



AFL-CIO Spells Out Stand Against Convention Call

Despite the Assembly Ways and Means Committee's rejection last week of three California AFL-CIO opposed measures aimed at requiring Congress to call a Constitutional Convention to mandate a balanced federal budget every year, reports from Sacramento this week indicated that proponents of the proposal may seek to amend it into other bills in both the Assembly and the State Senate.

One such vehicle may be AJR 17, a measure authored by Assemblyman Tom Bane (D-Van Nuys) and backed by Assembly Speaker Leo McCarthy (D-S.F.) which calls on Congress to submit a balanced budget Constitutional Amendment to the states but does not call for a Constitutional Convention. It won Assembly passage by a vote 63 to 6 and was sent to the Senate where an attempt may be made to amend the rightwing-backed Constitutional Convention demand into it.

On the Assembly side, an effort is expected to be made to revive AJR 1 — a measure by Republican Assemblyman Dave Stirling (R-Hacienda Heights) that would require a Constitutional Convention—and bring it to the Assembly floor for a vote. This measure was one of the measures killed by the Ways and Means Committee last week.

In light of these efforts, a summary of the arguments developed by the national AFL-CIO Executive Council against calling a Constitutional Convention to draft a proposed amendment mandating a balanced federal budget should be of interest both to the state legislators and trade unionists.

Here are the principal points made by the Council:

Constitutional Arguments

- Such a proposed amendment is clearly within the powers of Congress to make laws and therefore would turn the Constitution into a statute book.
- The folly of adding current political fads to the Constitution was exemplified by the Prohibition Amendment, which was later repealed.
- In the absence of precedent and consensus among constitutional scholars, there is no guarantee a constitutional convention could be limited to one topic. Such issues as repeal of the income tax, reversal of the "one-man, one-vote" ruling, a compulsory open shop law, abortion and busing could be raised.
- There is no procedure for processing convention calls by the Congress, determining their validity, or deciding whether the calls must be identical as to wording and subject.
- There is no procedure for selecting delegates to a convention, processing challenges, paying delegates, establishing convention procedures or handling other housekeeping matters. For example, could legislatures bind state's delegates to certain positions?
- The proposal amounts to tampering with the balanced constitutional federal state relationship.
- The First Constitutional Convention was initially called to consider amendments to the Articles of Confederation to improve "commerce." But the convention then engaged in a total rewriting of the nation's fundamental law.
- The First Constitutional Convention was necessary because the Articles of Confederation limited powers of the federal government too severely. As a result, a Constitution with defined powers was adopted, permitting the federal government to choose a variety of actions within the parameters of those powers.

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Labor Urges Quick Action To Head Off Big Recession

"America's economy is headed toward a recession" and only swift, effective government action can prevent it, the AFL-CIO Executive Council warned this week.

While acknowledging that the AFL-CIO views inflation as now "the nation's most serious economic problem," the Council warned that the nation would

make a "serious mistake" if it fails to adopt programs to meet each of the nation's economic problems.

In a statement adopted at its meeting in Bal Harbour, Fla., the Council said that current prospects are that inflation will get worse in 1979 and that the employment outlook is "equally dismal."

It said that the January wholesale price index portends even greater consumer price increases and that the coming economic slowdown will lead to even higher joblessness.

The Carter Administration's "restrictive budget proposals" were sharply attacked by the Council on grounds that they would deny a needed stimulus to the nation's economy and cut funds for existing jobs programs.

The Council also said that the Administration's anti-inflation program "will not be successful in holding down inflation because it lacks an effective system of controlling prices."

In reaffirming the AFL-CIO's earlier call for the Carter Administration to impose full economic controls covering every source of

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Fed-Backed Bill to Protect Shipping Jobs Is Signed

California AFL-CIO-backed legislation to protect jobs in the state's shipping industry by extending a statewide tax exemption on containerized cargo for one year won final legislative approval Monday and was signed into law by Acting Gov. Mike Curb Wednesday.

The bill, SB 193 authored by Senator Milton Marks (R-S.F.), was an urgency measure which won Assembly passage by a vote of 69 to 6 and Senate approval by a vote of 27 to 4.

The measure is the first California AFL-CIO-backed bill to

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Joint Legislative Conference Opens March 12 in Sacramento

A broad range of issues vital to the California workers will be taken up at the joint three-day legislative conference to be held at the Woodlake Inn, March 12-14.

Registration forms for the conference were sent out in January. AFL-CIO affiliates who have not yet returned the duplicate creden-

tials for their delegates to the California Labor Federation are urged to do so immediately.

The conference in Sacramento is sponsored jointly by the California Labor Federation, the State Building & Construction Trades Council of California and the State Council of Carpenters.

Mondale to Address Special State AFL-CIO Meet in L. A.

