 percent less than the program is supposed to provide," the Assemblyman said.

"The improvements contained in these bills will help reduce the mushrooming growth of the state's welfare rolls, ease the upward pressure on property taxes and preserve the fabric of family life by assuring a more adequate cushion of purchasing power in California during difficult economic times," Waxman declared.

John F. Henning, Executive Secretary-Treasurer of the California Labor Federation, AFL-

CIO, which is sponsoring all 17 bills, said:

"California's present acute jobless crisis stems in part from the inadequacies of our present unemployment insurance program.

"The debilitation of the effectiveness of the unemployment insurance program can largely be laid at the door of short-sighted employer interests who, over the years, have repeatedly pushed for amendments to restrict eligibility and erode the scope of the program, thereby reducing the program's capability for carrying workers through periods of joblessness.

"The 1971 session of the legislature can and must restore the benefits available under the State Unemployment Insurance program to the level at which they were intended to function. By so doing they will make a valuable contribution to the well being of the entire state," Henning declared.

Here is a rundown on the specifics of each bill:

AB 737 would increase the maximum weekly benefit from \$65 to 150;

AB 738 would increase the maximum duration of benefits payable during one benefit year from 26 to 39 weeks;

AB 739 would require labor representation on the Unemployment Insurance Compensation Appeals Board;

AB 740 would amend the program to include tips as wages;

AB 741 would increase the taxable wage base to \$15,000;

AB 742 would permit an Unemployment Insurance Board referee to charge an employer's reserve account as part of his decision;

AB 743 would prevent an employee from being disqualified for benefits if he is terminated because an attachment is filed against his wages;

AB 744 would prevent disqualification where a worker is terminated by an employer prior to the effective date of a notice of resignation;

AB 745 would prevent a worker from being disqualified from benefits for refusing a job offer or referral by an employment

agency for which a fee or a reduction in wages is required;

AB 746 would eliminate the present harsh and discriminatory earnings test and provide a uniform five-week disqualification;

AB 747 would include employment as an independent contractor or self-employment under the program;

AB 748 would limit the disqualification of an individual who left his work because of a trade dispute to the week in which the cause of the disqualification first occurred and for not more than four weeks thereafter;

AB 749 would extend to a single person who has established a pattern of self-support the exclusion from ineligibility for benefits presently accorded a "family";

AB 750 would prevent loss of payment of supplemental unemployment insurance benefits. It is not a substantive change but is merely a clarification of the original intention of the legislature and is in conformity with existing administrative interpretation of the law;

AB 751 would prevent disqualification from benefits if an individual leaves employment or refuses an offer or referral to a job because the job location is more than an hour by public transportation from the worker's home.

AB 752 would increase the amount of wages that an individual eligible for unemployment benefits could earn without affecting the amount of his benefits from \$12 to \$25 per week;

AB 753 would provide extended duration benefits on an industry by industry basis.

Property Taxes Jump 31% in One Year

Despite two years of state efforts at property tax relief, property taxes levied for general purpose uses of California's counties during the 1970-71 fiscal year are 31 percent higher than those collected during 1969-70, State Controller Houston I. Flournoy reported this week.

Labor Booklet Eyes Work of 91st Congress

"Labor Looks at the 91st Congress" one of the handiest quick references to congressional action or inaction on nearly 100 issues of importance to the nation and to the trade union movement during the past year, has just been published by the National AFL-CIO Department of Legislation.

In its foreword, the booklet notes that "President Nixon has tried erroneously to pin a 'do nothing' label on the 91st Congress."

Rejecting this view, the booklet asserts that "Congress earned itself a good — if limited — record of legislative progress. It was administration policies and Presidential vetoes that kept that record from being better."

Getting down to cases, the booklet notes that the second session of the 91st Congress passed the long-sought **Occupational Health and Safety Act** and the urgently needed **Manpower Public Services Job Bill** but that President Nixon vetoed the Manpower Bill, "nullifying one of the two most important actions of the second session."

The booklet includes key roll call votes on scores of specific bills and ranges over such general subjects as Jobs and the Economy; Housing and the Environmental; Health, Education and Welfare; Consumer Protection; Labor Legislation; Civil Rights and Civil Liberties; Elections and Congressional Reforms; and Foreign Affairs and includes an "Agenda for the 92nd Congress."

Copies at 15 cents each or \$13.50 per 100 may be obtained by ordering Publication Number 77L from the Pamphlet Division, AFL-CIO Department of Publications, 815-16th St., N.W. Washington, D.C. 20006.

Minority Apprentices

More than 8,500 minority candidates have been prepared and placed as apprentices by the Manpower Administration in Apprenticeship Outreach programs since January, 1968. This represents a monthly national average of nearly 250 for the three-year period.

THE CALIFORNIA AFL-CIO'S DIGEST OF BILLS

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The measures below introduced in the 1971 regular session of the California Legislature are classified by the California Labor Federation as "Good," "Bad," or "Watch." An asterisk (*) indicates a bill sponsored by the California Labor Federation. Some bills will carry a cross (†) after the "Watch" designation indicating that the Federation will defer to the wishes of affected affiliates on the ultimate classification of the bill. Such bills are printed in the digest to inform affiliates involved. No bill may be taken up until 30 days after the date of introduction indicated in the digest, except by a three-quarters vote. When the abbreviation (H.A.D.) appears in the digest following the author's name, it means that the measure has been held at the Speaker's desk in the House of origin and has not yet been assigned to a committee.

ASSEMBLY BILLS

AB 306—Brathwaite (G.O.)—Prohibits public inspection, sale, or dissemination of records of Department of Motor Vehicles relating to the files of drivers' licenses, and specifies that such records are not subject to the California Public Records Act. Exempts any county, city, state department or United States government from such prohibitions. Makes related changes. Jan. 28. **Miscellaneous—Good**

AB 334—Warren (Jud.)—Reduces age for jurors from 21 to 18. Feb. 2. **State and Local Government—Good**

AB 337—Ralph (Fin. & Ins.)—Requires all automobile collision policies, as defined, to contain provision that insurer shall enter into binding contract with repairer for repair of covered damaged vehicle.

Requires every insurer issuing automobile collision policy, as defined to pay for repair of covered vehicle by check or draft, payable to named insured and repairer, jointly, at time repair is authorized by insurer. Feb. 2. **Consumers—Good**

AB 341—Russell (Health)—Requires law enforcement agencies to notify school authorities of private school when teacher of such school is arrested for certain narcotic offenses. Feb. 2. **Watch†**

AB 349—Ketchum (Health)—Prohibits any employer from employing any person in an operation where organic phosphate is used unless such person furnishes to the employer a certificate, as defined, showing that he has been examined and tested at either a prescribed period before or after commencement of use of organic phosphate by licensed physician to determine his cholinesterase level, and requires that the employer require the employee to take the cholinesterase test at a designated frequency.

Requires local public health departments to provide to any person, upon request, blood tests to determine cholinesterase level and to forward results of such tests to the State Department of Public Health.

Requires the department to adopt rules and regulations for uniform implementation of cholinesterase testing procedure, to establish normal average cholinesterase levels which are safe for gainful employment, and to establish fees which may be charged for giving and administering such tests but does not provide the fees are to be paid by employer.

Prohibits any employer from employing any person in an operation where organic phosphate is used whose cholinesterase level is below the normal average level which is safe for gainful employment as established by the department.

Makes violation of any provision of this act by the employer a misdemeanor. Feb. 2. **Watch†**

AB 350—Brown (W. & M.)—Makes appropriation for support of state government for 1971-1972 fiscal year.

To take effect immediately, urgency statute. Feb. 2.

State and Local Government—Watch

AB 351—Crown (Health)—Specifies that a drug or device is misbranded if in package form unless it bears label containing a suitable expiration date of potency of drug as determined by manufacturer when needed in

interest of public health and safety in accordance with specified provisions.

Requires State Department of Public Health to conduct studies it deems necessary to determine which drugs or classes of drugs are liable to deterioration. Permits department to require suitable expiration date, by regulation, as specified, and requires department to coordinate its efforts with specified entities in fulfilling its responsibilities.

Requires department to make report to Legislature on January 1, 1973, and at one-year intervals thereafter through January 1, 1976, on its activities with respect to this act. Feb. 2. **Public Health—Good**

AB 359—Bagley (Emp. & P.E.)—Permits, at the option of the employing public agency, rather than requires, a public employee to receive his salary or compensation as public employee for the first 30 days of absence on military leave. Feb. 2. **Watch†**

AB 360—Bagley (Rev. & Tax.)—Requires Governor's Budget to contain statements of the reduction in tax liability to the state or local government because of the operation of specified exemptions from taxation. Feb. 2. **State and Local Government—Good**

AB 361—Miller (Welfare)—Eliminates aid to families with dependent children maximum aid table and provides instead for payment of sums necessary for the adequate care of the needy family established by the Department of Social Welfare with cost-of-living adjustments from January 1, 1971.