Vice President Walter Mondale will meet with members of the Executive Council of the California Labor Federation's Committee on Political Education at a special session to be held at the Beverly Hilton Hotel at 9876 Wilshire Blvd., in Beverly Hills on Saturday, March 3.

John F. Henning, executive officer of California AFL-CIO COPE, said that the meeting was set up for a discussion and review of national policy affecting labor. The meeting will begin at 10:00 a.m., Henning said.

California AFL-CIO COPE is the political arm of the California Labor Federation which represents the State's 1.7 million AFL-CIO union members.

Demos Hit Brown's Convention Pitch

Democrats in California's congressional delegation unanimously opposed Governor Brown's controversial call for a constitutional convention to require a balanced federal budget every year at a closed caucus on Capitol Hill this week. Not one member supported his stand and "some were very vocal" in opposing it, Brown admitted after the meeting.

Fourteen of the state's 25 Democrats attended the hour-long meeting on Capitol Hill Tuesday. Six walked out while it was in progress, making negative remarks about Brown's presidential ambitions to waiting reporters.

The meeting was closed to the press at Brown's request.

Representative George Miller (D-Contra Costa), one of those who left early, said he had told Brown that he was being irresponsible.

"The call for the convention is inflaming the issue to a degree that you just can't deal with it," Miller declared.

Representative Leon Panetta (D-Carmel Valley), who also walked out before Brown completed his remarks, said that he was concerned because Brown's budget-balancing statements were "based in the rhetoric of a campaign for the presidency."

Other Congressmen who walked out while the meeting was still going on included: Reps. Fortney

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Aid Urged for Steelworkers in Drydock Strike

The AFL-CIO has pledged its solid support of the Steelworkers' strike against the Newport News (Va.) Shipbuilding & Drydock Co., and called on its affiliated unions to "provide whatever assistance may be necessary and legally permissible until the strike is won."

"The strike at Newport News is of such a dimension and of such basic importance that it must concern every union member and potential union member throughout the nation," the Executive Council said in a statement at its winter meeting in Bal Harbour, Fla.

As the strike went into its fourth week, there were these other developments:

● The 4th Circuit Court of Appeals in Richmond began hearing oral arguments in the company's challenge of the union-representa-

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McCarthy Raps Brown on Constitutional Convention

Governor Brown's "interest in the Presidency is inconsequential compared to the threat of a Constitutional Convention," Assembly Speaker Leo McCarthy (D-S.F.) declared this week.

McCarthy, who led the fight in the California Legislature last week to defeat three measures backed by Brown calling for a Constitutional Convention, met with California's Democratic Congressmen Wednesday, just one day after the delegation had had a stormy meeting with Governor Brown.

McCarthy who was in Washington to attend a conference of state legislators, said that he expected Montana, Mississippi and Vermont to join the ranks of states calling for a Constitutional Convention this year, bringing the total to 31. Several other states could easily follow suit in 1980, he warned.

"I told the California delegation several things, including how seriously I view the threat of a Constitutional Convention," McCarthy said.



SPEAKER LEO MCCARTHY
Leads Convention Fight

Following McCarthy's meeting with the State's Democratic Congressmen, Rep. Don Edwards of San Jose said:

"There was 100 percent disagreement with what the Governor recommended and 100 percent agreement with Speaker McCarthy."

Labor Urges Quick Action To Head Off Big Recession

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income to bring some measure of equity to the program, the Council said:

"We hope our prediction of a recession is wrong" but there is no substitute "for effective, fair government actions to control inflation" through a program that is equitable, visible and enforceable and coupled with the necessary social programs to provide opportunities for the poor, the unemployed, the disadvantaged and other workers.

In addition to a mandatory, across-the-board controls program, the Council urged the Carter Administration to adopt supplemental policies to deal with

commodity speculation, exports of foodstuffs and raw materials, and to revise restrictive agricultural policies.

It also urged continued regulation of gasoline and oil prices and action to expand energy supplies. Among other things, the Council called for measures to contain hospital costs, to control and allocate credit and to expand housing programs.

It also issued a special call for an excess profits tax and revisions in the real wage insurance plan.

In the jobs field the Council urged a greater budget stimulus and expanded employment and training programs along with improved and expanded unemploy-

ment compensation programs and a national development bank for depressed areas.

Development of a stand-by program of public works should also be undertaken, the Council said.

In the foreign trade field, the Council called for fair trade policies to assure realistic protection for U.S. industries and jobs and for actions to curtail speculation against the dollar by banks and multinational corporations.

It also urged the assessment of countervailing duties against imports receiving foreign subsidies and improvement of trade adjustment assistance to help alleviate immediate hardships resulting from job losses due to imports.

Assembly Panel Tables Bill To Weaken Tunnel Safety

(CLEATE).

Organized labor won a significant victory this week when the Assembly Labor, Employment and Consumer Affairs Committee declined to act on a measure that would have indefinitely inactivated the state's mining inspection laws and permitted the Brown Administration to chop the inspection staff of the state's mining and tunneling unit in half.