To take effect immediately, urgency statute. Feb. 2.

Miscellaneous—Good

AB 362—Miller (Env. Qual.)—Imposes absolute liability upon owner or operator of vessel engaged in commercial transportation of petroleum or fuel oil for property damages incurred by the state or by any county, city or district, or by any person, within the state, and for damage or injury to natural resources of the state, caused by discharge or leakage of petroleum or fuel oil into or upon navigable waters of the state. Feb. 2. **Miscellaneous—Good**

AB 367—Quimby (Rev. & Tax.)—Grants a deduction under the Personal Income Tax Law for tuition paid by a taxpayer for himself, his spouse or his dependents to various private schools in this state for kindergarten through grade twelve.

Grants tax credit for \$20 for each person as to whom taxpayer could have deducted tuition, had he not elected to take a standard deduction.

Defines "tuition." Feb. 3.

Taxation—Watch

AB 370—Arnett (Ed.)—Eliminates Governor, Lieutenant Governor and Superintendent of Public Instruction as ex officio members of Board of Trustees of California State Colleges.

Removes provisions according the status of legislative interim committee on subject of California State Colleges to the Speaker of the Assembly and directing him to meet with trustees. Feb. 3.

State and Local Government—Watch

ASSEMBLY BILLS (Cont'd)

AB 373—Cory (Emp. & P.E.)—Removes mandatory reinstatement right of civil service employee accepting appointment by the Legislature.

Makes provision applicable to persons who have previously accepted legislative appointment unless they exercise their existing reinstatement rights within six months of the effective date of the bill. Feb. 3. **Watch**

AB 375—Fenton (Fin. & Ins.)—Provides unemployment insurance coverage for state employees with permanent civil service status who are terminated due to reduction in staff because of any budget act or due to reasons of economy where the individual's position is included in the budget act for the fiscal year in which his termination occurs. Limits to 26 weeks the length of time unemployment insurance benefits are to be paid; prohibits drawing extended duration benefits or disability benefits.

Provides that if the inclusion of state wages and wages in employment paid during the base period of a state employee do not result in a claim for a maximum benefit amount and a maximum weekly benefit amount under the Unemployment Insurance Law, the claim shall be recomputed on the basis of state wages paid to or owing but unpaid to the state employee during his state base period and wages in employment paid to him during that portion of his base period that is included in his state base period; provides that such employee shall be entitled to an award for his claim for the higher of the benefit amounts so computed.

Requires state to pay into Unemployment Fund an amount equal to the additional cost to such fund of the benefits paid to state employees; provides method for computing such "additional cost."

Appropriates an unspecified sum from the General Fund to the Director of the Department of Human Resources Development to pay benefits and other expenses. Feb. 3. **U.I.—Watch**

AB 377—Ketchum (Emp. & P.E.)—Authorizes the Director of Corrections and the Department of Mental Hygiene to purchase tax-sheltered annuities for permanent employees of the respective departments, if specified conditions are satisfied. Feb. 3. **Watch**

AB 378—Z'berg (Emp. & P.E.)—Provides state employees replacing striking local agency employees shall receive their regular rate of state compensation or rate of compensation of employees normally performing the same tasks for the local agency, whichever is higher. Feb. 3. **Watch**

AB 379—Stull (Ed.)—Authorizes unified school district to hire a teacher as a temporary employee, for a complete school year but not less than one semester, any person holding appropriate certification documents, if there is a need for additional certified employees during a particular year or semester because a certified employee has been granted leave for a semester or year, or is experiencing long-term illness.

Makes related technical changes. Feb. 3. **Watch**

AB 382—Barnes (Ret.)—Makes state college policemen law enforcement members and provides for increased service pension for such employees. Feb. 3. **Watch**

AB 395—Dunlap (P. & L.U.)—Requires cities and counties to conduct investigation prior to issuance of building permits, approval of subdivision, zoning change, or zoning special use permit or variance for land adjacent to navigable waters to determine whether land or access route thereover has been dedicated to public use. If so cities and counties are prohibited from acting so as to interfere with such public use. Permits action if alternate route provided. Makes determination not binding on public and persons affected if challenged within reasonable period. Authorizes legal action by Attorney General to protect rights of public. Feb. 4. **State and Local Government—Watch**

AB 398—McCarthy (Welfare)—Provides that the county agency charged with providing public social services shall carry out the local administrative responsibility for the chapter on food stamps, rather than only upon the adoption of a resolution of the board of supervisors indicating their approval.

Requires Department of Social Welfare to establish a procedure for the direct mailing of food stamps, with specified provisions.

Redefines "eligible household" for the purpose of the chapter on food stamps.

Makes everyone who knowingly uses, transfers, acquires or possesses

food stamps in any manner not authorized by the provisions of the chapter on food stamps guilty of a misdemeanor. Feb. 4.

Miscellaneous—Good

AB 400—Gonsalves (Rev. & Tax.)—Imposes an annual fee for certain horses domiciled in California, commencing July 1, 1972, and specifies that this fee shall be in lieu of the property tax. Makes the taxable situs of horse the place where horse is quartered or domiciled when not racing or in training. Provides for the administration of the tax by county officials pursuant to rules and regulations adopted by the State Board of Equalization

Allocates the revenue derived from the tax to counties, cities and school districts. Feb. 4. **Taxation—Watch**

AB 401—Ray E. Johnson (Welfare)—Limits aid to families with dependent children to families with children under 18 years of age. Also limits Medi-Cal benefits for children to children 18 years of age or under. Feb. 4. **Miscellaneous—Bad**

AB 402—Ray E. Johnson (Agri.)—Eliminates provisions which exempt from designated provisions relating to the licensing and sanitation of, and marking and labeling by, the poultry plant, any poultry plant, as defined, where rabbits which were produced on the premises are slaughtered if the rabbit meat which is derived from rabbits is sold by the producer, as defined, on or off the premises where it was produced, to retail stores or public eating houses.

Deletes provisions which exempt from designated provisions relating to inspecting and marking and labeling of poultry meat and to licensing of the producers of such meat, poultry meat, as defined, which is derived from rabbit which is produced upon the premises where it is slaughtered, if such meat is sold by producer, as defined, on or off the premises where it was produced, to retail stores or public eating houses. Feb. 4. **Watch**

AB 403—Chappie (Emp. & P.E.)—Adds electricians to the class of State Printing Plant employees who must be paid the hourly rate for this job prevalent in City of Sacramento plus an amount equal to the contributions paid to health and welfare plans for such private jobs. Feb. 8. **Watch**

AB 414—Harvey Johnson (Fin. & Ins.)—Includes firemen employed by the state within provisions for workmen's compensation benefits for death or disability of fireman occurring while firefighting, rescuing or preserving or protecting life or property anywhere in state and when not acting under immediate direction of employer. Feb. 8. **Watch**

AB 416—Powers (Ret.)—Provides a state member, whose effective date of retirement is within four months of separation from state employment, shall be credited at his retirement with four-thousandths of a year of service for each unused day of sick leave certified to the board by his employer. Feb. 8. **Watch**

AB 419—Barnes (Ret.)—Provides for the continuation of part of retirement allowance of a patrol, law enforcement, or local safety member to his spouse, child, or parents after his death after retirement for disability rather than industrial disability.

To be operative on the first of the month following the month in which statutes enacted at the 1971 Regular Session become effective. Feb. 8. **Watch**

AB 420—Barnes (Ret.)—Redefines "final compensation" for purposes of determining retirement allowances of state or local members as the three consecutive years of employment immediately preceding effective date of retirement or last separation from service or any other period of three consecutive years designated in retirement application.

To be operative on the first of month following the month in which statutes enacted at 1971 Regular Session become effective. Feb. 8. **Watch**

AB 421—Barnes (Ret.)—Authorizes contracting agencies to elect increased benefits for local safety members and reduces number of alternative retirement formulas available to contracting agencies with respect to such members. Makes related changes in other provisions. Feb. 8. **Watch**

ASSEMBLY BILLS (Cont'd)

AB 422—Vasconcellos (Elec. & Reap.)—Requires that voter shall swear in his affidavit of registration that he shall be at least 18 rather than 21 years of age at the time of the next succeeding election.

Requires that affidavit accompanying a new resident's ballot shall contain an affirmation by the voter that he shall be at least 18 rather than 21 years of age on the day of the next election for presidential electors.