The bill, AB 50, was taken under submission by the committee after committee members decided that the Federal Mine Safety and Health Amendment Act of 1977 does not assure adequate safety precautions for California workers, a committee aide said.

The fight against the measure was led by the Laborers Union, the Operating Engineers, the California Labor Federation and the California League of Engineering and Technical Employees

The bill was an outgrowth of proposals made in the Brown Administration's budget for slashes in the state's safety inspection staff for mining and tunneling operations of the State Division of Occupational Safety and Health.

Jack Short, director of Safety and Training of Operating Engineers Local 3 who was among those testifying against the bill Tuesday, had warned at a press conference in San Francisco two weeks ago that the state would be "likely to have another Sylmar disaster" if the tunnel safety staff were cut by more than 60 percent as the Brown Administration had proposed.

The Sylmar disaster in 1971 resulted in the death of 17 people, including four engineers and cost more than \$9 million, he said.

Assembly Unit OKs Move To Tax Jobless Benefits

Over the objections of the California AFL-CIO and the State Employment Development Department, the Assembly Revenue and Taxation Committee this week voted to weaken existing state laws exempting unemployment insurance benefits from taxation.

Acting on a recommendation made in a Report of the Task Force on California Conformity with the Federal Revenue Act of 1978 and the Energy Act, the Committee voted 8 to 2 in favor of a recommendation to tax unemployment benefits if the annual gross income and the amount received from unemployment insurance benefits exceed \$25,000 for joint returns or \$20,000 for other returns.

The recommendation, which is not yet in bill form, is estimated to boost revenues by \$8 million.

Opponents pointed out that the tax would hit most people when they can least afford it.

The state Employment Development Department said that taxation of unemployment insurance benefits will hit moderate income families most heavily.

Pointing out that two-wage-earner families earning \$20,000 to \$25,000 "are by no means wealthy, particularly in families with children," the EDD said that the increased taxes would come during periods of unemployment or immediately following a period of unemployment.

Historically, unemployment benefits in the state have been an insurance program based on work history rather than an assistance program based on need.

The National Commission on Unemployment Compensation has urged further study of the proposal to determine the "effect of taxation of benefits on benefit adequacy, on equity among classes of workers, on the incidence of the tax and on the concept of the program as wage insurance."

Voting in support of the California AFL-CIO position and against imposing taxes on unemployment insurance benefits were:

Assembly Committee Chairman Willie Brown, Jr. (D-S.F.); and Assemblywoman Gwen Moore (D-L.A.).

Voting in support of the recommendation and against the California AFL-CIO position were:

Assembly members Dennis Brown (R-Long Beach); Mike Gage (D-Santa Rosa); Lawrence Kapiloff (D-San Diego); William Leonard (R-Redlands); Bill Lockyer (D-San Leandro); Floyd Mori (D-Hayward); Robert W. Naylor (R-Redwood City); and Thomas Hannigan (D-Fairfield).

Assembly members present but not voting and thereby not helping to move the recommendation out of Committee were:

Charles R. Imbrecht (R-Ventura); Frank Vicencia (D-Paramount); and William J. Filante (R-San Rafael).

Blind Workers Hit by Cuts, Strike Three C.I.B. Plants

Nearly 100 blind men and women workers at California Industries for the Blind plants in Emeryville, Los Angeles and San Diego went on strike this week after the CIB management refused to approve a one-year extension on the old contract that expired January 1 or negotiate a new one.

Randy Johnese, a field representative of Local 535 of the AFL-CIO Service Employees International Union which represents the workers, charged the CIB management is insisting on paying the workers on a piece rate basis that would cut their hourly pay to half of the present minimum wage of \$2.90 an hour.

Henry Thomas, executive director of the Los Angeles-based firm, has denied that he has refused to negotiate but said he had refused to extend the expired contract.

"It's unmanageable," he said. Prior to 1971, the California Industries for the Blind was a state-operated program. But during the Reagan Administration it was reorganized as a private corporation. That action, Thomas said, was "an absolute mistake."

On that one point both the union and management agree. But Don Ober, a field representative of Local 535 in Los Angeles, charged that one of the real problems is the "mismanagement" of the firm.

As an example of mismanagement, Ober said that the CIB was given a building in a location in Los Angeles convenient for the workers for the token sum of \$1 and, instead of keeping it, turned around and sold the building and moved to a plant 15 miles outside of the city limit that imposed a commuting hardship on its workers.

"They're top heavy with management and are sucking the blood out of the organization," he charged.

Ober said that some of the CIB's prior management officials had given themselves more than \$33,000 in severance pay which left the corporation with a deficit of \$4,000.

Workers at the CIB plants manufacture brooms, first aid kits, seat belts, ironing board covers, linen, tool-carrying kits and even the yellow penalty flags used by officials at football games.

Union spokesman have charged that the company received \$1.4 million from federal and state government contracts last year but Thomas denied that contention.

Thomas said that when the CIB

was turned into a non-profit corporation by the Reagan Administration in 1972, no working capital was provided and, as a result, the firm has been in financial difficulties ever since.

Ober said that the union has written to Governor Brown and all of the state legislators urging action to return the CIB to state operation and resolve the dispute.

But public support for the strike, he said, has been "tremendous." He pointed out that some of the blind strikers are commuting 40 miles or more each way each day to put in their stint on the picket-line.

The union has also called for cancellation of government contract payments until a new contract for the workers has been worked out.

United Airlines Pact Reached By Machinists

The Machinists reached tentative agreement with United Airlines on a new three-year contract covering about 18,000 ground personnel.

Details of the pact were not disclosed while terms of the agreement were put before IAM members for approval.

The ratification process, which will be conducted by a mail ballot, is expected to take three to four weeks.

The agreement replaces a contract that expired last September.

The union was prepared to strike the carrier at midnight Feb. 2 at the end of a "cooling-off" period set by the National Mediation Board under federal law.

The federal agency mediates labor disputes in the railroad and airline industries.

The Machinists had already negotiated a new contract with Trans World Airlines.

Traditionally, the first contract settlement that the union reaches with a major air carrier sets the pattern for its negotiations with other airlines.

Aid Urged for Steelworkers In Newport Drydock Strike

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tion election won by the Steelworkers over a year ago. The huge shipyard, owned by Tenneco, Inc., has vowed not to recognize the union pending the outcome of its appeal.

Police harassment and intimidation of union picket lines continued unabated, resulting in further arrests. A total of 42 Steelworkers have been arrested since the strike began on Jan. 31. Those arrested have been charged with violating Virginia's so-called right-to-work law and with various minor offenses. Strike Coordinator Jack Hower said that pickets are

being picked on for trivial reasons, such as pointing their finger at scabs, failing to keep their hands in their pockets, or merely mentioning the word "scab."

USWA President Lloyd McBride announced that the union had sent Local 8888 its first weekly defense fund check to aid striking members. The check for \$396,330 will be used to provide relief for the thousands of Steelworkers who left their jobs in the union-recognition strike. McBride said that strike benefits would continue until the strike is won.

The shipyard, dubbed the "J. P. Stevens of the shipbuilding indus-

try" for its consistent violations of worker rights, has charged that irregularities occurred in the Jan. 31, 1978, election that gave the USWA bargaining rights for the firm's 17,000 production and maintenance workers.

After nine months of painstaking investigation, however, the National Labor Relations Board dismissed the company's complaints, and ordered it to bargain with the union. Instead, the company filed an appeal with the 4th Circuit Court.

The court pleadings, which got under way on Feb. 22, were expected to take at least a week. A decision was not expected before another week after that.

Meanwhile, at a press conference in conjunction with the AFL-CIO's meeting in Bal Harbour, Fla., McBride declared that "the tactics and attitude of the company are further evidence of why labor law reform is so badly needed in this country."

In endorsing the strike, the Executive Council said that "it is clear that the company has sought to follow the examples of the notorious J. P. Stevens textile corporation — a stubborn refusal to comply with the letter or the spirit of the federal labor law—in the hope that the union will somehow die on the vine of frustration and abandoned hopes."

Conference on Organizing Set in Santa Monica Apr. 18

"What's Happening to Organizing?" will be the focus of an important two-day conference sponsored by the AFL-CIO Los Angeles-Orange Counties Organizing Committee to be held at the Miramar-Sheraton Hotel in Santa Monica on Wednesday, April 18.

Alan Kistler, director of the AFL-CIO's Department of Organizing and Field Services, as well as other nationally known labor leaders, are scheduled to be on hand for the conference to explore the best of old and new approach-

es to organizing. The conference is designed primarily for full-time international and local union staff and officers who have responsibility for extending collective bargaining to unorganized workers in the Los Angeles-Orange Counties area.

Hotel reservations for the conference should be made directly with the Miramar-Sheraton Hotel at 1133 Ocean Avenue, Santa Monica, (213) 394-3731.

For further information phone (213) 387-7281.

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Pat Groulx to Be Honored As 'Unionist of the Year'

Pat Groulx, an activist in the Alameda County Labor movement for years, has been selected as "Unionist of the Year" and will be honored at a dinner at the Blue Dolphin Restaurant on the Marina in San Leandro on Friday, March 30.

The selection of Mrs. Groulx for the honor was announced by Gene DeChristofaro, chairman of the Unionist of the Year Committee. She is the first woman to receive the award.

Pat was a member of Glass Bottle Blowers Assn. Local 141 at the Owen Illinois Glass Co. from 1953 to 1955 and served as an officer of Machinists Lodge 1518 at Friden Calculators from 1955 to 1961. She served as a union steward in the computer department for four years and as recording secretary of the Lodge for two years. She is credited with being primarily responsible for setting up Local 1518's blood bank, DeChristofaro said.