Operative only if ACA No. 10 of 1971 Regular Session of Legislature is approved by people. Feb. 8. **Elections—Good**

AB 428—Beverly (Crim.J.)—Provides that nothing in laws relating to harmful matter prohibits exhibition of harmful matter to minor who is employed by person exhibiting motion pictures while actually engaged in such employment, if such employment is consented to in writing by the minor's parent or guardian. Feb. 8. **Watch†**

AB 429—Quimby (L.Gov.)—Requires local public entities to insure, contract, or provide for the liability of peace officers employed by the local entity, including punitive damages. Feb. 8. **Watch†**

AB 431—Cline (Fin. & Ins.)—Requires that mortgagee, beneficiary of a deed of trust, or seller or assignee of a seller under a sales contract of residential real property shall deposit money received in advance for payment of taxes on the property, for insurance, or for other purposes relating to the property, in a federally insured interest-earning impound or trust account, and that all interest earned on such account be deposited therein unless or until needed in fulfillment of the conditions of the mortgage, deed of trust, or contract of sale. Feb. 8.

Consumers—Good

AB 435—Fenton (Jud.)—Changes minimum publication of notice requirement which a court may order, from one week to five days, with respect to private sales of real property belonging to decedents' estates. Feb. 9. **Watch†**

AB 436—Moorhead (Jud.)—Requires newspaper publication of notice of lost or saved property only where reported value of property is \$25 or more. Feb. 9. **Watch†**

AB 438—Brown (Crim.J.)—Provides that, on or after effective date of enactment of AB —, license or credential shall not be suspended, and public officer or employee shall not be suspended or dismissed, solely for commission of act which does not constitute crime due to enactment of AB —, relating to sexual offenses.

Terminates suspension of any license or credential or suspension of public officer or employee if suspension based solely upon commission of such act. Permits holder of license or credential which has been revoked, or public officer or employee who has been dismissed, solely for commission of such act to apply for reinstatement, and declares that commission of such act shall not constitute ground for denial.

Operative only if AB — is enacted. Feb. 9. **Watch†**

AB 439—Pierson (Fin. & Ins.)—Repeals presumption that claimant is presumed to have been discharged for reasons other than misconduct in connection with his work and not to have voluntarily left his work without good cause unless his employer has given written notice to the contrary to the director of the Department of Human Resources Development within five days after termination of services, setting forth facts sufficient to overcome such presumption. Feb. 9.

Unemployment Insurance—Bad

AB 442—Barnes (Ret.)—Defines "county peace officer" for purposes of the Public Employees' Retirement System as including various county employees primarily engaged in the custody and control of delinquent youths. Adds probation officers and juvenile home group counselors so engaged to definition of "safety members" for purposes of the County Employees Retirement Law. Feb. 9. **Watch†**

AB 444—Belotti (N.R. & Con.)—Permits taking of crabs in Districts 6, 7, 8, and 9 between December 1st and August 31st, instead of permitting such taking between December 1st and July 15th. Feb. 9. **Watch†**

AB 445—Bagley (Elec. & Reap.)—Provides that the members of the governing body of every county shall take office at 12 o'clock noon on the 29th day following their election.

To be operative only if Assembly Constitutional Amendment No. 25 of the 1971 Regular Session is approved by the electorate. Feb. 9.

State and Local Government—Watch

AB 448—Vasconcellos (Jud.)—Lowers age of majority from 21 years to 18 years except as to purchase and use of alcoholic beverages. Revises provisions relating to age of consent for marriage. Makes provisions of act and lowered age of majority inapplicable to specified instruments and circumstances.

Operative only if ACA 11 of 1971 Regular Session of Legislature is enacted and approved by people. Feb. 9. **Miscellaneous—Watch**

AB 449—Duffy (Health)—As condition of renewal of various specified licenses, certificates, and such other authorities issued under healing arts portion of Business and Professions Code, X-ray Technicians Law of Health and Safety Code, and Osteopathic Art, permits specified agencies issuing such licenses, certificates, or other authorities to require holder to submit proof that he has informed himself during specified period of developments in his field of practice by taking courses satisfactory to agency.

States provisions of act as they relate to holders of a certificate granted under provisions of State Medical Practices Act shall be operative commencing on July 1, 1973.