FOUGHT TO DEFEAT RTW

Pat began her political activity in 1958 during the "right-to-work" campaign when she launched a major fund raising drive and was responsible for voter registration and other activities in her department at the plant.

At that time it was her insistence that forced Friden to allow Democratic gubernatorial candidate Pat Brown to tour the plant because they had allowed his opponent, the late Sen. William F. Knowland, that privilege. Knowland, who had embraced the right-to-work issue, was subsequently defeated by a one million vote margin by Brown.



MRS. PAT GROULX

"Pat Groulx's diligence and dedication played a significant role in the development of the Alameda County COPE office into a year-round operation with a kitchen and a phone bank that made it possible to make 35,000 phone calls during the last mayoral campaign in Oakland," DeChristofaro said. It also now serves as a strike and boycott center, he noted.

ACTIVE IN U.C. STRIKE

During the building trades strike against the University of California, Pat Groulx maintained an 18-hour day strike headquarters that produced thousands of daily bulletins and other leaflets.

She has also volunteered her time to help in strikes involving SEIU Local 18, AFSCME Regional Parks Local 2428; EBMUD, AFSCME Local 444; and many others. In addition she has repeatedly volunteered her time to work on the J. P. Stevens boy-



TOP OFFICERS of a new union of police officers just chartered by the National AFL-CIO Executive Council discuss plans for the new union with AFL-CIO President George Meany (second from right) and AFL-CIO Secretary-Treasurer Lane Kirkland (center). Leaders of the new union, which will be known as the AFL-CIO International Union of Police Associations (I.U.P.A.), are (from left): Robert D. Gordon, secretary-treasurer; Edward J. Kiernan, president; and (at right) Gerald Crowley, vice president. Crowley is past president of the San Francisco Police Officers Association. The Executive Council issued a charter for the new union after receiving a unanimous recommendation to do so from a Council Subcommittee headed by Vice President William H. McClennan, president of the International Association of Fire Fighters. Kiernan and Gordon said that the AFL-CIO's action "recognizes and reaffirms the need of law enforcement officers to have a national organization devoted to our needs." The IUPA will start a major drive to bring police officers throughout the nation into the union, they said.

cott, the Coors boycott and in support of the United Farm Workers Union.

Pat's husband, Richard Groulx, is the executive officer of the Alameda County Labor Council and a vice president of the California Labor Federation, AFL-CIO. They have two children, Louise Groulx, a member of Teamsters Local 856, and Bruce Groulx, a representative of the Hotel, Motel & Restaurant Employees and Bartenders Union Local 50.

Information on tickets for the dinner may be obtained by phoning Ed Collins, Assistant Secretary of the Alameda County Labor Council at (415) 444-6510.

Fed-Backed Bill to Protect Shipping Jobs Is Signed

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win enactment in the current session, said John F. Henning, the state AFL-CIO's executive officer who was on hand for the bill signing ceremony.

Legislators supporting the bill said that if the state failed to extend the tax exemption major Japanese shipping lines would shift their cargoes to Seattle since the state of Washington also grants a tax exemption to cargo containers.

The measure principally affects the ports of Oakland, Long Beach and Los Angeles.

Last year the exemption saved cargo container shippers an estimated \$1.9 million but that tax savings will be significantly lower in 1979 because of Prop. 13.

In addition to extending the tax exemption, the measure deleted a provision that provided for reimbursing local governments for revenue lost because of the exemption.

AFL-CIO Spells Out Stand Against Convention Call

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Arguments Against Mandating A Balanced Federal Budget

● State legislators who pass resolutions calling for constitutional conventions would not be responsible for the result of their actions. They are motivated by political expediency and the desire to appear to be doing something, when in fact they are only "passing the buck" in an irresponsible manner.

● As House Republican Leader John Rhodes stated: "What if you don't have a balanced budget? Do all the members of Congress get sued? Does the Supreme Court take over Congress until there is a balanced budget?"

● Unless such an amendment had numerous workable waivers for national emergencies, it would strangle the ability of Congress to act to meet emergencies. If there were too many waivers, the amendment would be observed in the breach, leading to a further weakening of constitutional law.

● While elements of the far right-wing are leading the effort for a constitutional convention, responsible conservative leaders—such as Rhodes and James J. Kilpatrick—oppose such a convention. As Kilpatrick wrote recently: "Even a faint prospect of a constitutional convention gives me the willies."

● Such an amendment would erode representative government through excessive limitations on its power to act. Thus, the people would lose a measure of their democratic power to elect or reject representatives who could take actions within defined powers.

● "A Constitution is not intended to embody a particular economic theory . . ."—Justice Oliver Wendell Holmes, Jr.

Economic Arguments

● House Speaker Thomas P. O'Neill has estimated that 50 to 60 percent of local funds come from the federal government. Balancing the budget would cut these funds and require local governments either to raise taxes or further curtail services.

● Federal aid to states in 1979 will amount to an estimated \$82 billion—or double the projected deficit—making it a likely first target of balancing the budget. Thus, impact would be most severe on those who are calling for this amendment as an exercise in political expediency.

● The effect of a balanced budget on inflation would be minimal. Economists state that each \$10 billion in federal deficit increases inflation one-tenth of one percent.

● An immediate slashing of the federal budget could cause widespread unemployment and increase social costs such as unemployment insurance and welfare—immediately unbalancing the newly balanced budget.

● Some backers of the amendment hope to use a mandatory balanced budget as the vehicle for cutting federal enforcement of laws protecting civil rights, labor standards, health and safety, consumer and education.

● With only about one-quarter of the federal budget subject each year to congressional action, cuts would be heaviest in such areas as social programs, defense and enforcement.

Serious Safety Violations Jump 63%, OSHA Says

The Occupational Safety & Health Administration reported a 63 percent increase in serious violations of federal job safety regulations during fiscal year 1978 even though OSHA conducted fewer inspections than in fiscal 1977.

The number of total violations declined in fiscal 1978 to 134,484 from 181,942 in the preceding year as the federal safety agency made 57,242 inspections, compared with 59,932 a year earlier.

But OSHA issued 33,155 citations for serious violations of safety and health standards during the year, compared with 20,914 in 1977.

The total amount of penalties proposed by OSHA in 1978 was \$19.8 million, although the safety agency collected only \$8 million in fines. Employers contested 5,483 cases, or about 10 percent, to the Occupational Safety & Health Review Commission.

In fiscal 1977, OSHA levied fines of \$11.6 million and collected \$7 million. Employers appealed 4,214 cases, or 7 percent.

OSHA reported that it received 27,565 complaints in 1978 dealing with probable violations of safety and health standards and charges of discrimination. In 1977 complaints totaled 23,336, the safety agency said.

Demos Hit Brown's Convention Pitch

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H. (Pete) Stark, Jr. (D-Oakland); Henry Waxman (D-L.A.); Robert Matsui (D-Sacramento); and Philip Burton (D-S.F.).

Burton said he was "in fundamental disagreement" with the Governor on the issue and added that he would not support any kind of a constitutional amendment to balance the budget, but, in fact, would lead a fight to defeat any such amendment.

Eleven of the state's 25 Democrats in the House didn't attend the meeting. One of these, Representative Anthony C. Bielensohn (D-L.A.) said:

"I understand that he has nothing new to say."

Another, Rep. Ron Dellums (D-Berkeley) who walked by the room

while the meeting was in progress, told reporters that he "had better things to do" with his time than talk with Brown.

Opposition to the idea of calling a constitutional convention to amend the constitution to require a balanced federal budget every year is based principally on concerns that such a convention could get out of hand and lead to dangerous revisions in the Bill of Rights and other vital sections of the Constitution.

It is also opposed on grounds that it would threaten the stability of the federal government and could lead to a compulsory open shop or right-to-work law.

The last constitutional convention, which was called in 1787 to amend the Articles of Confederation, wrote a new Constitution.

THE CALIFORNIA AFL-CIO'S DIGEST OF BILLS

The measures below introduced in the 1979-80 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. A "Watch†" designation indicates 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 87 — Rosenthal (G.O.) — The existing law contains no express provisions which require all state agencies to include in all contracts for printing or binding, provisions for payment of wage and fringe benefits not less than wages and fringe benefits prevailing in the locality of the party seeking the contract.

This bill would require all contractors who have been awarded a contract for printing or binding by any state agency, except for any specified small business or any state university or college or the University of California, to pay not less than the specified prevailing wages to all workers employed in the execution of the contract. The Department of General Services would be required, whenever it lets out a contract on a competitive bid basis, to specify the prevailing rates for each craft, classification, or type of worker in the locality which shall be determined by the State Director of Industrial Relations. This bill would also require all state agencies, except any state university or college and the University of California, to award contracts for printing or binding to a contractor only if the contract is to be performed within 550 highway miles of the headquarters of the state agency. However, the Department of General Services could exempt a contract from this requirement if it determines that the contract cannot be performed within 550 miles of the agency. In addition, a printing or binding firm with 1 or more printing or binding plants within the 550 mile limit could perform 40% or less of its contract in a plant located beyond the 550 mile limit if it finds that, due to plant specialization, it must perform a portion of its work beyond the 550 mile limit.

... This bill would exempt printing or binding contracts which are \$1,000 or less from the provisions of this bill.

This bill would require each contractor or subcontractor to keep a payroll record and would require each contractor to pay a penalty for each workman who is paid less than the stipulated prevailing rate.