Provides for operative dates of regulations, adopted under various provisions of present law, relating to provisions contained in bill. Feb. 10. **Watch†**

AB 458—Moorhead (Fin. & Ins.)—Changes base period earnings requirement for employee qualification for unemployment compensation insurance benefits from minimum earnings of \$720 in his base period to minimum of 30 times his weekly benefit amount in his base period. Feb. 10. **Unemployment Insurance—Bad**

AB 462—Leroy F. Greene—Revises various provisions of law relating to professional engineers and land surveyors including elimination of provisions allowing temporary authorization to practice engineering and land surveying, elimination of time restriction on engineer-in-training certificates, elimination of obsolete language, and changes in provisions requiring civil engineers to sign plans. Feb. 10. **Watch†**

AB 464—Thomas (N.R. & Con.)—Prohibits the taking of sardines for bait purposes in District 21 and designated area of District 19. To become operative January 1, 1972. Feb. 10. **Watch†**

AB 465—Ralph (Ed.)—Authorizes extension of time for school districts to apply to Superintendent of Public Instruction for exemption from provisions requiring specified percentages of amounts in school district budgets to be expended for the salaries of classroom teachers.

Applicable only for the 1970-71 fiscal year, with applications to be filed before June 30, 1971.

To take effect immediately, urgency statute. Feb. 10. **Watch†**

AB 470—Vasconcellos (Fin. & Ins.)—Requires lender furnish borrower with specified accounting before any increase in monthly rate of payments into impound accounts becomes effective. Feb. 10.

Consumers—Good

AB 471—Vasconcellos (Ed.)—Deletes provisions re adoption, purchase, compilation, publication, printing, use, distribution, orders, sales, and disposal of textbooks for elementary schools and includes elementary schools within provisions relating to textbooks for high schools. Provides for apportionments to school districts for purchase of textbooks.

Makes numerous related changes.

Specified provisions operative only if unspecified Assembly constitutional amendment of 1971 Regular Session is approved by electorate.

Appropriates \$21,400,000 for purposes of apportionments to school districts for purchase of textbooks. Feb. 10. **Watch†**

ASSEMBLY BILLS (Cont'd)

AB 473—Bagley (N.R. & Con.)—Creates State Environmental Fund and specifies purposes for which fund moneys, when appropriated, may be expended. Declares legislative intent. Requires Legislative Analyst to submit recommendations to Legislature prior to June 1, 1972, as to appropriate agency to administer the fund.

Provides that the total accumulated amount of deduction allowed or allowable for depletion with respect to oil and gas wells, shall be limited to amount equal to the adjusted cost of the taxpayer's interest in such property which is subject to recovery through depletion under the Personal Income Tax Law and the Bank and Corporation Tax Law. Specifies that such provisions shall be operative for taxable years or income years beginning after December 31, 1970. Provides for transfer of revenue produced pursuant to such provisions to State Environmental Fund. Feb. 10.

Taxation—Good

AB 475—Miller (C. & P.U.)—Creates within Department of Consumer Affairs the Office of Utility Consumer Counsel, the purpose of which is generally, to represent interests of utility consumers before agencies

such as the Public Utilities Commission. Establishes within such office, the Utility Consumer Board to assist executive secretary of the office in performance of his duties. Feb. 10.

Consumers—Good

AB 476—Miller (Fin. & Ins.)—Establishes State Disaster Compensation Fund administered by Insurance Commissioner to compensate to specified extent certain owners of residential improvements for damage caused to such improvements by certain natural disasters.

Imposes tax on transferees for privilege of receiving real property to which improvements are affixed at rate of one-tenth of 1 percent of purchase price or fair market value, whichever is greater, up to \$500. Requires county recorder to collect the tax before recording transfer instrument. Provides such taxes be deposited to credit of State Disaster Compensation Fund.

Provides that the enactment will only become operative upon the adoption by the voters of Assembly Constitutional Amendment No. — of the 1971 Regular Session of the Legislature. Feb. 10.

Miscellaneous—Watch

SENATE BILLS

SB 134—Nejedly (Jud.)—Subjects developers of residential subdivisions, as defined, to provisions regulating sales of real property securities. Authorizes Real Estate Commissioner to issue necessary regulations and sets permissible fees for required permits. Jan. 20.

Consumers—Good

SB 136—Stiern (Rev. & Tax.)—Repeals obsolete provisions of law. Jan. 20.

Taxation—Watch

SB 137—Carrell (Rev. & Tax.)—Exempts from property taxation \$1,875 of the assessed value of a dwelling of person, 65 years of age or older, where the person's income, including the income of the spouse, is \$4,800 or less and the veterans' or homeowners' exemption is not granted. Defines "dwelling" and "ownership" for purposes of the exemption.

To become operative only if an unspecified Senate Constitutional Amendment of the 1971 Regular Session of the Legislature is approved by the voters; in which case, the enactment will become operative on the lien date in 1973. Jan. 21.

Taxation—Watch

SB 143—Collier (G.O.)—Permits county board of supervisors to reduce from 10 years to 5 years the amount of continuous service required for retirement. Jan. 25.

Watch†

SB 150—Dymally (E. & R.)—Deletes requirement that all proceedings at polls be conducted in English, and prohibition against election official speaking a language other than English. Jan. 25.

Elections—Good

SB 159—Bradley (H. & W.)—Terminates aid to recipients of aid to families with dependent children after 12 months and reduces the grant for the last three months by 10 percent and the prior three months by 5 percent. Jan. 25.

Miscellaneous—Bad

SB 161—Song (Jud.)—Prohibits the commingling of a securities broker-dealer's funds with those of a customer. Makes broker personally liable to customer injured by such commingling. Jan. 26.

Consumers—Good

SB 165—Petris (I.R.)—Makes recognition of a labor organization as a collective bargaining representative for farmworkers duty of agricultural employer upon demand of a labor organization unless employer has good faith doubt that the demand is supported by a majority of farmworkers in a unit appropriate for collective bargaining, and specifies details of representation of farmworkers by labor organizations.

Defines terms so used.

Provides that the Director of Industrial Relations upon being petitioned by a labor organization may issue, under certain conditions and after investigation and a hearing, an order sought by petitioner in order to effectuate policies of chapter.

Specifies procedure for and requirements of representation elections and duties of the director in connection with such elections.

Specifies grievance procedure for agricultural employers.

Declares public policy of state to be voluntary settlement of labor disputes.

Provides that it is the duty of an agricultural employer to bargain in good faith concerning wages, hours and other terms and conditions of employment with a lawfully recognized or certified labor organization. Provides for corresponding duty to bargain in good faith on part of such labor organization.

Specifies duties and powers of director and directs him to adopt regulations to effectuate intent of chapter.

Provides that in case of conflict between this chapter and provisions relating to state labor policy set out in Sec. 923, Lab.C., this chapter shall prevail.

Provides that chapter shall not apply to any representation matter over which the National Labor Relations Board would assert jurisdiction. Jan. 26.

Labor Unions—Watch

SB 166—Short (G.O.)—Appropriates \$3,060,000 for increase in compensation for officers and employees of the state other than employees of the University of California and allocates it to Department of Finance for differential compensation for services provided by evening or night shift employees. Jan. 26.

State and Local Government—Good

SB 172—Alquist (Jud.)—Raises jurisdictional limit of small claims courts from \$300 to \$600. Jan. 27.

State and Local Government—Good

SB 179—Bradley (Rev. & Tax.)—Specifies that for income and taxable years beginning after December 31, 1970, the depletion allowances for oil and gas wells under the Personal Income Tax Law and under the Bank and Corporation Tax Law shall be at the rate of 22 percent of the gross income derived from such property, rather than 27½ percent of the gross income derived from such property and provides formula for treatment of production payments carved out of mineral property.

To take effect immediately, tax levy. Jan. 27.

Taxation—Watch

SB 180—Short (G.O.)—Permits elective members of retirement systems established pursuant to the County Employees Retirement Law of 1937 to retire at age 65 with 8 years of continuous service. Jan. 27.

Watch†

SB 182—Short (H. & W.)—Permits employment of persons 18 to 21 years of age as musicians in premises selling and serving alcoholic beverages, but restricts area of such employment. Jan. 27.

Watch†

SB 190—Dymally (P.U.C.)—Enacts "California State Community Antenna Television Act" providing regulation of CATV companies, as defined, by Public Utilities Commission.

Makes related changes. Jan. 28.

Watch†

SB 195—Rodda (Ed.)—Includes academic teaching and administrative employees, as defined, of the California State Colleges within the provisions of law relating to the employer-employee relations of local public employees, rather than those provisions applicable to state employees. Feb. 1.

Watch†