In addition, this bill would provide that every person who takes, receives, or conspires with another to take or receive, for his own use, the wages of a workman or subcontractor, in connection with a printing or binding contract is guilty of a felony.

This bill would not become operative until January 1, 1981. ...
December 6, 1978. **Labor Unions—Good**

AB 88 — Rosenthal (Fin., Ins. & Com.) — ... This bill abolishes a suit for deficiency with respect to a motor vehicle financing loan entered into after the effective date of this act, where the motor vehicle has been repossessed after default if the motor vehicle is a used vehicle.

This bill establishes a rebuttable presumption affecting the burden of proof as to the value of a repossessed motor vehicle and provides that such presumption does not apply where actual resale price is higher, in which case the resale price is the value of the motor vehicle. December 6, 1978. **Consumers—Good**

AB 113 — Papan (Fin., Ins., & Com.) — Existing law does not require an insurer to state in the insurance contract the considerations and criteria used by such insurer in determination of whether or not a particular policy of insurance may be cancelled or not renewed. This bill would enact such provision. December 8, 1978.

Insurance—Good

AB 114 — Chacon (Fin., Ins., & Com.) — Existing law does not require the Employment Development Department to compile and publish statistical data indicating the comparative unemployment rate among categories of unemployed persons in comparison to the total unemployment rate.

This bill would require the department to compile and publish such data for categories of unemployed persons based on sex, ethnic origin, and age. ... December 8, 1978.

Unemployment Insurance—Good

AB 115 — Vicencia (Rev. & Tax.) — ... This bill would exempt business inventories from property taxation on and after the lien date in 1980.

... This bill would increase the property tax exemption for business inventories, would affect the subventions to local agencies and would, thus, affect the continuing appropriation for such purpose. December 8, 1978. **Taxation—Bad**

AB 117 — Levine (Res., L.U., & E.) — The existing provisions of the California Coastal Act of 1976 require any person who is to perform or undertake any development, as defined, within specified areas of the coastline, designated as the "coastal zone," to obtain a coastal development permit authorizing such a development which must be in conformity with designated coastal resources planning and management policies provisions. Various designated activities are exempted from the coastal development permit requirements of the act.

This bill would, in addition, exempt the repair or replacement of any single family dwelling, which was damaged or destroyed by fire, flood, or other natural disaster. December 11, 1978. **Ecology—Good.**

AB 121 — Berman (Fin., Ins., & Com.) — Existing provisions of the Fair Employment Practice Act, operative January 1, 1979, generally prohibit discrimination, among other things, on the basis of pregnancy, childbirth, or related medical conditions. Existing law also provides that certain of such provisions are inapplicable with respect to employers covered by proposed amendments to Title VII of the federal Civil Rights Act of 1964.

This bill would instead specify that employers subject to the federal law will not be subject to specified provisions of the Fair Employment Practice Act.

Existing unemployment compensation disability law provides disability benefits for 3 weeks before the birth of a child and 3 weeks after the termination date of a normal pregnancy.

This bill would, instead, provide for the payment of disability benefits during any 6-week period of a normal pregnancy.

Existing law requires the Employment Development Department to reimburse employers with private disability plans or paid sick leave plans, or both, for payments made by such employers for preg-

SPECIAL NOTES

The classifications of AB 5-Cline and AB 41-Cline, printed in the February 9, 1979 issue of the Digest of Bills, have been changed from "Watch†" to "Bad."

ASSEMBLY BILLS (Cont'd)

nancy to the extent such benefits would have been otherwise payable.

This bill would revise such reimbursement provisions and would also specify that they would only be applicable between January 1, 1979, and the effective date of this bill. . . .

The bill would take effect immediately as an urgency statute and would specify that its provisions are retroactive to January 1, 1979, December 12, 1978.

Disability Insurance—Good

AB 133 — Lockyer (G.O.) — This bill would provide procedures for officers and employees of the state to disclose improper government actions, such as using official authority or influence for the purpose of intimidating, threatening, or coercing any individual, promising to confer benefits, or recommending personnel action against an individual. . . . December 14, 1978.

State and Local Government—Good

AB 134 — Imbrecht (Fin., Ins., & Com.) — This bill would provide that if an individual left his or her most recent work to accompany his or her spouse to another geographic location so that the spouse may assume employment in the new geographic location, the employer's reserve account shall not be charged with benefits paid. December 14, 1978.

Unemployment Insurance—Bad

AB 143 — M. Waters (P.E. & Ret.) — Existing law defines the categories of positions in the classified service for which the governing board of a school district may establish eligibility restrictions based on low income or area of residence. There is, however, a provision which will repeal such existing law January 31, 1979.

This bill would delete the provision repealing such existing law January 1, 1979, thereby continuing the existing law in effect indefinitely.

This bill would take effect immediately as an urgency statute. December 18, 1978.

Education—Watch

AB 152 — Stirling (Jud.) — Under existing case law, under certain circumstances, a person may predicate a civil action for damages for injuries resulting from manufacturing design or defects upon various theories of liability commonly referred to as products liability. Existing statutory law also provides remedies through the regulation of the use of express warranties and the creation of implied warranties. Existing statutory law also imposes various obligations on the manufacturing or sale of products regarding marketing, packaging, and labeling.

This bill would create a rebuttable presumption affecting the burden of proof that a manufacturer or seller of a product shall not be liable in any products liability action (a) if the product conformed with generally recognized and prevailing standards and practices in the industry at the time of production, or (b) if the product conformed with the generally recognized and prevailing state of the art in existence at the time of production.

. . . . The bill also would preclude liability of a manufacturer or seller, as a defendant in a product liability action, for an alteration or modification of a product made subsequent to the manufacture or sale of the product, except as otherwise specified. December 19, 1978.

Consumers—Bad

AB 153 — Stirling (Jud.) — This bill would provide that no product liability action based upon the doctrine of strict liability in tort may be brought against the seller of the product unless the seller is the manufacturer; knew or should have known of the defect; altered, modified or repaired the product so as to cause the injury; failed to provide appropriate instructions, warnings, or labels for the product as were reasonably required; or damaged the product so as to cause the injury. The bill would define "seller," "manufacturer," and "product." December 19, 1978.

Consumers—Bad

AB 157—Berman (Health) — This bill would guarantee patients and former patients of specified health care providers, and certain representatives of patients and former patients, the right to inspect, without cost, prescribed health records within 5 days after presenting a written request. The bill would require such a health care provider to supply copies of such records, upon request, to a patient, former patient, or patient's representative within 15 days after receiving a written request and copying fee, not to exceed 25¢ per page. Such copying requirement would not apply to X-rays, but a health care provider would be required to transmit X-rays to another health care provider within 15 days after receipt of the written request of a patient, former patient, or patient's representa-

tive.

Under the bill, a health care provider could refuse inspection or copying of defined mental health records if the provider determines that disclosure would adversely affect the patient or former patient, but a patient or former patient could designate another health care provider to inspect and copy such records. . . .

Any health care provider willfully violating the bill would be subject to a \$500 fine for each violation. . . . December 21, 1978 .

Health—Good

AB 164 — Thurman (P.E. & Ret.) — Existing Public Employees' Retirement Law, generally, limits cost-of-living adjustments for retired state members to 2% per year.

This bill would provide, effective April 1, 1979, for a 5.16% increase in the monthly allowance paid with respect to a state member, other than a school member, who retired or died prior to January 1, 1978, and an additional specified percentage increase which is determined by the period during which retirement or death occurred. . . .

. . . . This bill would increase the state's contribution to the retirement fund for state miscellaneous, state safety, state industrial, and state patrol members by specified percentages of the compensation paid to such employees. Since such contributions would be appropriated under existing law to the retirement fund, this bill would make an appropriation.

This bill would take effect immediately as an urgency statute. December 22, 1978.

Public Employees—Watch

SENATE CONSTITUTIONAL AMENDMENTS

SCA 1 — Smith (Rev. & Tax.) This measure would prohibit the annual tax revenues of any governmental entity from exceeding the total tax revenues of such entity of government for the prior year by more than specified changes, with certain exceptions.

This measure would also require any governmental entity which receives total tax revenues in excess of its specified limits to return such excess as specified.

The measure would become effective commencing with the first day of the fiscal year immediately following its adoption. December 4, 1978.

Taxation—Bad

SCA 2 — Robbins (Ed.) This measure would provide that nothing in the California Constitution imposes on any state or local educational agency any duties different from those imposed on such agencies by the Equal Protection Clause of the 14th Amendment to the United States Constitution regarding pupil assignment or transportation for any purpose. The measure would also provide that except as prohibited by the Constitution of the United States, every injunction or declaratory judgment of a court of this state that was based on a different interpretation of such provision pursuant to which the implementation of compulsory busing began subsequent to September 1, 1978, shall be dissolved or modified upon application of any interested party. December 4, 1978.

Education—Bad

SCA 3 — Rains (Rev. & Tax.) This measure would prohibit the annual appropriations of any governmental entity from exceeding the total appropriations of such entity of government for the prior year by more than the annual percentage change in the cost-of-living and population, with certain exceptions.

This measure would establish for this purpose a base year of 1979-80 and would require the Legislature to provide a method for estimating the actual population change for the state and each local government.

Existing law does not limit the amount of reserves which may be accumulated by a government entity to meet emergency expenditures.

This measure would prohibit the accumulation of such reserves in an amount which exceeds 5% of the allowable annual appropriations of such entity.

. . . . This measure would establish a constitutional mandate that whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, it shall provide an appropriation to reimburse such local government for the costs of such program or increased level of service.

The measure would become effective commencing with the 1980-81 fiscal year. December 5, 1978.

Taxation—Bad